

ORDINANCE NO. 1992-1

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF
OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 1992,
AND DECLARING AN EMERGENCY.

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

Section 1. To provide for the current expenses and transfers and other expenditures of the City of Marion, Ohio during the fiscal year ending December 31, 1992, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 258,045.00
Salaries - Uniformed	1,723,482.00
Benefits	864,313.00
Accrued Pension	35,461.00
Quartermaster	36,600.00
Travel	6,000.00
Schooling	27,000.00
Service Contracts	30,000.00
Equipment Lease	3,000.00
Equipment Maintenance	35,000.00
Insurance	58,000.00
Supplies	25,000.00
Fuel & Lubricants	30,000.00
Professional Service	10,000.00
Total Police Department	\$3,141,901.00

Jail Facility

Salaries	\$ 111,725.00
Benefits	43,638.00
Quartermaster	1,400.00
Travel	1,000.00
Schooling	3,000.00
Prisoner Housing	42,000.00
Prisoner Sustenance	42,000.00
Prisoner Commissary	8,000.00
Equipment Maintenance	1,000.00
Prisoner Medical Expense	50,000.00
Supplies	2,000.00
Total Jail Facility	\$305,763.00

Fire Department

Salaries - Civilian	\$ 101,661.00
Salaries - Uniformed	2,037,817.00
Benefits	1,048,207.00
Accrued Pension	50,275.00
Quartermaster	25,000.00
Travel	8,500.00
Schooling	20,000.00
Utilities	40,000.00
Service Contracts	13,000.00
Equipment Maintenance	31,000.00
Building Maintenance	20,000.00
Insurance	40,000.00
Supplies	16,000.00
Fuel & Lubricants	15,000.00
Professional Service	4,000.00
Total Fire Department	\$3,470,460.00

Disaster Services

City Share \$ 12,000.00

Total Disaster Services. \$ 12,000.00

Recreation Department

Salaries \$ 65,000.00
 Benefits 25,000.00
 Travel 300.00
 Professional Services 46,500.00
 Insurance 1,400.00
 Supplies 28,000.00
 Utilities 2,000.00
 Equipment Maintenance 750.00
 Fuel 1,000.00

Total Recreation Department. \$ 169,950.00

Senior Citizens Department

Salaries \$ 39,000.00
 Benefits 30,000.00
 Utilities 14,000.00
 Building Maintenance 2,500.00
 Insurance 15,000.00
 Professional Service 1,500.00
 Capital Improvement 7,000.00
 Capital Equipment 25,000.00

Total Senior Citizens Dept. \$ 134,000.00

Planning Department

Marion Regional Plan. \$ 36,000.00

Total Planning Dept. \$ 36,000.00

Economic Development Department

Primary Activity \$ 65,000.00
 Salaries 36,300.00
 Benefits 12,600.00
 Land Acquisition 20,000.00
 Travel 1,000.00
 Grant Match 15,000.00
 Supplies 500.00

Total Economic Development. \$ 150,400.00

Street Lighting

Utilities \$ 250,000.00

Total Street Lighting. \$ 250,000.00

Parking Meter Department

Salary	\$ 22,226.00
Benefits	10,248.00
Clothing Allowance	200.00
Travel	200.00
Taxes	1,500.00
Supplies	<u>1,000.00</u>

Total Parking Meter Dept. \$ 35,374.00

Airport

Salaries	\$ 54,296.00
Benefits	23,007.00
Travel	1,000.00
Utilities	14,000.00
Service Contracts	4,300.00
Equipment Maintenance	1,500.00
Land/Bldg. Maintenance	6,000.00
Insurance	10,000.00
Taxes	2,600.00
Supplies	2,000.00
Fuel & Lubricants	<u>1,600.00</u>

Total Airport Operations. \$ 120,303.00

Mayor

Salaries	\$ 65,600.00
Benefits	25,000.00
Travel	4,000.00
Professional Service	1,200.00
Supplies	1,000.00
Utilities	500.00
Service Contracts	<u>2,000.00</u>

Total Mayor's Office. \$ 99,300.00

Auditor

Salaries	\$ 151,000.00
Benefits	56,900.00
Travel	400.00
Professional Services	10,000.00
Service Contracts	16,500.00
Supplies	<u>8,000.00</u>

Total Auditor's Office. \$ 242,800.00

Income Tax

Salaries	\$ 97,000.00
Benefits	41,000.00
Travel	500.00
Professional Services	10,000.00
Supplies	14,000.00
Refunds	177,500.00
Service Contracts	<u>2,000.00</u>

Total Income Tax Dept. \$ 342,000.00

Treasury

Salary	\$ 4,785.00
Benefits	1,168.00
Professional Services	600.00
Supplies	<u>450.00</u>

Total Treasurer's Office. \$ 7,003.00

Law Director

Salaries	\$ 123,531.00
Benefits	58,518.00
Travel	1,500.00
Professional Services	12,500.00
Supplies	4,000.00
Schooling	1,000.00
Utilities	<u>1,000.00</u>

Total Law Director's Office. \$ 202,049.00

Human Resource Director

Salaries	\$ 57,053.00
Benefits	22,167.00
Travel	1,000.00
Professional Services	4,000.00
Supplies	<u>4,000.00</u>

Total Human Res. Director's Office . \$ 88,220.00

Safety/Service Director

Salaries	\$ 86,011.00
Benefits	39,076.00
Travel	1,600.00
Professional Services	2,000.00
Supplies	3,000.00
Demolition	25,000.00
Burials	5,000.00
Schooling	1,000.00
Service Contracts	1,800.00
Clothing	200.00
Litter Control	<u>4,000.00</u>

Total Safety/Service Dir.'s Office . \$ 168,687.00

Civil Service Commission

Salaries	\$ 4,100.00
Benefits	1,039.00
Professional Services	5,000.00
Supplies	<u>1,000.00</u>

Total Civil Service Comm. \$ 11,139.00

City Council

Salaries	\$ 47,400.00
Benefits	12,000.00
Travel	500.00
Professional Services	3,000.00
Legal Advertising	2,100.00
Supplies	<u>500.00</u>

Total City Council. \$ 65,500.00

Clerk of Council

Salary	\$ 23,631.00
Benefits	6,475.00
Travel	100.00
Service Contract	130.00
Supplies	<u>700.00</u>

Total Clerk of Council. \$ 31,036.00

Municipal Court

Salaries	\$ 303,000.00
Benefits	130,000.00
Travel	2,500.00
Professional Services	55,000.00
Service Contracts	8,500.00
Equipment Maintenance	1,000.00
Supplies	26,000.00
Fuel & Lubricants	<u>700.00</u>

Total Municipal Court. \$ 526,700.00

City Hall

Salaries	\$ 34,863.00
Benefits	12,847.00
Utilities	135,000.00
Custodial Service	15,000.00
Postage Meter	35,500.00
Building Maintenance	40,000.00
Insurance	31,500.00
Taxes	400.00
Supplies	6,000.00
Service Contracts	13,500.00
Professional Service	<u>6,000.00</u>

Total City Hall. \$ 330,610.00

Engineering Department

Salaries	\$ 128,324.00
Benefits	51,060.00
Travel	2,500.00
Equipment Maintenance	1,000.00
Supplies	2,000.00
Fuel & Lubricants	1,000.00
Service Contracts	<u>800.00</u>

Total Engineering Dept. \$ 186,684.00

Statutory Accounts

Election Expense	\$ 18,000.00
Examiner Fees	20,000.00
City Auditor/Treasurer Fees	<u>30,000.00</u>

Total Statutory Accounts. \$ 68,000.00

Transfers

Bond Retirement	\$ 274,595.00
Health	320,000.00
Senior Citizens	5,000.00
Swimming Pool	26,500.00
SCMR	520,000.00
Sewer Revenue	55,000.00
Capital Improvement	192,667.00
Parks	<u>268,000.00</u>

Total Transfers. \$1,661,762.00

Total General Fund. \$11,857,641.00

CAPITAL IMPROVEMENT FUND

Contingency '89	\$ 443.00
Contingency '90	204,068.00
Contingency '91	192,667.00
Contingency '92	<u>192,667.00</u>

Total Capital Improve. Fund. \$ 589,845.00

TRANSIT FUND

Salaries	\$ 405,000.00
Benefits	165,000.00
Travel	300.00
Utilities	26,000.00
Professional Services	8,500.00
Service Contracts	3,000.00
Land Lease	4,800.00
Equipment Maintenance	25,000.00
Land/Bldg. Maintenance	4,000.00
Insurance	70,322.00
Supplies	10,000.00
Fuel & Lubricants	45,000.00
Equipment	<u>148,000.00</u>

Total Transit Fund. \$ 914,922.00

AIRPORT IMPROVEMENT FUND

Professional Service	\$ <u>12,500.00</u>
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Total Airport Improve. Fund. \$ 12,500.00

PARKS FUND

Salaries	\$ 130,000.00
Benefits	50,000.00
Clothing Allowance	1,000.00
Travel	100.00
Utilities	16,000.00
Service Contracts	2,000.00
Equipment Maintenance	14,000.00
Land/Bldg. Maintenance	11,000.00
Insurance	9,000.00
Supplies	5,000.00
Fuel & Lubricants	4,500.00
Professional Service	4,500.00
Equipment	<u>28,000.00</u>

Total Parks Fund. \$ 275,100.00

SENIOR CITIZENS III-B GRANT FUND

Salaries	\$ 56,395.00
Travel	1,000.00
Utilities	2,400.00
Equipment Maintenance	500.00
Vehicle Leases	4,772.00
Supplies	1,725.00
Fuel & Lubricants	4,500.00
Insurance	<u>1,200.00</u>

Total Sr Citizens III-B Grant Fund . \$ 72,492.00

SENIOR CITIZENS III-D GRANT FUND

Salaries	\$ 1,392.00
Travel	<u>257.00</u>

Total Sr Citizens III-d Grant Fund . \$ 1,649.00

State Subsidy Transportation Grant Fund

Salaries	\$ 7,413.00
Equipment Maintenance	300.00
Supplies	1,014.00
Fuel	1,100.00
Travel	500.00
Equipment Lease	2,100.00
Insurance	1,200.00
Capital Equipment	<u>400.00</u>

Total State Subsidy Transportation . \$ 14,027.00

SEWER REPLACEMENT FUND

Equipment Maintenance	\$ 100,000.00
Land/Building Maintenance	100,000.00
Equipment	100,000.00
Capital Improvements	<u>700,000.00</u>

Total Sewer Replacement Fund . . . \$1,000,000.00

SEWER REVENUE FUNDSewer Maintenance & Repair

Salaries	\$ 256,365.00
Benefits	110,100.00
Clothing Allowance	2,250.00
Utilities	2,600.00
Professional Services	8,700.00
Equipment Maintenance	6,000.00
Insurance	10,000.00
Supplies	40,500.00
Fuel & Lubricants	13,000.00
Equipment	<u>7,500.00</u>

Total Sewer Maint. & Repair . . . \$ 457,015.00

Water Pollution Control

Salaries	\$ 760,600.00
Benefits	308,400.00
Clothing Allowance	5,500.00
Travel	3,000.00
Utilities	512,500.00
Professional Services	121,200.00
Service Contracts	26,400.00
Equipment Maintenance	42,000.00
Land/Building Maintenance	24,000.00
Insurance	50,000.00
Taxes	700.00
Supplies	218,200.00
Fuel & Lubricants	24,100.00
Equipment	22,500.00
Capital Improvements	20,000.00
OWDA Loan	306,760.00
Refunds	2,800.00
Transfer-Replacement	185,000.00
Transfer-Utility Billing	96,700.00
G.O. Bond Interest	31,500.00
G.O. Bond Principal	<u>35,000.00</u>

Total Water Pollution Control. . . . \$2,796,860.00

TOTAL SEWER REVENUE FUND. \$3,253,875.00

SANITATION FUNDRefuse Collection

Salaries	\$ 700,000.00
Benefits	315,000.00
Clothing Allowance	5,250.00
Travel	500.00
Equipment Maintenance	69,000.00
Insurance	24,000.00
Supplies	40,000.00
Fuel & Lubricants	40,000.00
Equipment	85,000.00
Refunds	1,000.00
Transfer-Utility Billing	94,200.00
Service Contracts	<u>500.00</u>

Total Refuse Collection. \$1,374,450.00

Landfill Operations

Salaries	\$ 235,000.00
Benefits	95,000.00
Clothing Allowance	1,750.00
Travel	1,000.00
Utilities	10,000.00
Professional Services	100,000.00
Equipment Maintenance	76,000.00
Insurance	12,000.00
Taxes	6,000.00
Supplies	100,000.00
Fuel & Lubricants	40,500.00
Equipment	51,000.00
Refunds	1,000.00
Transfers-Utility Billing	2,500.00
State Reimbursement	15,000.00
Solid Waste Reimbursement	25,700.00
Equipment Lease	36,000.00
EPA Corrective Measure	<u>10,000.00</u>

Total Landfill Operations. \$ 818,450.00

TOTAL SANITATION FUND. \$2,192,900.00

STREET CONSTRUCTION MAINTENANCE & REPAIR FUNDTraffic Maintenance

Utilities	\$ 35,000.00
Equipment Maintenance	18,000.00
Supplies	<u>30,000.00</u>

Total Traffic Maintenance. \$ 83,000.00

Street Maintenance

Salaries	\$ 670,000.00
Benefits	283,000.00
Clothing Allowance	5,500.00
Travel	100.00
Professional Services	1,000.00
Service Contracts	3,000.00
Equipment Maintenance	42,000.00
Permissive Auto Tax	179,493.00
Insurance	45,000.00
Supplies	120,000.00
Fuel & Lubricants	40,000.00
Equipment	10,000.00
Streetscape	5,000.00
Capital Improvements	<u>34,100.00</u>

Total Street Maintenance. \$1,438,193.00

TOTAL SCMR FUND. \$1,521,193.00

STATE HIGHWAY IMPROVEMENT FUND

Street Maintenance	\$ 40,000.00
Reimbursements	<u>15,000.00</u>

Total State Highway Improvement. . . \$ 55,000.00

UTILITY BILLING FUND

Salaries	\$ 109,500.00
Benefits	53,000.00
Travel	200.00
Professional Services	7,200.00
Supplies	18,000.00
Service Contracts	4,000.00
Equipment	<u>8,000.00</u>

Total Utility Billing Fund. \$ 199,900.00

HEALTH FUNDAdministration

Salaries	\$ 190,000.00
Benefits	75,000.00
Travel	3,000.00
Professional Services	5,000.00
Service Contracts	1,500.00
Equipment Maintenance	1,500.00
Supplies	3,500.00
Fuel & Lubricants	500.00
State Reimbursements	13,000.00
Insurance	<u>4,000.00</u>

Total Health Administration. \$ 297,000.00

Inspection

Salaries	\$ 71,000.00
Benefits	25,000.00
Travel	1,500.00
Professional Services	1,400.00
Weed Control	14,000.00
Blight Control	10,000.00
Mosquito Control	3,000.00
Supplies	1,000.00
Fuel & Lubricants	<u>1,000.00</u>

Total Health Inspection. \$ 127,900.00

TOTAL HEALTH FUND. \$ 424,900.00

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 78,971.00
Benefits	29,179.00
Travel	650.00
Professional Services	648.00
Insurance	228.00
Supplies	6,571.00
Equipment	<u>200.00</u>

Total WIC Fund. \$ 116,447.00

SWIMMING POOL FUND

Salaries	\$ 21,000.00
Benefits	5,500.00
Utilities	9,500.00
Equipment Maintenance	1,000.00
Land/Building Maintenance	1,500.00
Insurance	500.00
Supplies	17,500.00
Equipment	<u>3,000.00</u>

Total Swimming Pool Fund. \$ 59,500.00

EVELYN E. WALTER TRUST FUND

Recreation Equipment	\$ <u>2,150.00</u>
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Total Evelyn E. Walter Trust Fund. . \$ 2,150.00

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>70,000.00</u>
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Total State Patrol Agency Fund. . . \$ 70,000.00

STREET CUT DEPOSIT TRUST FUND

Street Cut Deposits	\$ <u>8,000.00</u>
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Total Street Cut Deposit Trust Fund \$ 8,000.00

SENIOR CITIZENS TRUST FUND

Senior Citizens Program	\$ <u>18,000.00</u>
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Total Sr. Citizens Program. \$ 18,000.00

SAFETY CITY TRUST FUND

Safety City	\$	<u>2,000.00</u>	
<u>Total Safety City Trust Fund.</u>			\$ 2,000.00

POLICE & FIREMEN PENSION AGENCY FUND

Transfers-General	\$	<u>145,000.00</u>	
<u>Total Police/Firemen Pens Ag Fund.</u>			\$ 145,000.00

SAFETY PATROL TRUST FUND

Safety Patrol Program	\$	<u>4,000.00</u>	
<u>Total Safety Patrol Trust Fund.</u>			\$ 4,000.00

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$	<u>2,500.00</u>	
<u>Total Law Enforcement Trust Fund.</u>			\$ 2,500.00

PARKING METER AGENCY FUND

Henney & Cooper	\$	5,000.00	
Jenkins & Jenkins		5,000.00	
Courthouse		<u>5,000.00</u>	
<u>Total Parking Meter Agency Fund.</u>			\$ 15,000.00

FIRE DAMAGED STRUCTURE TRUST FUND

Insurance Proceeds	\$	<u>50,000.00</u>	
<u>Total Fire Dmg Structure Trust Fund</u>			\$ 50,000.00

G.O. BOND RETIREMENT FUND

Professional Services	\$	4,000.00	
G.O. Bond Interest		143,170.00	
G.O. Bond Principal		<u>358,000.00</u>	
<u>Total G.O. Bond Retirement Fund.</u>			\$ 505,170.00

S.A. BOND RETIREMENT FUND

S.A. Bond Interest	\$	39,994.00	
S.A. Bond Principal		<u>55,000.00</u>	
<u>Total S.A. Bond Retirement Fund.</u>			\$ 94,994.00

HEALTH LICENSE FUND

Trailer Park	\$	300.00	
Food Service		22,000.00	
Vending Machines		2,000.00	
Swimming Pool		2,500.00	
Infectious Waste		100.00	
Solid Waste		<u>1,500.00</u>	
<u>Total Health License Fund.</u>			\$ 28,400.00

COMPREHENSIVE HOUSING FUND

Salaries	\$ 44,918.00
Benefits	12,116.00
Private Rehab.	425,000.00
Administration	25,300.00
Street Improvement	16,700.00
Implementation	2,090.00
Flood & Drainage	17,600.00
Emergency Rehab.	10,000.00
Curbs & Sidewalks	<u>33,700.00</u>

Total Comprehensive Housing Fund. . \$ 587,424.00

RECYCLING FUND

Salaries	\$ 111,000.00
Benefits	50,000.00
Equipment Maintenance	10,000.00
Insurance	3,000.00
Supplies	8,000.00
Fuel	10,000.00
Clothing Allowance	1,000.00
Equipment	<u>1,000.00</u>

Total Recycling Fund. \$ ~~194~~¹,000.00

REVOLVING FUND

Salaries	\$ 3,000.00
Benefits	1,000.00
Primary Activity	<u>20,000.00</u>

Total Revolving Fund. \$ 24,000.00

UDAG LOAN REPAYMENT FUND

Salaries	\$ 7,500.00
Benefits	2,500.00
Primary Activity	24,000.00
Grant	10,000.00
Loan	<u>6,000.00</u>

Total UDAG Loan Repayment Fund. . . \$ 50,000.00

COMMUNITY DEVELOPMENT BLOCK GRANT

Salaries	\$ 1,812.00
Benefits	<u>303.00</u>

Total CDBG Fund. \$ 2,115.00

ROTARY AGENCY FUND

Pass-Thru Payments	<u>\$ 50,000.00</u>
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Total Rotary Agency Fund. \$ 50,000.00

EARLY INTERVENTION GRANT FUND

Salaries	\$ 9,574.00
Benefits	2,426.00
Professional Services	2,000.00
Supplies	4,352.00
Schooling	1,000.00
Utilities	<u>220.00</u>

Total Early Intervention Grant Fund. \$ 19,572.00

SPECIAL HOUSING (HAND) FUND

Private Rehab	\$ 121,100.00
Administration	8,100.00
Implementation	<u>19,400.00</u>

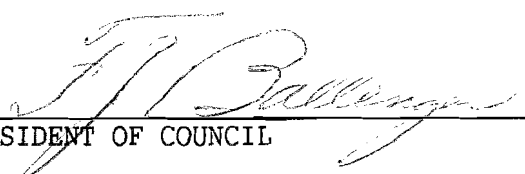
Total Special Housing (HAND) Fund . \$ 148,600.00

GRAND TOTAL \$24,58²~~8~~,816.00

SUMMARY OF FUNDS

<u>FUND</u>	<u>APPROPRIATIONS</u>	<u>REIMBURSEMENTS & REFUNDS</u>	<u>TRANSFERS</u>	<u>TOTALS</u>
General	\$10,018,379	\$177,500	\$1,661,762	\$11,857,641
Sr. Cit. III-B	72,492			72,492
Sr. Cit. III-D	1,649			1,649
Sr. Cit. Sr. Subsidy Trans	14,027			14,027
SCMR	1,521,193			1,521,193
State Highway	40,000	15,000		55,000
Health	411,900	13,000	424,900	4,249,000
WIC	116,447			116,447
Parks	275,100			275,100
Health License		28,400		28,400
Early Intervention	19,572			19,572
Comp Housing	587,424			587,424
Rental Rehab	3,000			3,000
Revolving	24,000			24,000
CDBG	2,115			2,115
UDAG Loan Repayment	50,000			50,000
Special Housing (HAND)	148,600			148,600
G.O. Bond Retirement	505,170			505,170
Capital Improvement	589,845			589,845
Airport Improvement	12,500			12,500
Transit	914,922			914,922
Sewer Replacement	1,000,000			1,000,000
Sewer Revenue	2,969,375	2,800	281,700	3,253,875
Sanitation	2,053,500	42,700	96,700	2,192,900
Recycling	194,000			194,000
Swimming Pool	59,500			59,500
Utility Billing	199,900			199,900
Evelyn E. Walter Trust	2,150			2,150
State Patrol Agency	70,000			70,000
Street Cut Trust	8,000			8,000
Senior Citizens Trust	18,000			18,000
Police/Fire Pension Agency			145,000	145,000
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	2,500			2,500
Safety City Trust	2,000			2,000
Parking Meter Agency	15,000			15,000
Fire Damaged Structure Trust	50,000			50,000
S.A. Bond Retirement Agency	94,994			94,994
Rotary Agency		50,000		50,000
GRAND TOTAL	\$22,071,254	\$329,400	\$2,185,162	\$24,585,816

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: January 1, 1992
APPROVED: January 2, 1992


MAYOR

ATTEST:


CLERK

STREET CONSTRUCTION MAINTENANCE & REPAIR FUNDTraffic Maintenance

Utilities	\$ 35,000.00
Equipment Maintenance	18,000.00
Supplies	<u>30,000.00</u>

Total Traffic Maintenance. \$ 83,000.00

Street Maintenance

Salaries	\$ 670,000.00
Benefits	283,000.00
Clothing Allowance	5,500.00
Travel	100.00
Professional Services	1,000.00
Service Contracts	3,000.00
Equipment Maintenance	42,000.00
Permissive Auto Tax	179,493.00
Insurance	45,000.00
Supplies	120,000.00
Fuel & Lubricants	40,000.00
Equipment	10,000.00
Streetscape	5,000.00
Capital Improvements	<u>34,100.00</u>

Total Street Maintenance. \$1,438,193.00

TOTAL SCMR FUND. \$1,521,193.00

STATE HIGHWAY IMPROVEMENT FUND

Street Maintenance	\$ 40,000.00
Reimbursements	<u>15,000.00</u>

Total State Highway Improvement. . . \$ 55,000.00

UTILITY BILLING FUND

Salaries	\$ 109,500.00
Benefits	53,000.00
Travel	200.00
Professional Services	7,200.00
Supplies	18,000.00
Service Contracts	4,000.00
Equipment	<u>8,000.00</u>

Total Utility Billing Fund. \$ 199,900.00

HEALTH FUNDAdministration

Salaries	\$ 190,000.00
Benefits	75,000.00
Travel	3,000.00
Professional Services	5,000.00
Service Contracts	1,500.00
Equipment Maintenance	1,500.00
Supplies	3,500.00
Fuel & Lubricants	500.00
State Reimbursements	13,000.00
Insurance	<u>4,000.00</u>

Total Health Administration. \$ 297,000.00

Inspection

Salaries	\$ 71,000.00
Benefits	25,000.00
Travel	1,500.00
Professional Services	1,400.00
Weed Control	14,000.00
Blight Control	10,000.00
Mosquito Control	3,000.00
Supplies	1,000.00
Fuel & Lubricants	<u>1,000.00</u>

Total Health Inspection. \$ 127,900.00

TOTAL HEALTH FUND. \$ 424,900.00

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 78,971.00
Benefits	29,179.00
Travel	650.00
Professional Services	648.00
Insurance	228.00
Supplies	6,571.00
Equipment	<u>200.00</u>

Total WIC Fund. \$ 116,447.00

SWIMMING POOL FUND

Salaries	\$ 21,000.00
Benefits	5,500.00
Utilities	9,500.00
Equipment Maintenance	1,000.00
Land/Building Maintenance	1,500.00
Insurance	500.00
Supplies	17,500.00
Equipment	<u>3,000.00</u>

Total Swimming Pool Fund. \$ 59,500.00

EVELYN E. WALTER TRUST FUND

Recreation Equipment	\$ <u>2,150.00</u>
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Total Evelyn E. Walter Trust Fund. . \$ 2,150.00

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>70,000.00</u>
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Total State Patrol Agency Fund. . . \$ 70,000.00

STREET CUT DEPOSIT TRUST FUND

Street Cut Deposits	\$ <u>8,000.00</u>
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Total Street Cut Deposit Trust Fund \$ 8,000.00

SENIOR CITIZENS TRUST FUND

Senior Citizens Program	\$ <u>18,000.00</u>
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Total Sr. Citizens Program. \$ 18,000.00

SAFETY CITY TRUST FUND

Safety City	\$	2,000.00	
<u>Total Safety City Trust Fund. . . .</u>		\$	2,000.00

POLICE & FIREMEN PENSION AGENCY FUND

Transfers-General	\$	145,000.00	
<u>Total Police/Firemen Pens Ag Fund. .</u>		\$	145,000.00

SAFETY PATROL TRUST FUND

Safety Patrol Program	\$	4,000.00	
<u>Total Safety Patrol Trust Fund. . .</u>		\$	4,000.00

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$	2,500.00	
<u>Total Law Enforcement Trust Fund. .</u>		\$	2,500.00

PARKING METER AGENCY FUND

Henney & Cooper	\$	5,000.00	
Jenkins & Jenkins		5,000.00	
Courthouse		<u>5,000.00</u>	
<u>Total Parking Meter Agency Fund. . .</u>		\$	15,000.00

FIRE DAMAGED STRUCTURE TRUST FUND

Insurance Proceeds	\$	50,000.00	
<u>Total Fire Dmg Structure Trust Fund</u>		\$	50,000.00

G.O. BOND RETIREMENT FUND

Professional Services	\$	4,000.00	
G.O. Bond Interest		143,170.00	
G.O. Bond Principal		<u>358,000.00</u>	
<u>Total G.O. Bond Retirement Fund. . .</u>		\$	505,170.00

S.A. BOND RETIREMENT FUND

S.A. Bond Interest	\$	39,994.00	
S.A. Bond Principal		<u>55,000.00</u>	
<u>Total S.A. Bond Retirement Fund. . .</u>		\$	94,994.00

HEALTH LICENSE FUND

Trailer Park	\$	300.00	
Food Service		22,000.00	
Vending Machines		2,000.00	
Swimming Pool		2,500.00	
Infectious Waste		100.00	
Solid Waste		<u>1,500.00</u>	
<u>Total Health License Fund.</u>		\$	28,400.00

COMPREHENSIVE HOUSING FUND

Salaries	\$ 44,918.00
Benefits	12,116.00
Private Rehab.	425,000.00
Administration	25,300.00
Street Improvement	16,700.00
Implementation	2,090.00
Flood & Drainage	17,600.00
Emergency Rehab.	10,000.00
Curbs & Sidewalks	<u>33,700.00</u>

Total Comprehensive Housing Fund. . \$ 587,424.00

RECYCLING FUND

Salaries	\$ 111,000.00
Benefits	50,000.00
Equipment Maintenance	10,000.00
Insurance	3,000.00
Supplies	8,000.00
Fuel	10,000.00
Clothing Allowance	1,000.00
Equipment	<u>1,000.00</u>

Total Recycling Fund. \$ 194,000.00

REVOLVING FUND

Salaries	\$ 3,000.00
Benefits	1,000.00
Primary Activity	<u>20,000.00</u>

Total Revolving Fund. \$ 24,000.00

UDAG LOAN REPAYMENT FUND

Salaries	\$ 7,500.00
Benefits	2,500.00
Primary Activity	24,000.00
Grant	10,000.00
Loan	<u>6,000.00</u>

Total UDAG Loan Repayment Fund. . . \$ 50,000.00

COMMUNITY DEVELOPMENT BLOCK GRANT

Salaries	\$ 1,812.00
Benefits	<u>303.00</u>

Total CDBG Fund. \$ 2,115.00

ROTARY AGENCY FUND

Pass-Thru Payments	<u>\$ 50,000.00</u>
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Total Rotary Agency Fund. \$ 50,000.00

EARLY INTERVENTION GRANT FUND

Salaries	\$ 9,574.00
Benefits	2,426.00
Professional Services	2,000.00
Supplies	4,352.00
Schooling	1,000.00
Utilities	<u>220.00</u>

Total Early Intervention Grant Fund. \$ 19,572.00

SPECIAL HOUSING (HAND) FUND

Private Rehab	\$ 121,100.00
Administration	8,100.00
Implementation	<u>19,400.00</u>

Total Special Housing (HAND) Fund . \$ 148,600.00

GRAND TOTAL \$24,582,816.00

SUMMARY OF FUNDS

<u>FUND</u>	<u>APPROPRIATIONS</u>	<u>REIMBURSEMENTS & REFUNDS</u>	<u>TRANSFERS</u>	<u>TOTALS</u>
General	\$10,018,379	\$177,500	\$1,661,762	\$11,857,641
Sr. Cit. III-B	72,492			72,492
Sr. Cit. III-D	1,649			1,649
Sr. Cit. Sr. Subsidy Trans	14,027			14,027
SCMR	1,521,193			1,521,193
State Highway	40,000	15,000		55,000
Health	411,900	13,000		424,900
WIC	116,447			116,447
Parks	275,100			275,100
Health License		28,400		28,400
Early Intervention	19,572			19,572
Comp Housing	587,424			587,424
Revolving	24,000			24,000
CDBG	2,115			2,115
UDAG Loan Repayment	50,000			50,000
Special Housing (HAND)	148,600			148,600
G.O. Bond Retirement	505,170			505,170
Capital Improvement	589,845			589,845
Airport Improvement	12,500			12,500
Transit	914,922			914,922
Sewer Replacement	1,000,000			1,000,000
Sewer Revenue	2,969,375	2,800	281,700	3,253,875
Sanitation	2,053,500	42,700	96,700	2,192,900
Recycling	194,000			194,000
Swimming Pool	59,500			59,500
Utility Billing	199,900			199,900
Evelyn E. Walter Trust	2,150			2,150
State Patrol Agency	70,000			70,000
Street Cut Trust	8,000			8,000
Senior Citizens Trust	18,000			18,000
Police/Fire Pension Agency			145,000	145,000
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	2,500			2,500
Safety City Trust	2,000			2,000
Parking Meter Agency	15,000			15,000
Fire Damaged Structure Trust	50,000			50,000
S.A. Bond Retirement Agency	94,994			94,994
Rotary Agency		50,000		50,000
GRAND TOTAL	\$22,068,254	\$329,400	\$2,185,162	\$24,582,816

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

 PRESIDENT OF COUNCIL

PASSED:
APPROVED:

 MAYOR

ATTEST:

 CLERK

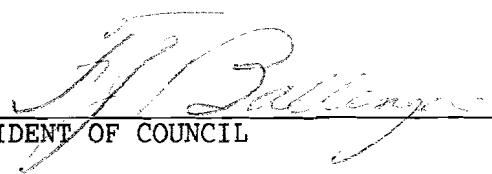
ORDINANCE NO. 1992-2

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER
INTO CONTRACT FOR GENERAL LIABILITY COVERAGE FOR THE CITY
OF MARION, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is authorized and is hereby directed to enter into contract with Titan Indemnity, through Goodwin & Teel Insurance Agency, for a four (4) year cost plus program of general liability insurance.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the availability of this operation expires January 8, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: January 1, 1992
APPROVED: January 2, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount of \$6,300.00 as follows:

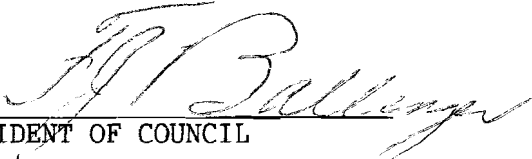
Rental Rehab Fund

Rental Rehab	273-04-539-230-000-329	\$3,000.00
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Law Enforcement Trust Fund

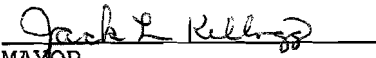
Trust Expenditures	737-09-823-270-000-731	\$3,300.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: January 13, 1992

APPROVED: January 14, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount of \$80,223.00 as follows:


General Fund

Police Equipment	101-01-111-250-000-450	\$80,223.00
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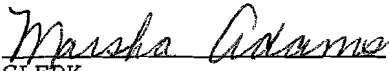
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *January 27, 1992*APPROVED: *January 29, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-5

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PRESIDENTIAL CHEVROLET & GEO-HYUNDIA, INC., FOR THE PURCHASE OF FIVE (5) POLICE VEHICLES AND AUTHORIZING TO BE TRADED THEREFORE FOUR (4) VEHICLE NOW OWNED BY THE CITY OF MARION AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 1991-130, the Safety/Service Director was authorized to advertise for bids for the purchase of five (5) Police Vehicles and authorizing to be traded therefore four (4) vehicle now owned by the City of Marion, and

WHEREAS, Presidential Chevrolet & GEO-Hyundia, Inc., submitted the best bid,

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

Section 1. That the Safety/^{Service} Director be and he is hereby authorized to enter into contract with Presidential Chevrolet & GEO-Hyundia, Inc., for the purchase of said vehicles and trade in.


Section 2. That the cost of said contract in the amount of \$69,500.00 less trade in amount of \$6,000.00 for a net cost of \$63,500.00 shall be payable from the Police Department Capital Equipment Fund 101-01-111-250-000-450.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: January 27, 1992

APPROVED: January 29, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-6

ORDINANCE TO AMEND CHAPTER 943 (DOMESTIC REFUSE & RUBBISH COLLECTION) OF THE CODIFIED ORDINANCES BY AMENDING 943.99-PENALTY.

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

Section 1. That 943.99 of the Codified Ordinances, as amended, and now reading as follows:

"943.99 PENALTY.


Whoever violates any of the provisions of this chapter or any rule or regulation of the Service Director made pursuant to this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Any such violation shall constitute a separate offense on each successive day continued."

is hereby amended to read as follows:

"943.99 PENALTY

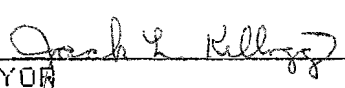
Whoever violates any of the provisions of this chapter or any rule or regulation of the Safety/Service Director made pursuant to this chapter shall be guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Any such violation shall constitute a separate offense on each successive day continued."

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

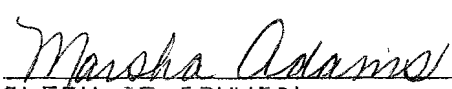

PRESIDENT OF COUNCIL

PASSED: January 27, 1992

APPROVED: January 29, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

*published
The Marion Star
February 12, 14, 19, 1992
Marsha Adams
Clerk of Council*

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount of \$101,500.00 as follows:

Sanitation Fund

Solid Waste Transfer Exp.	506-05-561-230-000-319	\$100,000.00
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Health Fund

Capital Equipment	214-02-221-250-000-450	\$ 1,500.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 10, 1992

APPROVED: February 11, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 8

ORDINANCE AUTHORIZING THE MARION CITY HEALTH COMMISSIONER TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO PURCHASE ONE NEW OR USED TRUCK, AND AUTHORIZING TO BE TRADED THEREFORE, ~~AT-THE-DISCRETION-OF-THE-HEALTH~~ * COMMISSIONER, ONE TRUCK NOW OWNED BY THE MARION CITY HEALTH DEPARTMENT.

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

Section 1. That the following motor vehicle, now owned by the Marion City Health Department, to-wit:

One (1) 1982 Chevorlet Fleetside Pickup, Serial No. 1GCDC14H7CF301378, Model CC10903, having 73,168 miles,

is either unfit for public use or obsolete and it may be in the best interest of the City Health Department that said motor vehicle be sold simultaneously with the purchase of said new or used vehicle, ~~at-the-discretion-of-the-Health Commissioner.~~

Section 2. That the Marion City Health Commissioner is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of one new or used motor vehicle for use in the City Health Department.

Section 3. That in advertising for bids for the purchase of said new or used vehicle, the Health Commissioner is authorized and directed to include a notice of the willingness to accept bids for the sale of the motor vehicle described in Section 1 hereof as a credit against the bid for said new or used motor vehicle.

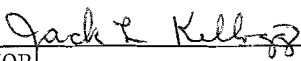
Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

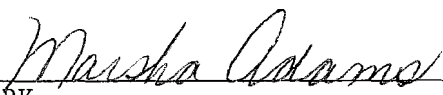
PASSED: February 10, 1992

APPROVED: February 11, 1992

*As amended on Council floor 02/10/92


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 9

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH F.C.BENDER PLUMBING & HEATING TO INSTALL ONE (1) HOFFMAN 100 VBF-1 BOILER FEED UNIT FOR THE MARION CITY FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1991-136 restricted certain expenditures to \$2,500.00 without prior approval of Council, and

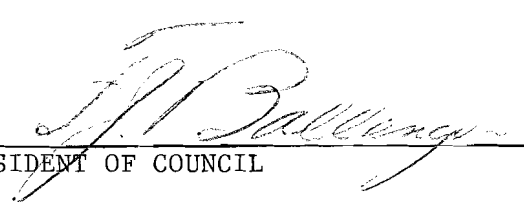
WHEREAS, necessary plumbing repairs are necessary at the Marion City Fire Department which will exceed \$2,500.00,

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

Section 1. That the Safety/Service Director be and she is hereby authorized to enter into contract with F.C.Bender Plumbing & Heating to install one (1) Hoffman 100 VBF-1 Boiler Feed Unit for the Marion City Fire Department.

Section 2. That the cost of said contract, \$3,997.00, shall be payable from the Capital Improvement Fund 101-01-131-250-000-520.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and, further, to ensure the efficiency of the heater system at the Fire Department; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 24, 1992

APPROVED: February 25, 1992


MAYOR

ATTEST:


CLERK


ORDINANCE NO. 1992- 10ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE
YEAR ENDING DECEMBER 31, 1992.

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

Section 1. That there be additional appropriations made in the Health License Fund in the amount of \$29,021.00 as follows:

Trailer Park	247-02-224-230-000-723	\$ 505.00
Food Service	247-02-224-230-000-724	22,335.00
Vending Machines	247-02-224-230-000-725	1,757.00
Swimming Pool	247-02-224-230-000-727	2,499.00
Infectious Waste	247-02-224-230-000-728	100.00
Solid Waste	247-02-224-230-000-729	<u>1,825.00</u>
	TOTAL	\$29,021.00

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


PRESIDENT OF COUNCIL

PASSED: February 24, 1992

APPROVED: February 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 11

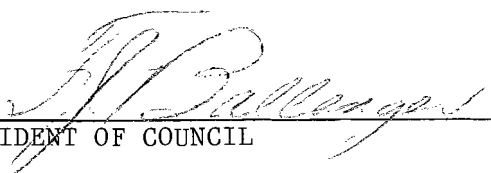
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

Sanitation Fund \$1,087.76

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: February 24, 1992

APPROVED: February 25, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 12

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE
LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION
MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

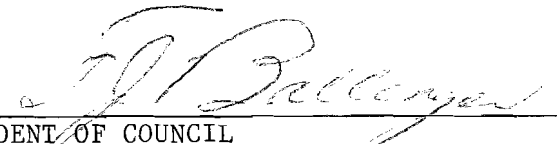
WHEREAS, on August 26, 1991, Council authorized the Service Director to advertise for bids and enter into contract to lease certain farm lands adjacent to the Marion Municipal Airport as shown and delineated on a plat on file in the office of the Service Director, and

WHEREAS, the City was unable to enter into a lease contract,

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

Section 1. That the Safety/Service Director is hereby authorized to advertise for bids and enter into a lease for a period of five (5) crop years ending September 30, 1996, for the above described farm land, for cash rent. *


Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that advertising must begin immediately so that crops may be planted in the Spring of 1992, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 24, 1992

APPROVED: February 25, 1992

*As amended on Council floor 02/24/92


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 13

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO AN AGREEMENT WITH MEDCENTER HOSPITAL
FOR NURSING SERVICES FOR THE INMATES OF THE MARION
CITY JAIL, AND DECLARING AN EMERGENCY.

WHEREAS, the Marion City Health Department has furnished nursing service
for the inmates of the Marion City Jail,

WHEREAS, that agreement will terminate in a few weeks and it is necessary
that we have nursing services for the inmates,

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

Section 1. That the Safety/Service Director be and she is hereby authorized
to enter into an agreement with MedCenter Hospital for nursing services for the
inmates of the Marion City Jail.

Section 2. That the cost of said contract - \$30 per hour for nursing
services and other health and emergency services at the existing hospital rate -
shall be payable from the Prisoners Medical Expense Fund - 101-01-112-230-000-353.

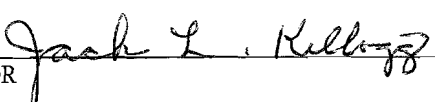
Section 3. That this ordinance is hereby declared to be an emergency measure
necessary for the immediate preservation of the public health, welfare and safety
of the City of Marion and the inhabitants thereof and for the further reason that
the present agreement will expire before the end of this month; and as such, shall
take effect and be in force immediately upon its passage and approval by the Mayor,
provided it receives the affirmative vote of two-thirds of all members elected to
Council; otherwise, it shall become effective from and after the earliest period
allowed by law.



PRESIDENT OF COUNCIL

PASSED: March 9, 1992

APPROVED: March 10, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 14

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION
BY REZONING THE PROPERTY KNOWN AS 228 SOUTH STATE STREET,
MARION, OHIO, FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO C-1
(COMMERCIAL).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-3 (Multi-Family Residential) to C-1 (Commercial), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from R-3 to C-1, 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 228 South State Street, Marion, Ohio, and being more particularly described as follows:

Situated in the City of Marion, County of Marion and State of Ohio and bounded and described as follows:

Known as and being the south part of Lot Number Twenty-four (24) as designated and numbered on the original of the town, now the City of Marion aforesaid, beginning at the southwest corner of said lot; thence northwardly along the west line thereof and east line of State street, thirty-eight (38) feet; thence eastwardly on a line parallel with the south line of said lot to the west line of the alley which lies east of and contiguous to said lot; thence southwardly along the east line of said lot, thirty-eight (38) feet to the southeast corner thereof; thence westwardly along the south line of said lot to the southwest corner thereof, the place of beginning,

heretofore zoned R-3 (Multi-family Residential) is hereby zoned C-1 (Commercial).

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 Safety/Service Director.

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



PRESIDENT OF COUNCIL


PASSED: March 23, 1992

APPROVED: March 24, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE TO VACATE PART OF A CERTAIN ALLEY RUNNING
NORTH OF MARK STREET, ABOUT 192 FEET WEST OF GREENWOOD
STREET, 100 FEET IN LENGTH AND 16 FEET IN WIDTH, IN
KEENER AND TRISTRAMS ADDITION TO THE CITY OF MARION.

Whereas, in the opinion of this Council, there is good cause for vacating part of a certain alley running north of Mark Street, about 192 feet west of Greenwood Street, 100 feet in length and 16 feet in width in Keener and Tristrams addition to the City of Marion, and

Whereas, the petition to vacate this alley was approved by the Marion City Planning Commission at its meeting of January 7, 1992, and

Whereas, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

Whereas, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described alley, to wit:

Situated in the State of Ohio, County of Marion, and City of Marion, and more particularly described as follows:

Being part of a certain dedicated alley way north of Mark Street, bounded on the West by the East lot line of Lot A in the Keener and Tristrams addition to the City of Marion, and bounded on the East by Lot 1181 and 1180 in Keener and Tristrams addition to the City of Marion, and being Sixteen (16) Feet in width and One Hundred (100) Feet in length.

be and is hereby vacated.

Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned alley for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said alley herein is specifically made subject to the continued existence of any such existing right-of-way or easement, unless the abutting property owners renegotiate with the utility another right-of-way or easement.

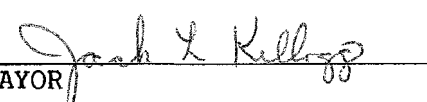
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

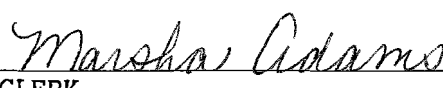

PRESIDENT OF COUNCIL

PASSED: March 23, 1992

APPROVED: March 24, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 16

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE
YEAR ENDING DECEMBER 31, 1992, AND DECLARING AN
EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount
of ~~\$12,262~~ as follows:
\$2,800.00

General Fund

City Hall Equipment	101-07-741-250-000-450	\$2,000.00
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Senior Citizens 3-B Fund

Salaries	203-03-542-210-000-110	800.00
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~~Health Fund~~

Inspection Equipment	214-02-222-250-000-450	9,462.00
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Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and for the further
reason that it is necessary for the daily operation of said City; and as such,
shall take effect and be in force immediately upon its passage and approval by
the Mayor provided it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and after the
earliest period allowed by law.




PRESIDENT OF COUNCIL

PASSED: March 23, 1992

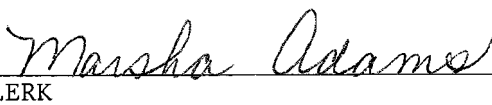
APPROVED: March 24, 1992

**As amended on Council floor 03/23/92*



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 17

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$287.20
SCMR Fund	<u>654.90</u>
TOTAL	\$941.80

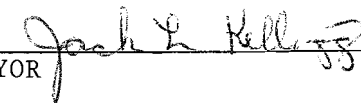
Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: March 23, 1992

APPROVED: March 24, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992-18

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR ASPHALT PAVEMENT RECYCLING AND IMPROVING OF CERTAIN STREETS IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, advertise for bids and enter into contract for the Asphalt Pavement Recycling and improving of the following described streets in the City of Marion, Ohio:

ASPHALT PAVEMENT RECYOLING

	<u>FROM</u>	<u>TO</u>
1. Fairview Street	Entire	
2. Franklin Street	Entire	
3. George Street	Prospect St.	Greenwood St.
4. Jefferson Street	Fairground St.	Mark Street
5. Kensington Place	Center Street	Indiana Avenue
6. Madison Avenue	Center Street	N. Corporation line
7. Windsor Street	Church Street	Duluth Avenue

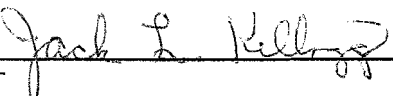
Section 2. That the cost of such contract shall be payable from the SCM&R Fund 207-06-612-230-000-530 (Permissive Auto Tax).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the inhabitants thereof and for the further reason that the construction season for this project is limited to the summer months; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


President of Council

PASSED: March 23, 1992

APPROVED: March 24, 1992


Mayor

ATTEST:


Clerk of Council

ORDINANCE NO. 1992-19

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CLEANING OF A PORTION OF THE QUQUA DITCH, AND DECLARING AN EMERGENCY.

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


Section 1. That the Safety/Service is hereby authorized and directed to prepare plans and specifications and advertise for bids for the cleaning of the QuQua ditch from its beginning point near Laura Drive to the outlet of a 90" diameter storm sewer tile near Forest Hill Drive.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: April 13, 1992

APPROVED: April 14, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR QUALIFICATIONS FOR PROVIDING ALL ENGINEERING, PLANNING, SURVEYING, TESTING, RESIDENT INSPECTION AND ADMINISTRATIVE ASSISTANCE REQUIRED FOR CERTAIN IMPROVEMENTS TO THE MARION MUNICIPAL AIRPORT, AND TO ENTER INTO CONTRACT CONTINGENT UPON THE CITY BEING AWARDED A FEDERAL GRANT FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has applied for a Federal Grant through the Federal Aviation Administration, for certain improvements to the Marion Municipal Airport, and

WHEREAS, it is necessary for firms interested in being considered for this project to submit qualifications,

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

Section 1. That the Safety/Service Director is hereby authorized to advertise for qualifications for providing all engineering, planning, surveying, testing, resident inspection and administrative assistance required for certain improvements to the Marion Municipal Airport.

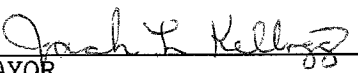
Section 2. That the Safety/Service Director is hereby authorized to enter into contract with the firm best qualified, as scored by the Numerical Evaluation Matrix, contingent upon the City being awarded the proposed Federal Grant.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the project schedule has a selection date of 5/6/92; and as such emergency, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: April 13, 1992

APPROVED: April 14, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 119*amended w/out.
No. 1992-126
passed 11/23/92*ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF MARION
BY AMENDING CHAPTER 1143.01, USE REGULATIONS IN
COMMERCIAL DISTRICTS, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 1143.01 of the Zoning Code of the City of Marion, now reading in part as follows:

"1143.01 USE REGULATIONS IN COMMERCIAL DISTRICTS

The regulation of uses of land and buildings in Commercial Districts shall be as set forth in the schedules hereunder. Only uses designated as Permitted Uses shall be allowed, and any use not so designated shall be prohibited.

1143.011 C-1 Neighborhood Shopping District

(1) Principal Permitted Uses

- (A) Dwelling units, of the types permitted and as regulated in the R-2 District, provided buildings occupied by both residential and non-residential uses shall comply with the development standards set forth in Section 1151.05.
- (B) Non-residential uses of the types permitted in Residential Districts, as follows:
 - (1) Public and parochial schools, not including colleges and universities.
 - (2) Churches and offices of civic, religious, and charitable organizations.
 - (3) Private clubs, lodges, fraternity and sorority houses.
- (C) Retail sales, personal service and office establishments, not including drive-in facilities of the types listed hereunder, provided each such establishment occupies a total floor area of not more than 4,000 square feet, except that, for retail stores engaged primarily in the sale of foods for home preparation and consumption, the total floor area shall not be more than 20,000 square feet.
 - (1) Grocery store, food market, dairy store, delicatessen, party store, fruit market.
 - (2) Restaurant.
 - (3) Bakery, with the production of bakery goods limited to goods sold on the premises.
 - (4) Drug store, including fountain.
 - (5) Hardware store limited primarily to retail sales.
 - (6) Flower shop, for the sale of plants, flowers and accessory materials not produced on the premises.
 - (7) Barber and beauty shops.
 - (8) Drycleaning and laundry pick up service.
 - (9) Self service laundry and drycleaning.

- (10) Shoe shine and shoe repair shop, hat cleaning and blocking.
- (11) Tailor or dressmaking shop.
- (12) News stand.
- (13) Offices in which goods or merchandise are not produced, displayed, stored, exchanged or sold, of the following types:
 - (a) Medical and dental offices and clinics.
 - (b) Legal, engineering, architectural, accounting, and similar professional offices.
 - (c) Accounting, bookkeeping and auditing services.
 - (d) Real estate and insurance offices.
- (D) Gasoline service station, limited to 22,500 square feet of lot area and subject to compliance with the requirements of Section 1163.02.
- (E) Funeral Home or Mortuary.
- (F) Automatic Conveyor Type Car Washes.

(2) Conditional Principal Permitted Uses

The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in Section 1171.02.

- (A) Public Utility sub-stations, subject to the provisions of Section 1163.04.
 - (B) Other commercial uses. Any other retail business or personal service determined by the Board of Appeals to be of the same general character as those permitted in C or D above, and demonstrated as necessary to serve the normal day-to-day needs of the population in the adjoining neighborhoods, but not including any uses first listed as permitted in the C-2 through the C-5 Districts.
- (3) Accessory Permitted Uses
- (A) Signs, as regulated by Chapter 1161.
 - (B) Off-street parking, as required by Chapter 1153.
 - (C) Any use customarily incidental to the principal permitted use."

is hereby amended to read as follows:

"1143.01 USE REGULATIONS IN COMMERCIAL DISTRICTS

The regulation of uses of land and buildings in Commercial Districts shall be as set forth in the schedules hereunder. Only uses designated as Permitted Uses shall be allowed, and any use not so designated shall be prohibited.

1143.011 C-1 Neighborhood Shopping District

(1) Principal Permitted Uses

FOR THOSE AREAS DESIGNATED C-1A, PRINCIPAL PERMITTED USES SHALL BE LIMITED TO THE FOLLOWING:

- (A) Dwelling units, of the types permitted and as regulated in the R-2 District, provided buildings occupied by both residential and non-residential uses shall comply with the development standards set forth in Section 1151.05.
- (B) Non-residential uses of the types permitted in Residential Districts, as follows:
 - (1) Public and parochial schools, not including colleges and universities.
 - (2) Churches and offices of civic, religious, and charitable organizations.
 - (3) Private clubs, lodges, fraternity and sorority houses.
- (C) Retail sales, personal service and office establishments, not including drive-in facilities of the types listed hereunder, provided each such establishment occupies a total floor area of not more than 4,000 square feet, except that, for retail stores engaged primarily in the sale of foods for home preparation and consumption, the total floor area shall not be more than 20,000 square feet.
 - (1) Grocery store, food market, dairy store, delicatessen, party store, fruit market.
 - (2) BAKERY, WITH THE PRODUCTION OF BAKERY GOODS LIMITED TO GOODS SOLD ON THE PREMISES.
 - (3) DRUG STORE, INCLUDING FOUNTAIN.
 - (4) FLOWER SHOP, FOR THE SALE OF PLANTS, FLOWERS AND ACCESSORY MATERIALS NOT PRODUCED ON THE PREMISES.
 - (5) BARBER AND BEAUTY SHOPS.
 - (6) SHOE SHINE AND SHOE REPAIR SHOP, HAT CLEANING AND BLOCKING.
 - (7) TAILOR OR DRESSMAKING SHOP.
 - (8) OFFICES IN WHICH GOODS OR MERCHANDISE ARE NOT PRODUCED, DISPLAYED, STORED, EXCHANGED OR SOLD, OF THE FOLLOWING TYPES:
 - (a) MEDICAL AND DENTAL OFFICES AND CLINICS.
 - (b) LEGAL, ENGINEERING, ARCHITECTURAL, ACCOUNTING, AND SIMILAR PROFESSIONAL OFFICES.
 - (c) ACCOUNTING, BOOKKEEPING AND AUDITING SERVICES.
 - (d) REAL ESTATE AND INSURANCE OFFICES.

FOR THOSE AREAS DESIGNATED C-1B, THE FOLLOWING USES ARE ALSO ALLOWED:

- (A) RETAIL SALES, PERSONAL SERVICE AND OFFICE ESTABLISHMENTS, NOT INCLUDING DRIVE-IN FACILITIES OF THE TYPES LISTED HEREUNDER, PROVIDED EACH SUCH ESTABLISHMENT OCCUPIES A TOTAL FLOOR AREA OF NOT MORE THAN 4,000 SQUARE FEET, EXCEPT THAT, FOR RETAIL STORES ENGAGED PRIMARILY IN THE SALE OF FOODS FOR HOME PREPARATION AND CONSUMPTION, THE TOTAL FLOOR AREA SHALL NOT BE MORE THAN 20,000 SQUARE FEET.
 - (1) RESTAURANT.

- (2) HARDWARE STORE LIMITED PRIMARILY TO RETAIL SALES.
- (3) DRYCLEANING AND LAUNDRY PICK UP SERVICE.
- (4) SELF SERVICE LAUNDRY AND DRYCLEANING.
- (5) NEWS STAND.
- (B) GASOLINE SERVICE STATION, LIMITED TO 22,500 SQUARE FEET OF LOT AREA AND SUBJECT TO COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1163.02.
- (C) FUNERAL HOME OR MORTUARY.
- (D) AUTOMATIC CONVEYOR TYPE CAR WASHES (AS PROVIDED FOR IN SECTION 1163.05).
- (2) Conditional Principal Permitted Uses

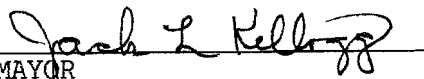
The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in Section 1171.02.

- (A) Public Utility sub-stations, subject to the provisions of Section 1163.04.
- (B) Other commercial uses. Any other retail business or personal service determined by the Board of Appeals to be of the same general character as those permitted in C or D above, and demonstrated as necessary to serve the normal day-to-day needs of the population in the adjoining neighborhoods, but not including any uses first listed as permitted in the C-2 through the C-5 Districts.
- (3) Accessory Permitted Uses
 - (A) Signs, as regulated by Chapter 1161.
 - (B) Off-street parking, as required by Chapter 1153.
 - (C) Any use customarily incidental to the principal permitted use."

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 9, 1992
APPROVED: November 10, 1992


MAYOR

ATTEST:


CLERK

*amended w/Ord. No. 1992-126
11/23/92*

*published
The Marion Star
Nov 27, 1992 # 12/4/92
Marsha Adams
Clerk of Council*

ORDINANCE NO. 1992 - 120

ORDINANCE AMENDING MARION CODIFIED ORDINANCE CHAPTERS
911.41, 911.49, AND 911.64, SEWER USE CODE AND SEWER
REGULATIONS, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 911.41 (a) of the Codified Ordinances, now reading in part as follows:

"911.41 SUBSTANCES PROHIBITED

No person shall discharge or cause to be discharged any of the following described waters or wastes into the public sewer system:

- (a) Gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas;"

is hereby amended to read as follows:

"911.41 SUBSTANCES PROHIBITED

No person shall discharge or cause to be discharged any of the following described waters or wastes into the public sewer system:

- (a) Gasoline, benzene, naptha, fuel oil, or other liquids, solids or gases WHICH MAY CREATE A FIRE OR EXPLOSION HAZARD IN THE POTW, INCLUDING BUT NOT LIMITED TO, WASTESTREAMS WITH A CLOSED CUP FLASHPOINT OF LESS THAN 140 DEGREES FAHRENHEIT OR 60 DEGREES CENTIGRADE USING THE TEST METHODS SPECIFIED IN 40 CR 261.21;"

Section 2. That Chapter 911.41 (e) of the Codified Ordinances, now reading in part as follows:

"911.41 SUBSTANCES PROHIBITED

No person shall discharge or cause to be discharged any of the following described waters or wastes into the public sewer system:

- (e) Any substances, materials or waters which either singly or by interaction with other substances, materials or waters may be interfering with treatment processes or pass through the treatment processes, cause the City of Marion to violate its NPDES permit."

is hereby amended to read as follows:

"911.41 SUBSTANCES PROHIBITED

No person shall discharge or cause to be discharged any of the following described waters or wastes into the public sewer system:

- (e) Any substances, materials or waters INCLUDING PETROLEUM OIL, NONBIODEGRADABLE CUTTING OIL, OR PRODUCTS OF MINERAL OIL ORIGIN IN AMOUNTS which either singly or by interaction with other substances, materials or waters which may be interfering with the treatment processes or pass through the treatment processes or cause the City of Marion to violate it's NPDES permit."

Section 3. That Chapter 911.49 of the Codified Ordinances, now reading in part as follows:

"911.49 INDUSTRIAL REPORTING REQUIREMENTS

I. Baseline Monitoring Requirements

Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, a baseline report shall be due. All non-categorical industries shall also submit a baseline report within 180 days of commencement of discharge. New Sources and existing sources that become Industrial Users subsequent to promulgation of Categorical Standards are required to submit Baseline Monitoring Reports at least 90 days prior to commencement of discharge.

This report shall contain:

- 8) All Industrial Users are required to promptly notify the POTW in advance of substantial changes in volume or character of discharges."

is hereby amended to read as follows:

"911.49 INDUSTRIAL REPORTING REQUIREMENTS

I. Baseline Monitoring Requirements

Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, a baseline report shall be due. All non-categorical industries shall also submit a baseline report within 180 days of commencement of discharge. New Sources and existing sources that become Industrial Users subsequent to promulgation of Categorical Standards are required to submit Baseline Monitoring Reports at least 90 days prior to commencement of discharge.

This report shall contain:

- 8) All Industrial Users are required to promptly notify the POTW in advance of substantial changes in volume or character of discharges, INCLUDING THE LISTED OR CHARACTERISTIC HAZARDOUS WASTES FOR WHICH THE INDUSTRIAL USER HAS SUBMITTED INITIAL NOTIFICATION UNDER 40 CFR 403.12(P)."

Section 4. That Chapter 911.49, Section V, of the Codified Ordinances, now reading in part as follows:

"911.49 INDUSTRIAL REPORTING REQUIREMENTS

V. Monitoring and Analysis to Demonstrate Continued Compliance

The reports required in 911.49 shall contain the results of sampling and analysis of the discharge, including flow and the nature and concentration, or production and mass where requested by the City. This sampling and analysis may be performed by the City in lieu of the Industrial User. Where the POTW performs the required sampling and analysis the User will not be required to submit the compliance certification. In addition, where the POTW itself collects all the information required for the reporting, including flow data, the Industrial User will not be required to submit the report.

If sampling performed by an Industrial User indicates a violation the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation, except the Industry is not required to resample if: 1) The City performs sampling that includes analysis for the violated parameters at the Industrial User at a frequency of at least once per month, or

2) The City performs sampling at the user between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

is hereby amended to read as follows:

"911.49 INDUSTRIAL REPORTING REQUIREMENTS

V. Monitoring and Analysis to Demonstrate Continued Compliance

The reports required in 911.49 shall contain the results of sampling and analysis of the discharge, including flow and the nature and concentration, or production and mass where requested by the City. This sampling and analysis may be performed by the City in lieu of the Industrial User. Where the POTW performs the required sampling and analysis the User will not be required to submit the compliance certification. In addition, where the POTW itself collects all the information required for the reporting, including flow data, the Industrial User will not be required to submit the report.

IF AN INDUSTRIAL USER MONITORS ANY POLLUTANT MORE OFTEN THAN REQUIRED, USING APPROVED PROCEDURES, THE RESULTS OF THIS MONITORING SHALL BE INCLUDED IN THE REPORT.

If sampling performed by an Industrial User indicates a violation the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation, except the Industry is not required to resample if: 1) The City performs sampling that includes analysis for the violated parameters at the Industrial User at a frequency of at least once per month, or 2) The City performs sampling at the user between the time when the User performs its initial sampling and the time when the User receives the results of this sampling."

Section 5. That Chapter 911.64 of the Codified Ordinances, now reading in part as follows:

"911.64 ANNUAL PUBLICATION OF ENFORCEMENT ACTIONS

A list of all significant discharges which were the subject of enforcement proceedings pursuant to ordinance during the 12 previous months, shall be annually published by the City in the local newspaper, summarizing the enforcement actions taken against the dischargers during the same 12 months whose violations remained uncorrected 45 or more days after notification of noncompliance, or which exhibited a pattern of noncompliance over the 12 month period, or which involve failure to accurately report noncompliance."

is hereby amended to read as follows:

"911.64 ANNUAL PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

"AT LEAST ANNUALLY, THE SAFETY/SERVICE DIRECTOR SHALL PUBLISH A LIST OF ALL INDUSTRIAL USERS WHICH AT ANY TIME DURING THE PREVIOUS TWELVE MONTHS WERE IN SIGNIFICANT NONCOMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS. FOR THE PURPOSES OF THIS PROVISION, AN INDUSTRIAL USER IS IN SIGNIFICANT NONCOMPLIANCE IF ITS VIOLATIONS MEET ONE OR MORE OF THE FOLLOWING CRITERIA.

- (A) CHRONIC VIOLATIONS OF WASTEWATER DISCHARGE LIMITS, DEFINED HERE AS THOSE IS WHICH SIXTY-SIX PERCENT OR MORE OF ALL OF THE MEASUREMENTS TAKEN DURING A SIX-MONTH PERIOD EXCEED (BY ANY MAGNITUDE) THE DAILY MAXIMUM LIMIT OR THE AVERAGE LIMIT FOR THE SAME POLLUTANT PARAMETER;
- (B) TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS, DEFINED HERE AS THOSE IN WHICH THIRTY-THREE PERCENT OR MORE OF ALL OF THE MEASUREMENTS FOR EACH POLLUTANT PARAMETER TAKEN DURING A SIX-MONTH PERIOD EQUAL OR EXCEED THE PRODUCT OF THE DAILY MAXIMUM LIMIT OR THE AVERAGE LIMIT MULTIPLIED BY THE DAILY MAXIMUM LIMIT OR THE AVERAGE LIMIT MULTIPLIED BY THE APPLICABLE TRC (TRC=1.4 FOR BOD, TSS, FATS, OIL AND GREASE, AND 1.2 FOR ALL OTHER POLLUTANTS EXCEPT PH);

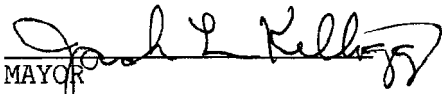
- (C) ANY OTHER VIOLATION OF A PRETREATMENT EFFLUENT LIMIT (DAILY MAXIMUM OR LONGER TERM AVERAGE) THAT THE SERVICE DIRECTOR DETERMINES HAS CAUSED, ALONE OR IN COMBINATION WITH OTHER DISCHARGES, INTERFERENCE OR PASS THROUGH (INCLUDING ENDANGERING THE HEALTH OF POTW PERSONNEL OR THE GENERAL PUBLIC);
- (D) ANY DISCHARGE OF A POLLUTANT THAT HAS CAUSED IMMINENT ENDANGERMENT OF HUMAN HEALTH, WELFARE OR TO THE ENVIRONMENT OR HAS RESULTED IN THE POTW'S EXERCISE OF EMERGENCY AUTHORITY TO HALT OR PREVENT SUCH A DISCHARGE;
- (E) FAILURE TO MEET, WITHIN 90 DAYS AFTER THE SCHEDULE DATE, A COMPLIANCE SCHEDULE MILESTONE CONTAINED IN A WASTEWATER DISCHARGE PERMIT OR ENFORCEMENT ORDER FOR STARTING CONSTRUCTION, COMPLETING CONSTRUCTION, OR ATTAINING FINAL COMPLIANCE;
- (F) FAILURE TO PROVIDE, WITHIN 30 DAYS AFTER THE DUE DATE, REQUIRED REPORTS SUCH AS BASELINE MONITORING REPORTS. 90 DAY COMPLIANCE REPORTS, PERIODIC SELF-MONITORING REPORTS, AND REPORTS ON COMPLIANCE WITH COMPLIANCE SCHEDULE;
- (G) FAILURE TO ACCURATELY REPORT NONCOMPLIANCE;
- (H) ANY OTHER VIOLATION OR GROUP OF VIOLATIONS WHICH THE SAFETY/SERVICE DIRECTOR DETERMINES WILL OR HAS ADVERSELY AFFECTED THE OPERATION OR IMPLEMENTATION OF THE CITY'S PRETREATMENT PROGRAM."

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: November 9, 1992

APPROVED: November 10, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-121

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DEBBIE BAKER FOR JANITORIAL SERVICES FOR THE MUNICIPAL BUILDING, 233 WEST CENTER STREET, MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-53 authorized the advertising and bidding for Janitorial Services for the Municipal Building, and


WHEREAS, Debbie Baker submitted the best bid,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Debbie Baker for Janitorial Services for the Municipal Building, 233 West Center Street.

Section 2. That the \$9,800.00 cost of said contract shall be payable from the General Fund Account No. 101-07-741-230-000-424.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 23, 1992

APPROVED: November 24, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992 - 122ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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 General Fund in the amount of \$7,000.00 as follows:

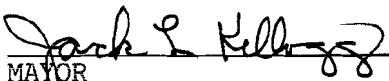
Transfer to Swimming Pool Fund	101-09-745-270-000-714	\$7,000.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 9, 1992

APPROVED: November 10, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING APPROPRIATION REVISIONS IN VARIOUS
FUNDS FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be appropriation revisions made in various funds in the amount of \$19,700.00 as follows:

General Fund

Police	Salaries	101-01-111-210-000-110	\$10,600
	Uniform Salaries	101-01-111-210-000-111	4,000
	Benefits	101-01-111-210-000-120	(12,000)
Jail	Salaries	101-01-112-210-000-110	(2,000)
	Benefits	101-01-112-210-000-120	(11,000)
Fire	Salaries	101-01-131-210-000-110	(26,000)
	Uniform Salaries	101-01-131-210-000-111	40,200
	Benefits	101-01-131-210-000-120	6,500
Recreation	Salaries	101-03-422-210-000-110	2,900
	Benefits	101-03-422-210-000-120	(1,000)
Senior Citizens	Salaries	101-03-424-210-000-110	(6,000)
Meter	Salaries	101-06-615-210-000-110	(4,500)
	Benefits	101-06-615-210-000-120	(500)
Airport	Salaries	101-06-621-210-000-110	8,700
	Benefits	101-06-621-210-000-120	3,000
Mayor	Salaries	101-07-710-210-000-110	800
	Benefits	101-07-710-210-000-120	(5,000)
Auditor	Salaries	101-07-711-210-000-110	3,000
	Benefits	101-07-711-210-000-120	200
Income Tax	Salaries	101-07-712-210-000-110	(1,400)
	Benefits	101-07-712-210-000-120	(5,500)
Law Director	Salaries	101-07-714-210-000-110	(2,500)
	Benefits	101-07-714-210-000-120	(5,700)
Human Resources	Benefits	101-07-715-210-000-120	(3,000)
Safety/Service	Salaries	101-07-716-210-000-110	1,300
	Benefits	101-07-716-210-000-120	(1,300)
Council	Salaries	101-07-721-210-000-110	400
	Benefits	101-07-721-210-000-120	(500)

Clerk of Council	Salaries	101-07-722-210-000-110	2,100
	Benefits	101-07-722-210-000-120	200
Municipal Court	Salaries	101-07-731-210-000-110	20,200
	Benefits	101-07-731-210-000-120	(1,000)
City Hall	Salaries	101-07-741-210-000-110	500
	Benefits	101-07-741-210-000-120	(200)
Engineering	Salaries	101-07-743-210-000-110	4,000
	Benefits	101-07-743-210-000-120	<u>200</u>
TOTAL GENERAL FUND			\$19,700
<u>Sanitation Fund</u>			
Collection	Salaries	506-05-561-210-000-110	\$(5,000)
	Benefits	506-05-561-210-000-120	<u>5,000</u>
TOTAL SANITATION FUND			0
<u>Swimming Pool Fund</u>			
	Salaries	516-03-423-210-000-110	\$ (354)
	Benefits	516-03-423-210-000-120	<u>354</u>
TOTAL SWIMMING POOL FUND			0
<u>Utility Billing Fund</u>			
	Salaries	612-05-571-210-000-110	\$ 5,500
	Benefits	612-05-571-210-000-120	<u>(5,500)</u>
TOTAL UTILITY BILLING FUND			0
GRANT TOTAL			\$19,700

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

H. Ballenger
 PRESIDENT OF COUNCIL

PASSED: November 9, 1992

APPROVED: November 10, 1992

Jack L. Kilgus
 MAYOR

ATTEST:

Marsha Adams
 CLERK

ORDINANCE NO. 1992-124

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR A VEHICLE EXHAUST VENTILATION SYSTEM FOR THE
FIRE STATION LOCATED AT 186 S. PROSPECT STREET AND
DECLARING AN EMERGENCY.

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

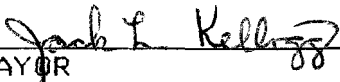
Section 1. That the Safety/Service Director be and is
hereby authorized and directed to prepare specifications and
advertise for bids for an exhaust ventilation system for the Fire
Station located at 186 S. Prospect Street.

Section 2. That this ordinance is hereby declared to be an
emergency measure necessary for the welfare of the City of Marion
and the inhabitants thereof and for the further reason that it is
necessary for the daily operation of said City and for the safety
of the employees and as such, shall take effect and be in force
immediately upon its passage and approval by the Mayor provided
it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and
after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 23, 1992

APPROVED: November 24, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992- 125

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
SAFETY CITY TRUST FUND FOR THE YEAR ENDING DECEMBER 31,
1992, AND DECLARING AN EMERGENCY.

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 Safety
City Trust Fund in the amount of \$400.00 as follows:

Trust Expenditures	738-09-824-270-000-731	\$400.00
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Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the welfare of the City of Marion and the inhabitants
thereof and for the further reason that it is necessary for the daily operation
of said City; and as such, shall take effect and be in force immediately upon
its passage and approval by the Mayor provided it receives the affirmative vote
of two-thirds of all members elected to Council; otherwise, it shall become
effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: November 23, 1992

APPROVED: November 24, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992-126ORDINANCE AMENDING ORDINANCE NO. 1992-119 AND
DECLARING AN EMERGENCY.

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

Section 1. That Ordinance No. 1992-119 now reading in part as
follows:

"Section 2. That this ordinance is hereby declared to be an
emergency measure necessary for the welfare of the City of Marion and
the inhabitants thereof and for the further reason that it provides for
the daily operation of the City; and as such, shall take effect and be
in force immediately upon its passage and approval by the Mayor provid-
ed it receives the affirmative vote of two-thirds of all members elect-
ed to Council; otherwise, it shall become effective from and after the
earliest period allowed by law."

is hereby amended to read as follows:


Section 2. That the Clerk of Council is hereby authorized and
directed to change all existing C-1 zones to C-1B zones 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
Safety/Service Director's office.

Section 3. That this ordinance is hereby declared to be an
emergency measure necessary for the welfare of the City of Marion and
the inhabitants thereof and for the further reason that it provides for
the daily operation of the City; and as such, shall take effect and be
in force immediately upon its passage and approval by the Mayor provid-
ed it receives the affirmative vote of two-thirds of all members elect-
ed to Council; otherwise, it shall become effective from and after the
earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: November 23, 1992

APPROVED: November 24, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 127

ORDINANCE TO VACATE THAT PORTION OF ALLEY NORTH SOUTH
BETWEEN JACKSON AND BENNETT STREETS, THAT LIES WITHIN
THE CITY LIMITS.

WHEREAS, in the opinion of this Council, there is good cause for vacating
that portion of alley north south between Jackson and Bennett Streets, that lies
within the City limits, and

WHEREAS, the petition to vacate this portion of alley north south between
Jackson and Bennett Streets was denied by the Marion City Planning Commission at
its meeting of September 1, 1992, and

WHEREAS, notice to all abutting landowners was given in accordance with
Marion Codified Ordinance 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not
be detrimental to the general interest and ought to be made;

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

Section 1. That the following described avenue, to-wit:

Situated in the City of Marion, County of Marion and State of Ohio, and
bounded and described as follows:

Being a fifteen foot wide north-south alley between Lots 5274 through 5283
and Lots 5290 through 5299 in the Glenwood Addition to the City of Marion,
Ohio.

be and is hereby vacated.

Section 2. That title to the above real estate shall revert to the
abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any
right-of-way or easement now held by the City of Marion, in, under, over or
across the above mentioned property for sewer purposes or for use by any public
utility operating under a franchise with the City of Marion, and the vacation of
said property herein is specifically made subject to the continued existence of
any such existing right-of-way or easement, unless the abutting property owners
renegotiate with the utility another right-of-way or easement.

Section 4. That the Clerk of Council be and she is hereby authorized and
directed to certify a copy of the within ordinance to the Auditor of Marion
County and to the Recorder of Marion County, Ohio.

Section 5. That this ordinance shall take effect and be in force from and
the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

*published
The Marion Star
Nov 2, 9, 16, 23, 30, 1992
Marsha Adams
Clerk of Council
defeated
Dec. 14, 1992*

ORDINANCE NO. 1992 - 128ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE HEALTH
LICENSE FUND FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the Health License Fund in the amount of \$4,795.00 as follows:

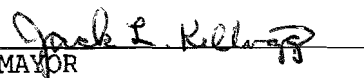
Food Service	247-02-224-230-000-724	\$4,365.00
Swimming Pools	247-02-224-230-000-727	\$80.00
Infectious Waste	247-02-224-230-000-728	\$350.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 14, 1992

APPROVED: December 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-129

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE INSTALLATION OF TWO (2) OBSERVATION WELLS AT THE MARION CITY LANDFILL AND APPROPRIATING THE NECESSARY FUNDS THEREFORE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-117 authorized the preparation of specifications and the advertising for Bids for various Landfill Closure items, and

WHEREAS, There was but one (1) Bidder for the installation of two (2) Observation Wells for Bedrock Pumping tests,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., for the installation of two (2) Observation wells at the Marion City Landfill.

Section 2. That said contract shall be payable from the Landfill Monitoring Fund Account No. 507-05-563-230-000-320.

Section 3. That there be an additional appropriation in the amount of \$8,000.00 made in the Landfill Monitoring Fund as follows:


PROFESSIONAL SERVICES 507-05-563-230-000-320 \$8,000.00

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 14, 1992

APPROVED: December 15, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-130

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT TO CONDUCT PNEUMATIC SLUG TEST AT THE MARION CITY LANDFILL AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-117 authorized the preparation of specifications and the advertising for Bids for various Landfill Closure items, and

WHEREAS, There was but one (1) Bidder for the conducting of Pneumatic Slug test,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., to conduct Pneumatic Slug Test at the Marion City Landfill.


Section 2. That said contract shall be payable from the Sanitation Fund Account No. 506-05-562-230-000-320.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 28, 1992

APPROVED: December 29, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-131

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT TO CONDUCT BEDROCK AQUIFER
PUMPING TEST AT THE MARION CITY LANDFILL AND
DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-117 authorized the preparation of specifications and the advertising for Bids for various Landfill Closure items, and

WHEREAS, There was but one (1) Bidder for the conducting of Bedrock Aquifer Pumping test,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., to conduct Bedrock Aquifer Pumping Test at the Marion City Landfill.

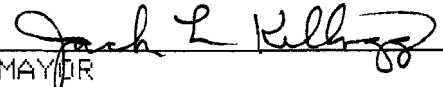
Section 2. That said contract shall be payable from the Sanitation Fund Account No. 506-05-562-230-000-320.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 28, 1992

APPROVED: December 29, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992- 132

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT FOR THE INSTALLATION OF AN
UNDERGROUND FUEL STORAGE TANK AND DECLARING AN
EMERGENCY.

WHEREAS, Ordinance No. 1992-34 authorized the preparation of specifications and the advertising for bids for the installation of an underground fuel storage tank for Marion Area Transit, and

WHEREAS, D.L.Miller & Sons Company submitted the lowest and best bid, and

WHEREAS, the Ohio Department of Transportation has concurred with the City Engineer's recommendation,

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

Section 1. That the Safety/Service Director be directed to enter into contract with D.L.Miller & Sons Company for the installation of an underground fuel storage tank at the Marion city garage.

Section 2. That said contract shall be payable from the Transit Fund Account No. 502-06-512-250-000-520.

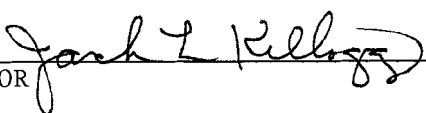
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and also to comply with the terms of the Grant; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

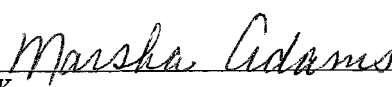
PASSED: December 28, 1992

APPROVED: December 29, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 133

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH FLOYD BROWNE ASSOCIATES,
INC. FOR ENGINEERING SERVICES FOR THE CHLORINATION
SYSTEM REPLACEMENT AT THE WASTEWATER TREATMENT PLANT,
AND DECLARING AN EMERGENCY.

WHEREAS, engineering services for the chlorination system replacement
at the Wastewater Treatment Plant are needed, and

WHEREAS, Floyd Browne Associates, Inc. has submitted the lowest and best
bid,

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

Section 1. That the Safety/Service Director be directed to enter into
contract with Floyd Browne Associates, Inc. for engineering services for the
chlorination system replacement system at the Wastewater Treatment Plant.

Section 2. That the cost of said contract, \$33,600.00, shall be payable
from the Sewer Replacement Fund.

Section 3. That this ordinance is hereby declared to be an emergency
measure necessary for the welfare of the City of Marion and the inhabitants thereof
and also to comply with the time constraints on both Issue II Funding and Ohio EPA
Compliance; and as such, shall take effect and be in force immediately upon its
passage and approval by the Mayor, provided it receives the affirmative vote of
two-thirds of all members elected to Council; otherwise, it shall become effective
from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: December 28, 1992

APPROVED: December 29, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 21

ORDINACNE DECLARING THAT CERTAIN CITY PROPERTY IS NOT
NEEDED FOR ANY MUNICIPAL PURPOSE, AND AUTHORIZING THE
SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND
ADVERTISE FOR BIDS TO SELL SAID PROPERTY LISTED AS
OUTLOTS #426.33, #436.24, #436.20 and #436.21, ON
~~EDWARDS STREET~~. IN THE CITY OF MARION.

WHEREAS, the City of Marion owns certain property, being Outlots #426.33, #436.24, #436.20 and #436.21 in the City of Marion, and such real estate is not needed for any municipal purpose, and


WHEREAS, in accordance with Section 721.01 Ohio Revised Code, the City desires to dispose of such property,

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

Section 1. That it is hereby declared that certain city property, being Outlots #426.33, #436.24, #436.20 and #436.21, located in the City of Marion and now owned by the City of Marion, is not needed for any municipal purpose.

Section 2. That the Safety/Service Director be and she is hereby authorized to prepare specifications and advertise for bids to sell the said real estate listed above.


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



PRESIDENT OF COUNCIL

PASSED: April 27, 1992

APPROVED: April 28, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 22

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE YEAR
ENDING DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount
of \$199,852.00 as follows:

Health Fund

Salaries	214-02-221-210-000-110	\$23,900.00
Benefits	214-02-221-210-000-120	8,145.00
Equipment	214-02-222-250-000-450	<u>9,462.00</u>

TOTAL Health Fund..... \$41,507.00

Home Health Services Fund

Reimbursement	248-02-221-270-000-721	<u>\$ 4,245.00</u>
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TOTAL Home Health Services Fund..... \$ 4,245.00

CDBG Fund (F.Y.91)

Salaries	275-04-541-210-000-110	\$16,000.00
Benefits	275-04-541-210-000-120	6,000.00
Salaries	275-04-541-210-326-110	4,200.00
Benefits	275-04-541-210-000-120	800.00
Private Rehab	275-04-541-230-000-322	34,900.00
Emergency Rehab	275-04-541-230-000-328	25,100.00
Planning	275-04-541-230-000-331	10,000.00
Architectural Barrier Removal	275-04-541-230-000-335	30,000.00
Curbs & Sidewalks	275-04-541-230-000-337	25,100.00
Implementation	275-04-541-240-000-326	1,000.00
Supplies	275-04-541-240-000-420	<u>1,000.00</u>

TOTAL CDBG Fund..... \$154,100.00


Section 2. That this ordinance is hereby declared to be an emergency measure
necessary for the immediate preservation of the public health, welfare and safety of
the City of Marion and the inhabitants thereof and for the further reason that it is
necessary for the daily operation of said City; and as such, shall take effect and
be in force immediately upon its passage and approval by the Mayor provided it
receives the affirmative vote of two-thirds of all members elected to Council;
otherwise, it shall become effective from and after the earliest period allowed by
law.



PRESIDENT OF COUNCIL

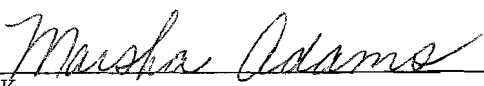
PASSED: April 27, 1992

APPROVED: April 28, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 23

ORDINANCE AUTHORIZING THE MARION CITY HEALTH COMMISSIONER
TO ENTER INTO CONTRACT WITH McDANIEL MOTOR CO. FOR THE
PURCHASE OF A 1992 GMC SIERRA TRUCK AND AUTHORIZING TO BE
TRADED THEREFORE ONE VEHICLE OWNED BY THE HEALTH DEPARTMENT.

WHEREAS, pursuant to Ordinance No. 1992-8, the Marion City Health Commissioner was authorized to advertise for bids for the purchase of one new or used truck and to trade in one truck now owned by the Health Department, and

WHEREAS, McDaniel Motor Co., submitted the lowest and best bid,

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

Section 1. That the Marion City Health Commissioner be and he is hereby authorized to enter into contract with McDaniel Motor Co. for the purchase of one 1992 GMC Sierra Truck with trade-in of one 1982 Chevrolet pickup.

Section 2. That the cost of said contract, in the amount of \$9,462.00, shall be payable from the Health Department Fund-214-02-222-250-000-450-Equipment.

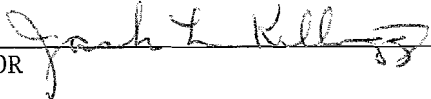
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

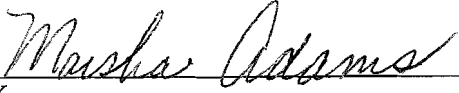
PASSED: April 27, 1992

APPROVED: April 28, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE TO AMEND CHAPTER 111 - COUNCIL RULES - OF THE
CODIFIED ORDINANCES OF THE CITY OF MARION.

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

Section 1. That Chapter 111 of the Codified Ordinances, now reading in part as follows:

"CHAPTER 111
Council

- | | |
|---|---|
| 111.01 Meetings; place and time of
convening, quorum, order of
business, reading of journal | 111.05 Motions |
| 111.02 Officers and employees of Council | 111.06 Ordinances and resolutions |
| 111.03 Committees of Council | 111.07 Administrative officers |
| 111.04 Duties, privileges and decorum of
members | 111.08 Council chambers |
| | 111.09 Miscellaneous rules |
| | 111.10 Live broadcasting of
meetings |

CROSS REFERENCES

To establish sewerage rates - see Ohio R.C. 729.49
Composition - see Ohio R.C. 731.01, 731.06
Qualifications - see Ohio R.C. 731.02, 731.44
Election and term - see Ohio R.C. 731.03, 733.09
President pro tempore - see Ohio R.C. 731.04, 733.08
Legislative powers - see Ohio R.C. 731.05
Vacancy - see Ohio R.C. 731.43

*Published
The Marion Star
May 20 & 27, 1992
Marsha Adams
Clerk of Council*

111.01 MEETINGS; PLACE AND TIME OF CONVENING, QUORUM, ORDER OF
BUSINESS, READING OF JOURNAL

Rule 1. Meeting Place. All meetings of Council shall be held in the Council Chamber in City Hall, unless otherwise ordered by Council.

Rule 2. Meetings - Public. All meetings of Council, or committees thereof, shall be public, and upon request of any citizen desiring to be heard on any matter then under consideration by Council, Council may, on motion, resolve itself into a Committee of the Whole and hear such citizen at such time and for such period as Council may determine. Persons desiring to be heard by any committee of Council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. All minutes and records of Council shall be open to the public at all reasonable times.

Rule 3. Meetings - Regular. Council, following its election, shall hold its first meeting at 7:30 p.m. on the first day of January following such election and it shall organize pursuant to law. After Council has met and organized, pursuant to law, regular meetings of Council shall be held in the Council Chambers on the second and fourth Monday evening of each month at 7:30 p.m. unless otherwise ordered by motion, resolution or ordinance. When the day fixed for any regular meeting of Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday or on a day fixed by Council. No member of Council shall be required to remain in the Council Chambers longer than one-half hour after the regular time for calling the meeting and to which Council stands adjourned unless there is a quorum present and Council is called to order and proceeds to business.

Rule 4. Meetings - Summer Schedule. During the months of June, July and August, Council shall be on a summer schedule and shall meet at such times as shall be set forth in a resolution of Council establishing a summer schedule, meetings during the months of June, July and August shall be held pursuant to Rule 3.

Rule 5. Meetings - Special. Special meetings may be called at any time by the Mayor, the President of Council in the absence of the Mayor, or any three members of Council, upon at least twelve hours written notice to each member of Council, served personally on each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be then considered unless all members of Council are present. The order of business of a special meeting of Council shall be transacted in an order to be fixed by the President of Council or the Presiding Officer unless Council by majority vote suspends this rule and changes the order.

Rule 6. Quorum. A majority of all members elected to Council shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in the manner and under such penalties as shall be prescribed by ordinance.

(Res. 1968-42. Passed 10-28-68.)

Rule 7. Order of Business. The business of all regular meetings of Council shall be transacted in the following order unless Council, by a majority vote, suspends the rules and changes the order:

- (1) Roll call;
- (2) Prayer;
- (3) Pledge of allegiance;
- (4) Disposal of journal of the preceding meeting;
- (5) Introduction and recognition of persons and groups visiting Council;
- (6) Introduction and recognition of persons desiring to address Council on any subject not on the Agenda;
- (7) Introduction and adoption of resolutions and ordinances;
- (8) Petitions, remonstrances and communications;
- (9) Reports of officers, boards and committees;
- (10) Other business;
- (11) Adjournment.

The Presiding Officer may at any time by a majority vote of all members elected to Council permit a member to introduce an ordinance, resolution or motion out of the regular order or not on the Agenda. (Res. 1973-11. Passed 4-23-73.)

Rule 8. Reading of Journal. Unless a reading of the Journal of a Council meeting is requested by a member of Council such Journal may be approved and accepted as recorded without reading if the Clerk of Council has previously furnished each member with an opportunity to review the Journal of such meeting. (Res. 1968-42. Passed 10-28-68.)

111.02 OFFICERS AND EMPLOYEES OF COUNCIL

Rule 9. President of Council - Presiding Officer - Who Shall Act. The President of Council, and in his absence the President Pro Tempore, shall preside over the meetings of Council. In the absence of the President of Council and the President Pro tempore of Council, the Clerk of Council shall call Council to order, and if, after the roll call is called, a quorum is present, Council shall choose one of its members as Presiding Officer, who shall preside until the President of Council or the President Pro tempore appears, but in no event beyond such meeting, and shall discharge all of the duties and be clothed with all the powers of the President of Council as such Presiding Officer during his absence. Any such member of Council as may be presiding may move, second and debate from the chair subject only to such limitations of debate as are by this chapter imposed on all members and shall not be deprived of any of the rights and privileges of a councilman by reason of this acting as Presiding Officer.

Rule 10. Presiding Officer - Duties. As used in this chapter, "Presiding Officer" means the President of Council, President Pro Tempore or the person empowered to act pursuant to Rule 9. The Presiding Officer shall call the meeting of the Council to order at the hour appointed and shall proceed with the order of business. If a quorum is present he shall give the members an opportunity for correcting the Journal of the previous meeting. In the absence of any objections or corrections the minutes shall stand approved. He shall preserve order and decorum, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion and decide all points of order subject to an appeal to Council. The President of Council shall determine the committee or committees to which ordinances, resolutions or other matters shall be referred, and when required to do so, pursuant to this chapter shall so refer such ordinances, resolutions or other matters. (Ord. 1982-2. Passed 1-6-82.)

Rule 11. The Vote Necessary for Election of President Pro Tempore, Clerk, Clerk Pro Tempore and Other Employees of Council and Filling Vacancies in the Membership of Council. No candidate for President Pro tempore or Clerk or Clerk Pro tempore shall be declared elected unless he has received a majority vote of all members elected to Council and no person shall be employed by Council except pursuant to a majority vote of all the members elected to Council. No vacancy which Council is authorized to fill shall be filled except pursuant to a majority vote of all the members elected to Council.

Rule 12. Roll Call Upon Election of President Pro Tempore, Clerk, Clerk Pro Tempore and Other Employees of Council and Filling Vacancies in the Membership of Council. Upon the roll call for the election of President Pro tempore of Council, Clerk, Clerk pro tempore or employee of Council, or for filling any vacancy in the membership of Council, each member shall respond by stating the name of the candidate of his choice eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and whose nomination has been duly seconded, provided, however, that no member shall be excused from voting thereon except by unanimous consent. (See Rule 11) (Res. 1968-42. Passed 10-28-68.)

Rule 12a. Political Party of Replacements. In the selection of a person to fill a vacancy on Council due to death, resignation or operation of law, the person selected shall be a member of the same political party as the Councilman being replaced. (Res. 1968-49. Passed 10-28-68.)

Rule 13. Clerk of Council - Duties. The Clerk of Council, and in his absence the Clerk Pro tempore, shall attend all meetings, regular and special, prepare an agenda for every meeting, attend to all correspondence incidental to his office, attend to the codification of the ordinances, keep a proper file of all documents which are part of the transactions and orders of Council and make such records available to the public. In addition, the Clerk of Council and in his absence the Clerk Pro tempore, shall report to Council the reasons advanced by members for absence from Council meetings and shall perform such other and further duties as may be assigned to him by a majority vote of Council. The Clerk Pro tempore, to serve in the absence of the Clerk of Council, shall be chosen by Council.

Rule 14. Sergeant-at-Arms. The Council may appoint a Sergeant-at-Arms, who, under the direction of the Presiding Officer, shall preserve order and compel the attendance of absent members in the manner to be prescribed by ordinance. The Sergeant-at-Arms shall be a police officer assigned by the Chief of Police, with the approval of Council to be in attendance at meetings of Council when requested. (Res. 1968-42. Passed 10-28-68).

111.03 COMMITTEES OF COUNCIL

(a) Rule 15. Committees. Not later than thirty days after the organization of Council, Council by a majority vote of all members elected shall select twelve standing committees of three or more members for each of whom the first selected member shall be chairman and the second selected member shall be the vice-chairman. In the absence of the chairman, the vice-chairman shall preside until the chairman appears, and shall discharge all the duties and be clothed with all the powers of the chairman during such absence.

The names of the committees and the subject matters which shall be referred to them shall be as follows:

- (1) Committee on Finance. To which shall be referred all ordinances, resolutions and other matters relating to finances, indebtedness, appropriations, the payment of moneys not provided for by previous legislation, taxation and all matters pertaining to the City Auditor's office, the standardization of salaries and wages and the sale or purchase of real estate.
- (2) Committee on Street, Alley, Sidewalk and Traffic. To which shall be referred all ordinances, resolutions and other matters pertaining to the construction, repair, maintenance, inspection, cleaning, improvement, assessment and vacations of streets, alleys and sidewalks, and matters relating to that area between the curb line and the private property line, and all matters pertaining to traffic regulation.
- (3) Committee on Sewers and Drains. To which shall be referred all ordinances, resolutions and other matters pertaining to the sewage disposal system and to the construction, repair, maintenance, inspection, cleaning, improvement, assessment, vacation and cross-connections of storm and sanitary sewers.
- (4) Committee on Public Utilities. To which shall be referred all ordinances, resolutions and other matters pertaining to rates to be paid by the City to any public utility for street lighting or other utility services, and to existing or proposed franchises with any public utility, including CATV, bus and taxicab operations.
- (5) Committee on Municipal Services. To which shall be referred all ordinances, resolutions and other matters relating to the Public Service Department, Police Division, Fire Division, Health Board, workmen's compensation, employees' relations, civil service and civil defense.
- (6) Committee on Codes and Regulations. To which shall be referred all ordinances, resolutions and 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.
- (7) Committee on Parks and Recreation. To which shall be referred all ordinances, resolutions and other matters relating to parks and recreation.
- (8) Committee on Lands, Buildings and Airport. To which shall be referred all ordinances, resolutions and other matters pertaining to all public buildings and grounds owned, leased or operated by the City, including parking lots, and all ordinances, resolutions and other matters relating to the Marion Municipal Airport.

- (9) Committee on Zoning and Annexation. To which shall be referred all ordinances, resolutions and other matters pertaining to zoning and annexation.
- (10) Committee on Legislation. To which shall be referred all ordinances, resolutions and other matters pertaining to County, State or Federal legislation affecting the City; Council rules apportionment; redistricting; all initiative, referendum and recall petitions; all matters relating to courts; enforcement ordinances imposing fines, penalties, forfeiture or imprisonment; and civil rights.
- (11) Committee on Jobs and Economic Development. To which shall be referred all ordinances, resolutions and all other matters relating to industrial and economic development of the City, present jobs and future employment opportunities.

(b) The members of Council by a majority vote of all members elected may choose the members of select committees as may be authorized by Council from time to time, except in those cases where the resolution authorizing such select committees specifically names the membership thereof.

Nothing in this Rule 15 shall apply to any ordinance, resolution or legislation the subject matter of which has been before a property committee. (Ord. 1982-1. Passed 1-6-82.)

Rule 16. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees, and each committee or chairman thereof shall have the right to require the attendance at its meetings of such administrative officers as in its judgment are needed to properly dispose of the matter under consideration. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of such committee, may, upon the recommendation of such committee, cause the removal of such member from such committee by the President of Council. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present.

Rule 17. Committees Open to Public. All committee meetings shall be open to the public.

Rule 18. Rules of Committees. Except in case of obvious inconsistency or inapplicability committee hearings shall be governed by the rules applicable to Council proceedings.

Rule 19. Reports of Committees. If any matter referred by Council to any committee, director or officer is not reported upon within two weeks of the time of such reference, such matter shall be brought by the Clerk of Council to the attention of Council, and if no report is made by such committee, officer or director within four weeks after such reference, Council shall take such further action in the premises as it may deem best.

Rule 20. Reference to More Than One Committee. Whenever any pending matter is referred to more than one committee for consideration and report, such committees may consider the same in joint session as a joint committee if the chairmen of the committees consent thereto. The chairman of the committee first named shall preside at such joint session, and each member of the joint committee shall have one vote for each committee of which he is a member composing the joint committee. A majority of the individual members of the several committees shall constitute a quorum of such joint committee. Its reports shall be made in the same manner and under the same rules as reports are made by standing committees.

Rule 21. Committee of the Whole. When Council decides to go into a Committee of the Whole, the President Pro tempore of Council may preside. The rules of Council, insofar as practicable, shall be observed in the Committee of the Whole, except that no limit shall be placed on the frequency of speaking, that the yeas and nays shall not be taken and that a motion to rise and report progress shall always be in order and shall be decided without debate. The Clerk of Council shall be required to attend all meetings of Council as a Committee of the Whole.
(Res. 1968-42. Passed 10-28-68).

111.04 DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

Rule 22. Seating Arrangement. The President of Council shall number the seats in the Council Chamber consecutively from one through nine. Each member of Council elected from a ward shall occupy the seat which has the same number as the number of the ward from which he was elected.

Members of Council elected at large shall occupy Seats 7, 8 and 9 on the basis of seniority, insofar as possible, (such seniority being the number of months of prior service on Council) as follows: the member with the least seniority shall occupy Seat 7; the member with the next seniority shall occupy Seat 8; and the member with the greatest seniority shall occupy Seat 9.

In the event all of seats 7, 8 and 9 are not occupied on the basis of seniority, as set out above, then the remaining seats still to be occupied shall be occupied on the basis of alphabetical order of the first letter in the last name of the remaining members, starting with the unoccupied seat with the lowest number, that is, the member of those remaining whose first letter of his last name is first in the alphabet shall occupy the unoccupied seat with the lowest number and the member of those remaining whose first letter of his last name is next in the alphabet shall occupy the unoccupied seat with the next highest number. The last member, if any, shall occupy the last remaining unoccupied seat.

Rule 23. Duty to Vote. Every member present shall vote on all questions upon the call of the yeas and nays, unless excused by the unanimous consent of Council; except that no member shall vote on any question in which he is financially interested or which in any way involves personal or private rights. Any member present, unless so excused or excepted as above, who refuses to vote upon any question relating to the City government upon which he may vote, when the yeas and nays are being taken, shall be guilty of contempt of Council and may, for such contempt, be censured by a majority vote of Council.

Rule 24. Yeas and Nays. On the passage of every ordinance or resolution and on the appointment of every officer the vote shall be taken by yeas and nays, entered in full upon the records and published in the official journal. On any other question the yeas and nays shall be entered upon the records on the request of any member. Upon the call of the yeas and nays the Clerk of Council shall call the names of members by seat numbers in ascending numerical order and record the vote. When once begun, voting shall not be interrupted and it shall not be in order for members to explain their votes during the call of the roll.

Rule 25. Change of Vote. Before the announcement of the vote on any question the Clerk of Council shall read the vote of each member so taken upon the demand of any member, at which time any councilman on account of error or for any other reason may change his vote, but no councilman shall be permitted to change his vote as recorded after the roll call has been verified and the result declared.

Rule 26. Recording of Vote of Absent Member. Any member, having been unavoidably absent, may at the next meeting be permitted to have his vote recorded upon any question acted upon during such absence, provided such vote shall not change the result, and provided further that such member shall not be entitled to move a reconsideration of the question to be voted upon.

Rule 27. Right of Floor. When any member is about to address Council, he shall respectfully address himself to the Presiding Officer and, when recognized by the chair, confine himself to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two or more members ask recognition at the same time, the Presiding Officer shall name the member who is first to speak and the exercise of such discretion by the Presiding Officer shall not be subject to appeal under Rule 30.

Rule 28. Time Limitation of Speaking. No member shall be allowed to speak for a longer time than ten minutes at any one time without permission of Council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion has had an opportunity to do so, nor shall the Mayor nor any director speak longer than fifteen minutes upon the same motion, ordinance or question without the consent of Council.

Rule 29. Members Called To Order. If any member is speaking or otherwise transgresses the rules of Council, the Presiding Officer shall call the offending member to order. The member so called to order shall immediately take his seat unless permitted by the Presiding Officer to explain. Any member may, by raising the point of order, call the attention of the Presiding Officer to such transgression. The point of order shall be decided by the Presiding Officer without debate. Every such decision of the Presiding Officer shall be subject to appeal to Council.

Rule 30. Right of Appeal. Any member may appeal to Council from a ruling of the Presiding Officer. The member making the appeal may briefly state his reason for the same and the Presiding Officer may briefly explain his ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question: "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

Rule 31. Member May Read from Books, Etc. Any member, while discussing a question, may read from books, papers or documents any matter pertinent to the subject under consideration without asking leave, provided however, that such reading shall be subject to and included within the time limitation prescribed in Rule 28.

Rule 32. Division of Question. If the question contains two or more divisible propositions, the Presiding Officer may, and upon request of a member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.

Rule 33. Personal Privilege. Any member may rise to explain a matter personal to himself, and on stating that it is a matter of personal privilege, he shall be recognized by the Presiding Officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five minutes of time unless extended by consent of Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

Rule 34. Clerk of Council's Desk. No person other than the Clerk of Council and his assistants shall be permitted at the Clerk of Council's desk while the yeas and nays are being taken.

Rule 35. Voice Vote. All questions shall be stated and put by the Chair. The results of a voice vote shall be declared by the Chair without reference to the Clerk of Council. Where the result of a voice vote is in doubt, the Chair may, and on demand of any member, shall, call for a division of Council, which shall be taken by a roll call.

Rule 36. Excusing Absent Members of Council. Any member not present at any regular or special meeting of Council may be excused by Council.
(Res. 1968-42. Passed 10-28-68.)

111.05 MOTIONS

Rule 37. Purpose and Form. Motions shall be used only to expedite the orderly transaction of the business of Council and shall not be substituted for resolutions or ordinances. The form of all motions shall be "I move that" followed by the substance of the motion. A second shall be required for any motion, except as specifically provided for in a rule, but upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the Presiding Officer before any debate shall be in order. All motions which have been entertained by the Presiding Officer shall be entered upon the minutes.

Rule 38. Precedence of Motions. When a question is before Council no motion shall be entertained except the following:

- (1) To adjourn.
- (2) To fix the hour of adjournment.
- (3) For the previous question. (To request that discussion end and that any motion being considered be voted on.)
- (4) To lay on the table.
- (5) To postpone to a day certain.
- (6) To postpone indefinitely.
- (7) To refer to a committee.
- (8) To amend.

These motions shall have precedence in the order indicated. The motion to adjourn and the motion for the previous question shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

Rule 39. Motion to Adjourn - When Not in Order - Not Debatable. A motion to adjourn shall be in order at any time, without a second, except as follows:

- (1) When repeated without intervening business or discussion.
- (2) When made as an interruption of a member while speaking.
- (3) When the previous question has been ordered.
- (4) While a vote is being taken.

Rule 40. The Previous Question. The motion for the previous question shall require a majority vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved and seconded by one other member it shall be put as follows: "Shall the main question be not put?" There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the question "Shall the main question be now put?" is decided in the negative the main question remains before Council.

Rule 41. Motion to Lay on the Table. The motion to lay on the table shall dispose finally of the legislation against which it is invoked but a motion to lay a pending amendment to an ordinance or resolution shall not carry the ordinance or resolution with it. The motion to lay on the table shall require a majority vote of all members elected to Council.

Rule 42. Motion to Postpone to a Day Certain. The motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed, the legislation shall be considered in the regular order of business of that day.

Rule 43. Motion to Postpone Indefinitely. The motion to postpone indefinitely shall have the same effect as the motion to lay on the table and shall require a majority vote of all members elected to Council. The motion to postpone indefinitely shall not be reconsidered, shall be debatable and shall open the legislation to debate, may be renewed after intervening business and may not be amended or laid on the table, and shall be subject to the previous question.

Rule 44. Reconsideration. After the decision of any question any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting, provided, however, that an ordinance or resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all the members elected to Council. After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the members present.

Rule 45. Suspension of Statutory Rule. A motion to suspend the statutory rule requiring three readings on separate days shall be debatable, and upon such motion, the main question shall open to debate.

Rule 46. Suspension of Rule. Except as controlled by statute, any rule may be suspended by the vote of a majority of all members elected to Council without debate.

Rule 47. Motion to Amend. A motion to amend shall be susceptible of but one amendment. An amendment once rejected may not be moved again in the same form.

Rule 48. Special Order. To make any subject a special order shall require the consent of a majority of the members present.

Rule 49. Procedure in Absence of Rule. In the absence of a rule to govern a point of procedure, reference shall be had to the approved practice in parliamentary bodies. (Res. 1968-42. Passed 10-28-68.)

111.06 ORDINANCES AND RESOLUTIONS

Rule 50. Agenda. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to Council shall, not later than 12:00 noon on the Thursday preceding a regular meeting, be delivered to the Clerk of Council, whereupon the Clerk of Council shall immediately arrange a list of such matters according to the order of business and furnish each member of Council, the Mayor and Law Director with a copy of the agenda and copies of ordinances and resolutions on such agenda, prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. The Clerk of Council may furnish a copy of the agenda to any other person who may request same.

Rule 51. Preparation. All ordinances and resolutions, when ordered by the Mayor, or any three members of Council, or a committee of Council, or Council, or the Law Director, on his own initiative, shall be prepared by the Law Director, or his authorized representative, provided, however, that nothing herein shall preclude any City official or any interested party from preparing an ordinance or resolution.

Rule 52. Placing on the Agenda. All ordinances or resolutions shall be placed on the agenda by the Clerk of Council when ordered by the Mayor, or three members of Council, or a committee of Council, or Council, and no ordinance or resolution shall be placed on the agenda by the Clerk of Council unless ordered by the Mayor, or three members of Council, or a committee of Council, or Council.

Rule 53. Prior Submission to Law Director and Administration. All ordinances, resolutions and contract documents shall before presentation to Council, have been submitted as to form and legality to the Law Director or his authorized representative, and shall have been submitted to the Mayor or his authorized representative where there are substantive matters of administration involved.

Rule 54. Numbering. All ordinances and resolutions shall be numbered consecutively for a period of one year. All ordinances and resolutions placed upon the agenda or acted upon by Council, whether passed or not, shall be identified as follows: Ordinance No. or Resolution No.; then the last two digits of the year of the ordinance or resolution; then a dash; then the number of the ordinance or resolution.

Rule 55. Form-Subject-Title-Revised-Amended. The enacting clause of all ordinances shall be "Be it Ordained by the Council of the City of Marion, Marion County, Ohio" and the enacting clause of all resolutions shall be "Be it Resolved by the Council of the City of Marion, Marion County, Ohio." All ordinances and resolutions, before introduction, shall be in typewritten form as prescribed by the Clerk of Council and on paper prescribed by such Clerk of Council. No ordinance or resolution shall relate to more than one subject, which shall be clearly expressed in its title. No ordinance or resolution or sections thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance, resolution or section revised and amended, and the original ordinance, resolution, section or sections so amended are repealed. (Res. 1968-42. Passed 10-28-68.)

Rule 56. Readings; Motions.

(a) The following procedures shall apply to the passage of ordinances and resolutions:

- (1) Each ordinance and resolution shall be read by title only, provided that the legislative authority may require, by a majority vote of its members, that any reading be in full.
- (2) Each ordinance and resolution shall be read on three different days, provided that the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.
- (3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
- (4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority.

(b) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken. (Res. 1975-28. Passed 10-27-75.)

Rule 58. Committee Consideration. No ordinance or resolution shall be acted upon without prior consideration and a report from a proper committee or committees of Council, unless this requirement shall be suspended by a majority vote of all members elected to Council. The vote on each suspension shall be taken by yeas and nays and entered on the record.

Nothing in this Rule 58 shall apply to any ordinance, resolution or legislation the subject matter of which has been before a proper committee. (Res. 1968-42. Passed 10-28-68; Res. 1968-55. Passed 12-9-68.)

Rule 59. Vacation of Streets and Alleys-Planning Commission. No ordinance or resolution pertaining to the vacation of streets or alleys shall be acted upon without prior consideration and a report from the Planning Commission, unless this requirement is suspended by a majority vote of all members elected to Council. The vote on each suspension shall be taken by yeas and nays and entered on the record.

Rule 60. Amending. It shall be in order to amend a resolution or ordinance at any time, but if such ordinance or resolution is of a general or permanent nature, and such amendment is made after the first reading, it shall again be read as amended, as the first reading.

Rule 61. Passage or Adoption. All ordinances and resolutions shall require for their passage or adoption the concurrence of a majority of all members elected to Council unless a greater number is required by law or the rules of Council, and the vote on their passage or adoption shall be taken by yeas and nays and recorded in the Journal.

Rules 62. Signing - Presiding Officer; Clerk of Council, Mayor; Mayor's Veto. All ordinances passed and resolutions adopted by Council shall be signed by the Presiding Officer and attested by the Clerk of Council.

Every ordinance or resolution of Council shall, before it goes into effect, be presented to the Mayor for approval. The Mayor, if he approves such ordinance or resolution, shall sign and return it forthwith to Council. If he does not approve it, he shall, within ten days after its passage or adoption, return it, with his objection, to Council, or if it is not in session, to the next regular meeting thereof, which objections shall be entered upon its Journal. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money. If he does not return such ordinance or resolution within the time limited in this section, it shall take effect in the same manner as if he had signed it, unless Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it with his objections, Council may, after ten days, reconsider it and if

such ordinance, resolution or item, upon reconsideration, is approved by a two-thirds vote of all the members elected, it shall then take effect as if signed by the Mayor.

Rule 63. Report on Status of Pending Measures. The Clerk of Council shall keep the members of Council informed regarding the status of pending ordinances and resolutions and other matters.

Rule 64. Mutilation of Legislation. No alteration, change, erasure or mark shall be made upon the original of any piece of legislation by any person except the Clerk of Council.

Rule 65. Reconsideration of Legislation. The reconsideration of any ordinance or resolution shall be in accordance with Rule 44.

Rule 66. Vote-Eligibility-Number Defined. Until changed according to law, Council shall be composed of nine members; one member elected from each of the six wards and three members elected at large.

Whenever the word "majority" is used in this chapter, unless otherwise expressly indicated, it means five of the members elected to Council. Whenever "two-thirds" is used in this chapter, unless otherwise expressly indicated, it means six of the members elected to Council. Whenever "three-fourths" is used in this chapter, unless otherwise expressly indicated, it means seven of the members elected to Council.

The President of Council's right to vote shall be governed by Ohio R.C. 731.17, 733.09 and other applicable statutes and law.
(Res. 1968-42. Passed 10-28-68.)

111.07 ADMINISTRATIVE OFFICERS

Rule 67. Attendance Required. The Mayor, Law Director, Service Director, Safety Director, Economic Development Director, City Auditor, City Engineer, Police Chief, Fire Chief, Recreation Director, Senior Citizens Director, Transit Administrator and Health Commissioner, shall be required to attend the regular and special meetings of Council and shall be provided with seats on the floor of Council. They shall be required, at any such meeting, to answer such questions relating to the affairs of the City under their respective supervision and control as may be put to them by any member of Council. The Mayor shall be entitled to take part in the discussion on all questions before Council. The directors shall be entitled to take part only in the discussions on questions relating to their respective departments.

Rule 68. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor and directors of departments shall, in addition to being referred to the proper committees, be also referred to such respective administrative officers for recommendation and report. Every such officer to whom any such matter is referred shall report the same to Council, as the case may be, with recommendations, within two weeks after such reference. All reports from City officers suggesting or recommending action by Council shall, unless otherwise ordered by Council, be referred to the appropriate committee for consideration and report, which shall be made without unnecessary delay. (Res. 1968-42. Passed 10-28-68.)

111.08 COUNCIL CHAMBERS

Rule 69. Council Chambers. The Council Chambers shall be the Municipal Court Room at City Hall and shall be used for meetings of Council or committees thereof.

Rule 70. Privileges of Floor. No person except members of Council, officers named in this chapter and persons invited by the Presiding Officer or by vote of Council shall be admitted within the bar of the Council Chamber and the Sergeant-at-Arms shall cause this rule to be rigidly enforced.
(Res. 1969-38. Passed 8-25-69.)

111.09 MISCELLANEOUS RULES

Rule 71. Appointment by Mayor. All appointments to Council for confirmation shall be taken up for consideration at the meeting of Council at which they are presented unless Council, by vote, orders them to be referred.

Rule 72. Petitioners to Pay Costs. Whenever application is made for the grant of a franchise right, the change of a street name, amendment of zoning map, a street vacation, or for any other grant, right, franchise or privilege, resulting in special benefit to the applicant, the Clerk of Council shall require the agent of such applicant to deposit with the Treasurer an amount estimated to be sufficient to pay the costs of any advertising, recording, printing, mimeographing or other special services arising by reason of such application. Any unused balance off such deposit shall be refunded to the agent of the petitioners on the voucher of the Auditor.

Rule 73. Law Director. The Law Director shall, when requested by any member of Council or any administrative officer, give a verbal opinion on any question of law concerning City affairs. He may, if he deems the matter of importance, take a reasonable time to submit his opinion in writing.

The Law Director, when requested by the chairman of a committee to which any ordinance or resolution has been referred, shall assist in the examination of such ordinance or resolution.

The Law Director shall prepare ordinances and resolutions pursuant to Rule 51.

Rule 74. Amending Rules. These rules may be amended or new rules adopted by a majority vote of all members elected to Council, provided the proposed amendments or new rules have been referred to the Committee on Legislation at a preceding meeting. (Res. 1968-42. Passed 10-28-68.)

111.10 LIVE BROADCASTING OF MEETINGS

The live broadcasting of Council meetings is hereby authorized for transmission on Station WMRN. (Ord. 1979-57. Passed 5-29-79.)"

is hereby amended to read as follows:

"CHAPTER 111 Council

111.01 Meetings; place and time of convening, quorum, order of business, reading of journal	111.05 Motions
111.02 Officers and employees of Council	111.06 Ordinances and resolutions
111.03 Committees of Council	111.07 Administrative officers
111.04 Duties, privileges and decorum of members	111.08 Council chambers
	111.09 Miscellaneous rules
	111.10 Live broadcasting of meetings

CROSS REFERENCES

To establish sewerage rates - see Ohio R.C. 729.49
Composition - see Ohio R.C. 731.01, 731.06
Qualifications - see Ohio R.C. 731.02, 731.44
Election and term - see Ohio R.C. 731.03, 733.09
President pro tempore - see Ohio R.C. 731.04, 733.08
Legislative powers - see Ohio R.C. 731.05
Vacancy - see Ohio R.C. 731.43

111.01 MEETINGS; PLACE AND TIME OF CONVENING, QUORUM, ORDER OF BUSINESS, READING OF JOURNAL

Rule 1. Meeting Place. All meetings of Council shall be held in the Council Chamber in City Hall, unless otherwise ordered by Council.

Rule 2. Meetings - Public. All meetings of Council, or committees thereof, shall be public, and upon request of any citizen desiring to be heard on any matter then under consideration by Council, Council may, on motion, resolve itself into a Committee of the Whole and hear such citizen at such time and for such period as Council may determine. Persons desiring to be heard by any committee of Council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. All minutes and records of Council shall be open to the public at all reasonable times.

Rule 3. Meetings - Regular. Council, following its election, shall hold its first meeting at 7:30 p.m. on the first day of January following such election and it shall organize pursuant to law. After Council has met and organized, pursuant to law, regular meetings of Council shall be held in the Council Chambers on the second and fourth Monday evening of each month at 7:30 p.m. unless otherwise ordered by motion, resolution or ordinance. When the day fixed for any regular meeting of Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday or on a day fixed by Council. No member of Council shall be required to remain in the Council Chambers longer than one-half hour after the regular time for calling the meeting and to which Council stands adjourned unless there is a quorum present and Council is called to order and proceeds to business.

Rule 4. Meetings - Special. Special meetings may be called at any time by the Mayor, the President of Council in the absence of the Mayor, or any three members of Council, upon at least TWENTY FOUR hours written notice to each member of Council, served personally on each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be then considered unless all members of Council are present. The order of business of a special meeting of Council shall be transacted in an order to be fixed by the President of Council or the Presiding Officer unless Council by majority vote suspends this rule and changes the order.

Rule 5. Quorum. A majority of all members elected to Council shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in the manner and under such penalties as shall be prescribed by ordinance.
(Res. 1968-42. Passed 10-28-68.)

Rule 6. Order of Business. The business of all regular meetings of Council shall be transacted in the following order unless Council, by a majority vote, suspends the rules and changes the order:

- (1) Roll call;
- (2) Prayer;
- (3) Pledge of allegiance;
- (4) Disposal of journal of the preceding meeting;
- (5) INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES;
- (6) PETITIONS, REMONSTRANCES AND COMMUNICATIONS;
- (7) REPORTS OF OFFICERS, BOARDS AND COMMITTEES;
- (8) OTHER BUSINESS;
- (9) INTRODUCTION AND RECOGNITION OF PERSONS AND GROUPS VISITING COUNCIL;
- (10) INTRODUCTION AND RECOGNITION OF PERSONS DESIRING TO ADDRESS COUNCIL ON ANY SUBJECT NOT ON THE AGENDA;
- (11) ADJOURNMENT.

The Presiding Officer may at any time by a majority vote of all members elected to Council permit a member to introduce an ordinance, resolution or motion out of the regular order or not on the Agenda. (Res. 1973-11. Passed 4-23-73.)

Rule 7. Reading of Journal. Unless a reading of the Journal of a Council meeting is requested by a member of Council such Journal may be approved and accepted as recorded without reading if the Clerk of Council has previously furnished each member with an opportunity to review the Journal of such meeting. (Res. 1968-42. Passed 10-28-68.)

111.02 OFFICERS AND EMPLOYEES OF COUNCIL

Rule 8. President of Council - Presiding Officer - Who Shall Act. The President of Council, and in his absence the President Pro Tempore, shall preside over the meetings of Council. In the absence of the President of Council and the President Pro tempore of Council, the Clerk of Council shall call Council to order, and if, after the roll call is called, a quorum is present, Council shall choose one of its members as Presiding Officer, who shall preside until the President of Council or the President Pro tempore appears, but in no event beyond such meeting, and shall discharge all of the duties and be clothed with all the powers of the President of Council as such Presiding Officer during his absence. Any such member of Council as may be presiding may move, second and debate from the chair subject only to such limitations of debate as are by this chapter imposed on all members and shall not be deprived of any of the rights and privileges of a councilman by reason of this acting as Presiding Officer.

Rule 9. Presiding Officer - Duties. As used in this chapter, "Presiding Officer" means the President of Council, President Pro Tempore or the person empowered to act pursuant to Rule 9. The Presiding Officer shall call the meeting of the Council to order at the hour appointed and shall proceed with the order of business. If a quorum is present he shall give the members an opportunity for correcting the Journal of the previous meeting. In the absence of any objections or corrections the minutes shall stand approved. He shall preserve order and decorum, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion and decide all points of order subject to an appeal to Council. The President of Council shall determine the committee or committees to which ordinances, resolutions or other matters shall be referred, and when required to do so, pursuant to this chapter shall so refer such ordinances, resolutions or other matters. (Ord. 1982-2. Passed 1-6-82.)

Rule 10. The Vote Necessary for Election of President Pro Tempore, Clerk, Clerk Pro Tempore and Other Employees of Council and Filling Vacancies in the Membership of Council. No candidate for President Pro tempore or Clerk or Clerk Pro tempore shall be declared elected unless he has received a majority vote of all members elected to Council and no person shall be employed by Council except pursuant to a majority vote of all the members elected to Council. No vacancy which Council is authorized to fill shall be filled except pursuant to a majority vote of all the members elected to Council.

Rule 11. Roll Call Upon Election of President Pro Tempore, Clerk, Clerk Pro Tempore and Other Employees of Council and Filling Vacancies in the Membership of Council. Upon the roll call for the election of President Pro tempore of Council, Clerk, Clerk pro tempore or employee of Council, or for filling any vacancy in the membership of Council, each member shall respond by stating the name of the candidate of his choice eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and whose nomination has been duly seconded, provided, however, that no member shall be excused from voting thereon except by unanimous consent. (See Rule 11) (Res. 1968-42. Passed 10-28-68.)

Rule 11a. Political Party of Replacements. In the selection of a person to fill a vacancy on Council due to death, resignation or operation of law, the person selected shall be a member of the same political party as the Councilman being replaced. (Res. 1968-49. Passed 10-28-68.)

Rule 12. Clerk of Council - Duties. The Clerk of Council, and in his absence the Clerk Pro tempore, shall attend all meetings, regular and special, prepare an agenda for every meeting, attend to all correspondence incidental to his office, attend to the codification of the ordinances, keep a proper file of all documents which are part of the transactions and orders of Council and make such records available to the public. In addition, the Clerk of Council and in his absence the Clerk Pro tempore, shall report to Council the reasons advanced by members for absence from Council meetings and shall perform such other and further duties as may be assigned to him by a majority vote of Council. The Clerk Pro tempore, to serve in the absence of the Clerk of Council, shall be chosen by Council.

Rule 13. Sergeant-at-Arms. The Council may appoint a Sergeant-at-Arms, who, under the direction of the Presiding Officer, shall preserve order and compel the attendance of absent members in the manner to be prescribed by ordinance. The Sergeant-at-Arms shall be a police officer assigned by the Chief of Police, with the approval of Council to be in attendance at meetings of Council when requested. (Res. 1968-42. Passed 10-28-68).

111.03 COMMITTEES OF COUNCIL

(a) Rule 14. Committees. Not later than thirty days after the organization of Council, Council by a majority vote of all members elected shall select twelve standing committees of three or more members for each of whom the first selected member shall be chairman and the second selected member shall be the vice-chairman. In the absence of the chairman, the vice-chairman shall preside until the chairman appears, and shall discharge all the duties and be clothed with all the powers of the chairman during such absence.

The names of the committees and the subject matters which shall be referred to them shall be as follows:

- (1) Committee on Finance. To which shall be referred all ordinances, resolutions and other matters relating to finances, indebtedness, appropriations, the payment of moneys not provided for by previous legislation, taxation and all matters pertaining to the City Auditor's office, the standardization of salaries and wages and the sale or purchase of real estate.
- (2) Committee on Street, Alley, Sidewalk and Traffic. To which shall be referred all ordinances, resolutions and other matters pertaining to the construction, repair, maintenance, inspection, cleaning, improvement, assessment and vacations of streets, alleys and sidewalks, and matters relating to that area between the curb line and the private property line, and all matters pertaining to traffic regulation.
- (3) Committee on Sewers and Drains. To which shall be referred all ordinances, resolutions and other matters pertaining to the sewage disposal system and to the construction, repair, maintenance, inspection, cleaning, improvement, assessment, vacation and cross-connections of storm and sanitary sewers.
- (4) Committee on Public Utilities. To which shall be referred all ordinances, resolutions and other matters pertaining to rates to be paid by the City to any public utility for street lighting or other utility services, and to existing or proposed franchises with any public utility, including CATV, bus and taxicab operations.
- (5) Committee on Municipal Services. To which shall be referred all ordinances, resolutions and other matters relating to the Public Service Department, Police Division, Fire Division, Health Board, workmen's compensation, employees' relations, civil service and civil defense.
- (6) Committee on Codes and Regulations. To which shall be referred all ordinances, resolutions and 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.
- (7) Committee on Parks and Recreation. To which shall be referred all ordinances, resolutions and other matters relating to parks and recreation.
- (8) Committee on Lands, Buildings and Airport. To which shall be referred all ordinances, resolutions and other matters pertaining to all public buildings and grounds owned, leased or operated by the City, including parking lots, and all ordinances, resolutions and other matters relating to the Marion Municipal Airport.
- (9) Committee on Zoning and Annexation. To which shall be referred all ordinances, resolutions and other matters pertaining to zoning and annexation.

- (10) Committee on Legislation. To which shall be referred all ordinances, resolutions and other matters pertaining to County, State or Federal legislation affecting the City; Council rules apportionment; redistricting; all initiative, referendum and recall petitions; all matters relating to courts; enforcement ordinances imposing fines, penalties, forfeiture or imprisonment; and civil rights.
- (11) Committee on Jobs and Economic Development. To which shall be referred all ordinances, resolutions and all other matters relating to industrial and economic development of the City, present jobs and future employment opportunities.

(b) The members of Council by a majority vote of all members elected may choose the members of select committees as may be authorized by Council from time to time, except in those cases where the resolution authorizing such select committees specifically names the membership thereof.

Nothing in this Rule 14 shall apply to any ordinance, resolution or legislation the subject matter of which has been before a property committee. (Ord. 1982-1. Passed 1-6-82.)

Rule 15. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees, and each committee or chairman thereof shall have the right to require the attendance at its meetings of such administrative officers as in its judgment are needed to properly dispose of the matter under consideration. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of such committee, may, upon the recommendation of such committee, cause the removal of such member from such committee by the ~~CHAIRMAN OF THE COMMITTEE~~ ^{COUNCIL}. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present.

Rule 16. Committees Open to Public. All committee meetings shall be open to the public.

Rule 17. Rules of Committees. Except in case of obvious inconsistency or inapplicability committee hearings shall be governed by the rules applicable to Council proceedings.

Rule 18. Reports of Committees. If any matter referred by Council to any committee, director or officer is not reported upon within SIX MONTHS OF the time of such reference, such matter shall be brought by the Clerk of Council to the attention of Council, and if no report is made by such committee, officer or director within four weeks after such reference, Council shall take such further action in the premises as it may deem best.

Rule 19. Reference to More Than One Committee. Whenever any pending matter is referred to more than one committee for consideration and report, such committees may consider the same in joint session as a joint committee if the chairmen of the committees consent thereto. The chairman of the committee first named shall preside at such joint session, and each member of the joint committee shall have one vote for each committee of which he is a member composing the joint committee. A majority of the individual members of the several committees shall constitute a quorum of such joint committee. Its reports shall be made in the same manner and under the same rules as reports are made by standing committees.

Rule 20. Committee of the Whole. When Council decides to go into a Committee of the Whole, the President Pro tempore of Council may preside. A COMMITTEE OF THE WHOLE MAY BE CALLED IN ACCORDANCE WITH RULE 5, ⁴ AND IN ADDITION MAY BE CALLED BY A COMMITTEE CHAIRMAN. The rules of Council, insofar as practicable, shall be observed in the Committee of the Whole, except that no limit shall be placed on the frequency of speaking, that the yeas and nays shall not be taken and that a motion to rise and report progress shall always be in order and shall be decided without debate. The Clerk of Council shall be required to attend all meetings of Council as a Committee of the Whole. (Res. 1968-42. Passed 10-28-68).

111.04 DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

Rule 21. Seating Arrangement. The President of Council shall number the seats in the Council Chamber consecutively from one through nine. Each member of Council elected from a ward shall occupy the seat which has the same number as the number of the ward from which he was elected.

Members of Council elected at large shall occupy Seats 7, 8 and 9 on the basis of seniority, insofar as possible, (such seniority being the number of months of prior service on Council) as follows: the member with the least seniority shall occupy Seat 7; the member with the next seniority shall occupy Seat 8; and the member with the greatest seniority shall occupy Seat 9.

In the event all of seats 7, 8 and 9 are not occupied on the basis of seniority, as set out above, then the remaining seats still to be occupied shall be occupied on the basis of alphabetical order of the first letter in the last name of the remaining members, starting with the unoccupied seat with the lowest number, that is, the member of those remaining whose first letter of his last name is first in the alphabet shall occupy the unoccupied seat with the lowest number and the member of those remaining whose first letter of his last name is next in the alphabet shall occupy the unoccupied seat with the next highest number. The last member, if any, shall occupy the last remaining unoccupied seat.

Rule 22. Duty to Vote. Every member present shall vote on all questions upon the call of the yeas and nays, unless excused by the unanimous consent of Council; except that no member shall vote on any question in which he is financially interested or which in any way involves personal or private rights. Any member present, unless so excused or excepted as above, who refuses to vote upon any question relating to the City government upon which he may vote, when the yeas and nays are being taken, shall be guilty of contempt of Council and may, for such contempt, be censured by a majority vote of Council.

Rule 23. Yeas and Nays. On the passage of every ordinance or resolution and on the appointment of every officer the vote shall be taken by yeas and nays, entered in full upon the records and published in the official journal. On any other question the yeas and nays shall be entered upon the records on the request of any member. Upon the call of the yeas and nays the Clerk of Council shall call the names of members by seat numbers in ascending numerical order and record the vote. When once begun, voting shall not be interrupted and it shall not be in order for members to explain their votes during the call of the roll.

Rule 24. Change of Vote. Before the announcement of the vote on any question the Clerk of Council shall read the vote of each member so taken upon the demand of any member, at which time any councilman on account of error or for any other reason may change his vote, but no councilman shall be permitted to change his vote as recorded after the roll call has been verified and the result declared.

Rule 25. Recording of Vote of Absent Member. Any member, having been unavoidably absent, may at the next meeting be permitted to have his vote recorded upon any question acted upon during such absence, provided such vote shall not change the result, and provided further that such member shall not be entitled to move a reconsideration of the question to be voted upon.

Rule 26. Right of Floor. When any member is about to address Council, he shall respectfully address himself to the Presiding Officer and, when recognized by the chair, confine himself to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two or more members ask recognition at the same time, the Presiding Officer shall name the member who is first to speak and the exercise of such discretion by the Presiding Officer shall not be subject to appeal under Rule 30.²⁹

Rule 27. Time Limitation of Speaking. No member shall be allowed to speak for a longer time than ten minutes at any one time without permission of Council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion has had an opportunity to do so, nor shall the Mayor nor any director speak longer than fifteen minutes upon the same motion, ordinance or question without the consent of Council.

Rule 28. Members Called To Order. If any member is speaking or otherwise transgresses the rules of Council, the Presiding Officer shall call the offending member to order. The member so called to order shall immediately take his seat unless permitted by the Presiding Officer to explain. Any member may, by raising the point of order, call the attention of the Presiding Officer to such transgression. The point of order shall be decided by the Presiding Officer without debate. Every such decision of the Presiding Officer shall be subject to appeal to Council.

Rule 29. Right of Appeal. Any member may appeal to Council from a ruling of the Presiding Officer. The member making the appeal may briefly state his reason for the same and the Presiding Officer may briefly explain his ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question: "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

Rule 30. Member May Read from Books, Etc. Any member, while discussing a question, may read from books, papers or documents any matter pertinent to the subject under consideration without asking leave, provided however, that such reading shall be subject to and included within the time limitation prescribed in Rule 28.²⁷

Rule 31. Division of Question. If the question contains two or more divisible propositions, the Presiding Officer may, and upon request of a member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.

Rule 32. Personal Privilege. Any member may rise to explain a matter personal to himself, and on stating that it is a matter of personal privilege, he shall be recognized by the Presiding Officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five minutes of time unless extended by consent of Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

Rule 33. Clerk of Council's Desk. No person other than the Clerk of Council and his assistants shall be permitted at the Clerk of Council's desk while the yeas and nays are being taken.

Rule 34. Voice Vote. All questions shall be stated and put by the Chair. The results of a voice vote shall be declared by the Chair without reference to the Clerk of Council. Where the result of a voice vote is in doubt, the Chair may, and on demand of any member, shall, call for a division of Council, which shall be taken by a roll call.

Rule 35. Excusing Absent Members of Council. Any member not present at any regular or special meeting of Council may be excused by Council.
(Res. 1968-42. Passed 10-28-68.)

111.05 MOTIONS

Rule 36. Purpose and Form. Motions shall be used only to expedite the orderly transaction of the business of Council and shall not be substituted for resolutions or ordinances. The form of all motions shall be "I move that" followed by the substance of the motion. A second shall be required for any motion, except as specifically provided for in a rule, but upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the Presiding Officer before any debate shall be in order. All motions which have been entertained by the Presiding Officer shall be entered upon the minutes.

Rule 37. Precedence of Motions. When a question is before Council no motion shall be entertained except the following:

- (1) To adjourn.
- (2) To fix the hour of adjournment.
- (3) For the previous question. (To request that discussion end and that any motion being considered be voted on.)
- (4) To lay on the table.
- (5) To postpone to a day certain.
- (6) To postpone indefinitely.
- (7) To refer to a committee.
- (8) To amend.

These motions shall have precedence in the order indicated. The motion to adjourn and the motion for the previous question shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

Rule 38. Motion to Adjourn - When Not in Order - Not Debatable. A motion to adjourn shall be in order at any time, without a second, except as follows:

- (1) When repeated without intervening business or discussion.
- (2) When made as an interruption of a member while speaking.
- (3) When the previous question has been ordered.
- (4) While a vote is being taken.

Rule 39. The Previous Question. The motion for the previous question shall require a majority vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved and seconded by one other member it shall be put as follows: "Shall the main question be ~~not~~ put?" There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the question "Shall the main question be now put?" is decided in the negative the main question remains before Council.

Rule 40. Motion to Lay on the Table. The motion to lay on the table shall dispose finally of the legislation against which it is invoked but a motion to lay a pending amendment to an ordinance or resolution shall not carry the ordinance or resolution with it. The motion to lay on the table shall require a majority vote of all members elected to Council.

Rule 41. Motion to Postpone to a Day Certain. The motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed, the legislation shall be considered in the regular order of business of that day.

Rule 42. Motion to Postpone Indefinitely. The motion to postpone indefinitely shall have the same effect as the motion to lay on the table and shall require a majority vote of all members elected to Council. The motion to postpone indefinitely shall not be reconsidered, shall be debatable and shall open the legislation to debate, may be renewed after intervening business and may not be amended or laid on the table, and shall be subject to the previous question.

Rule 43. Reconsideration. After the decision of any question any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting, provided, however, that an ordinance or resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all the members elected to Council. After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the members present.

Rule 44. Suspension of Statutory Rule. A motion to suspend the statutory rule requiring three readings on separate days shall NOT BE DEBATABLE, and upon such motion, the main question shall open to debate.

Rule 45. Suspension of Rule. Except as controlled by statute, any rule may be suspended by the vote of a majority of all members elected to Council and SHALL BE DEBATABLE.

Rule 46. Motion to Amend. A motion to amend shall be susceptible of but one amendment. An amendment once rejected may not be moved again in the same form.

Rule 47. Special Order. To make any subject a special order shall require the consent of a majority of the members present.

Rule 48. Procedure in Absence of Rule. In the absence of a rule to govern a point of procedure, reference shall be had to the approved practice ACCORDING TO ROBERTS RULES OF ORDER. (Res. 1968-42. Passed 10-28-68.)

111.06 ORDINANCES AND RESOLUTIONS

Rule 49. Agenda. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to Council shall, not later than 12:00 noon on the Thursday preceding a regular meeting, be delivered to the Clerk of Council, whereupon the Clerk of Council shall immediately arrange a list of such matters according to the order of business and furnish each member of Council, the Mayor and Law Director with a copy of the agenda and copies of ordinances and resolutions on such agenda, prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. The Clerk of Council may furnish a copy of the agenda to any other person who may request same.

Rule 50. Preparation. All ordinances and resolutions, when ordered by the Mayor, or any three members of Council, or a committee of Council, or Council, or the Law Director, on his own initiative, shall be prepared by the Law Director, or his authorized representative, provided, however, that nothing herein shall preclude any City official or any interested party from preparing an ordinance or resolution.

Rule 51. Placing on the Agenda. All ordinances or resolutions shall be placed on the agenda by the Clerk of Council when ordered by the Mayor, or three members of Council, or a committee of Council, or Council, and no ordinance or resolution shall be placed on the agenda by the Clerk of Council unless ordered by the Mayor, or three members of Council, or a committee of Council, or Council.

Rule 52. Prior Submission to Law Director and Administration. All ordinances, resolutions and contract documents shall before presentation to Council, have been submitted as to form and legality to the Law Director or his authorized representative, and shall have been submitted to the Mayor or his authorized representative where there are substantive matters of administration involved.

Rule 53. Numbering. All ordinances and resolutions shall be numbered consecutively for a period of one year. All ordinances and resolutions placed upon the agenda or acted upon by Council, whether passed or not, shall be identified as follows: Ordinance No. or Resolution No.; then the last two digits of the year of the ordinance or resolution; then a dash; then the number of the ordinance or resolution.

Rule 54. Form-Subject-Title-Revised-Amended. The enacting clause of all ordinances shall be "Be it Ordained by the Council of the City of Marion, Marion County, Ohio" and the enacting clause of all resolutions shall be "Be it Resolved by the Council of the City of Marion, Marion County, Ohio." All ordinances and resolutions, before introduction, shall be in typewritten form as prescribed by the Clerk of Council and on paper prescribed by such Clerk of Council. No ordinance or resolution shall relate to more than one subject, which shall be clearly expressed in its title. No ordinance or resolution or sections thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance, resolution or section revised and amended, and the original ordinance, resolution, section or sections so amended are repealed. (Res. 1968-42. Passed 10-28-68.)

Rule 55. Readings; Motions.

(a) The following procedures shall apply to the passage of ordinances and resolutions:

- (1) Each ordinance and resolution shall be read by title only, provided that the legislative authority may require, by a majority vote of its members, that any reading be in full.
- (2) Each ordinance and resolution shall be read on three different days, provided that the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.
- (3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
- (4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority.

(b) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken. (Res. 1975-28. Passed 10-27-75.)

Rule 56. Committee Consideration. No ordinance or resolution shall be acted upon without prior consideration and a report from a proper committee or committees of Council, EXCEPT MAYORAL APPOINTMENTS MAY BE TAKEN DIRECTLY TO COUNCIL WITHOUT PRIOR REFERENCE TO COMMITTEE, unless this requirement shall be suspended by a majority vote of all members elected to Council. The vote on each suspension shall be taken by yeas and nays and entered on the record.

~~Nothing in this Rule 56 shall apply to any ordinance, resolution or legislation the subject matter of which has been before a proper committee UNLESS REFERRED BY RULE 71.~~

(Res. 1968-42. Passed 10-28-68; Res. 1968-55. Passed 12-9-68.)

Rule 57. Vacation of Streets and Alleys-Planning Commission. No ordinance or resolution pertaining to the vacation of streets or alleys shall be acted upon without prior consideration and a report from the Planning Commission, unless this requirement is suspended by a majority vote of all members elected to Council. The vote on each suspension shall be taken by yeas and nays and entered on the record.

Rule 58. Amending. It shall be in order to amend a resolution or ordinance at any time, but if such ordinance or resolution is of a general or permanent nature, and such amendment is made after the first reading, it shall again be read as amended, as the first reading.

Rule 59. Passage or Adoption. All ordinances and resolutions shall require for their passage or adoption the concurrence of a majority of all members elected to Council unless a greater number is required by law or the rules of Council, and the vote on their passage or adoption shall be taken by yeas and nays and recorded in the Journal.

Rules 60. Signing - Presiding Officer; Clerk of Council, Mayor; Mayor's Veto. All ordinances passed and resolutions adopted by Council shall be signed by the Presiding Officer and attested by the Clerk of Council.

Every ordinance or resolution of Council shall, before it goes into effect, be presented to the Mayor for approval. The Mayor, if he approves such ordinance or resolution, shall sign and return it forthwith to Council. If he does not approve it, he shall, within ten days after its passage or adoption, return it, with his objection, to Council, or if it is not in session, to the next regular meeting thereof, which objections shall be entered upon its Journal. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money. If he does not return such ordinance or resolution within the time limited in this section, it shall take effect in the same manner as if he had signed it, unless Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it with his objections, Council shall MEET WITHIN TEN (10) CALENDAR DAYS AFTER NOTIFICATION TO THE CLERK OF COUNCIL to reconsider it and if such ordinance, resolution or item, upon reconsideration, is approved by a two-thirds vote of all the members elected, it shall then take effect as if signed by the Mayor.

Rule 61. Report on Status of Pending Measures. The Clerk of Council shall keep the members of Council informed regarding the status of pending ordinances and resolutions and other matters.

Rule 62. Mutilation of Legislation. No alteration, change, erasure or mark shall be made upon the original of any piece of legislation by any person except the Clerk of Council.

Rule 63. Reconsideration of Legislation. The reconsideration of any ordinance or resolution shall be in accordance with Rule 43.

Rule 64. Vote-Eligibility-Number Defined. Until changed according to law, Council shall be composed of nine members; one member elected from each of the six wards and three members elected at large.

Whenever the word "majority" is used in this chapter, unless otherwise expressly indicated, it means five of the members elected to Council. Whenever "two-thirds" is used in this chapter, unless otherwise expressly indicated, it means six of the members elected to Council. Whenever "three-fourths" is used in this chapter, unless otherwise expressly indicated, it means seven of the members elected to Council.

The President of Council's right to vote shall be governed by Ohio R.C. 731.17, 733.09 and other applicable statutes and law.
(Res. 1968-42. Passed 10-28-68.)

111.07 ADMINISTRATIVE OFFICERS

Rule 65. Attendance Required. THE MAYOR, LAW DIRECTOR, SAFETY/SERVICE DIRECTOR, CITY AUDITOR, HUMAN RESOURCES DIRECTOR AND ECONOMIC DEVELOPMENT DIRECTOR shall be required to attend the regular and special meetings of Council and shall be provided with seats on the floor of Council. OTHER CITY OFFICIALS MAY BE REQUESTED TO ATTEND UPON NOTICE BEING GIVEN TO THEM. They shall be required, at any such meeting, to answer such questions relating to the affairs of the City under their respective supervision and control as may be put to them by any member of Council. The Mayor shall be entitled to take part in the discussion on all questions before Council. The directors shall be entitled to take part only in the discussions on questions relating to their respective departments.

Rule 66. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor and directors of departments shall, in addition to being referred to the proper committees, be also referred to such respective administrative officers for recommendation and report. Every such officer to whom any such matter is referred shall report the same to Council, as the case may be, with recommendations, WITHIN THIRTY DAYS after such reference. All reports from City officers suggesting or recommending action by Council shall, unless otherwise ordered by Council, be referred to the appropriate committee for consideration and report, which shall be made without unnecessary delay. (Res. 1968-42. Passed 10-28-68.)

111.08 COUNCIL CHAMBERS

Rule 67. Council Chambers. The Council Chambers shall be the Municipal Court Room at City Hall AND AT OTHER PLACES AS COUNCIL SHALL AGREE BY MAJORITY VOTE OF COUNCIL and shall be used for meetings of Council or committees thereof.

Rule 68. Privileges of Floor. No person except members of Council, officers named in this chapter and persons invited by the Presiding Officer or by vote of Council shall be admitted within the bar of the Council Chamber and the Sergeant-at-Arms shall cause this rule to be rigidly enforced. (Res. 1969-38. Passed 8-25-69.)

111.09 MISCELLANEOUS RULES

Rule 69. Appointment by Mayor. All appointments to Council for confirmation shall be taken up for consideration at the meeting of Council at which they are presented unless Council, by vote, orders them to be referred. THE MAYOR SHALL PROVIDE A RESUME OF THE APPOINTEE IN ADVANCE IN ACCORDANCE WITH RULE 50. 49

Rule 70. Petitioners to Pay Costs. Whenever application is made for the grant of a franchise right, the change of a street name, amendment of zoning map, a street vacation, or for any other grant, right, franchise or privilege, resulting in special benefit to the applicant, the Clerk of Council shall require the agent of such applicant to deposit with the City Treasurer an amount estimated to be sufficient to pay the costs of any advertising, recording, printing, mimeographing or other special services arising by reason of such application. Any unused balance of such deposit shall be refunded to the agent of the petitioners on the voucher of the Auditor.

Rule 71. Law Director. The Law Director shall, when requested by any member of Council or any administrative officer, give a verbal opinion on any question of law concerning City affairs. He may, if he deems the matter of importance, take a reasonable time to submit his opinion in writing.

The Law Director, when requested by the chairman of a committee to which any ordinance or resolution has been referred, shall assist in the examination of such ordinance or resolution.

The Law Director shall prepare ordinances and resolutions pursuant to Rule 51.50

Rule 72. Amending Rules. These rules may be amended or new rules adopted by a majority vote of all members elected to Council, provided the proposed amendments or new rules have been referred to the Committee on Legislation at a preceding meeting. (Res. 1968-42. Passed 10-28-68.)

111.10 LIVE BROADCASTING OF MEETINGS

CITY COUNCIL MEETINGS AND COMMITTEE MEETINGS SHALL BE OPEN TO THE PUBLIC AND THESE MEETINGS SHALL BE MADE ACCESSIBLE FOR BROADCASTING OR RECORDING BY ELECTRONIC MEANS. THE PRESIDENT OF COUNCIL SHALL CONSULT WITH THE MEDIA AND SHALL SPECIFY THE PLACE OR PLACES IN THE COUNCIL CHAMBERS WHERE THE OPERATOR AND EQUIPMENT ARE TO BE POSITIONED. USE OF MORE THAN ONE PORTABLE VIDEO CAMERA SHALL BE ALLOWED ONLY WITH THE PERMISSION OF THE PRESIDENT OF COUNCIL. THE USE OF ELECTRONIC OR PHOTOGRAPHIC EQUIPMENT WHICH PRODUCES DISTRACTING SOUND OR LIGHT SHALL BE PROHIBITED BY THE PRESIDENT OF COUNCIL. PHOTOGRAPHERS AND OTHER MEDIA SHALL BE AFFORDED A CLEAR VIEW OF THE PROCEEDINGS, BUT SHALL NOT BE PERMITTED TO MOVE ABOUT IN THE COUNCIL CHAMBERS SO AS TO DISTRACT OR DISRUPT COUNCIL PROCEEDINGS.

THESE RULES SHALL NOT BE CONSTRUED TO GRANT MEDIA REPRESENTATIVES ANY GREATER RIGHTS THAN PERMITTED BY LAW WHENEVER PUBLIC OR MEDIA ACCESS OR PUBLICATION IS PROHIBITED, RESTRICTED OR LIMITED. UPON THE FAILURE OF ANY MEDIA REPRESENTATIVE TO COMPLY WITH ANY REASONABLE CONDITION IMPOSED BY THESE RULES OR BY THE PRESIDENT OF COUNCIL, PERMISSION TO BROADCAST MAY BE REVOKED."

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

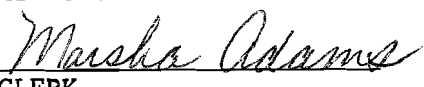

PRESIDENT OF COUNCIL

PASSED: April 27, 1992

APPROVED: April 28, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-25

ORDINANCE TO AMEND SECTION 1137.011 (CONDITIONAL PRINCIPAL PERMITTED USES) OF THE ZONING CODE OF THE CITY OF MARION TO ALLOW CERTAIN BARBER SHOPS AND BEAUTY SHOPS TO SELL HAIR AND PERSONAL BEAUTY PRODUCTS.

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

Section 1. That Section 1137.011 of the Zoning Code of the City of Marion, now reading in part as follows:

	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi- Family District R-3
CONDITIONAL PRINCIPAL PERMITTED USES (Subject to review by Board of Appeals)					
Public utility substations controlled by section.	x	x	x	x	x
Restricted accessory parking areas	x	x	x	x	x
Cemeteries adjacent to or in extension of existing cemeteries.	x	x	x	x	x
Business, professional & industrial offices, in buildings having ex- ternal appearance of residential structure, not including the manu- facture, sale or storage of goods, and on a lot located on a primary thoroughfare as shown on the official Thoroughfare Plan.				x	x
Planned Residential Development Projects. (Subject to review..)	x	x	x	x	x
Mobile Home Parks	x	x	x	x	x
Group Housing Developments	x	x	x	x	x

Is hereby amended to read as follows:

CONDITIONAL PRINCIPAL PERMITTED USES
(Subject to review by Board of appeals)

Public utility substations controlled by section.	x	x	x	x	x
Restricted accessory parking areas.	x	x	x	x	x
Cemeteries adjacent to or inextension of existing cemeteries.	x	x	x	x	x
Business, professional & industrial offices, in buildings having ex- ternal appearance of residential structure, not including the manu- facture, sale or storage of goods, and on a lot located on a primary thoroughfare as shown on the official Thoroughfare Plan.				x	x
PROFESSIONAL BARBER AND BEAUTY SHOPS IN BUILDINGS HAVING THE EXTERNAL APPEARANCE OF A RESIDENTIAL STRUCTURE, NOT INCLUDING THE MANUFACTURE, SALE, OR STORAGE OF GOODS EXCEPT FOR THE INTERIOR DISPLAY & SALE OF HAIR AND PERSONAL BEAUTY PRODUCTS ONLY. THIS TO BE ON A LOT LOCATED ON A PRIMARY THOROUGHFARE AS SHOWN ON THE OFFIC- IAL THOROUGHFARE PLAN.				x	x

(cont.)	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi- Family District R-3
Planned Residential Development Projects. (Subject to review...)	x	x	x	x	x
Mobile Home Parks	x	x	x	x	x
Group Housing Developments	x	x	x	x	x

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

J. T. Ballenger
PRESIDENT OF COUNCIL

PASSED: May 11, 1992

APPROVED: May 12, 1992

Jack L. Kellogg
MAYOR

ATTEST:

Marsha Adams
CLERK

*Published
The Marion Star
May 20 & 27, 1992
Marsha Adams
Clerk of Council*

ORDINANCE NO. 1992-26

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO PURCHASE PVC PIPE AND MANHOLE/SUMP UNIT FOR LANDFILL LEACHATE COLLECTION SYSTEM AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

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


Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids to purchase PVC pipe for Landfill Leachate Collection System at the Marion City Landfill.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: May 11, 1992

APPROVED: May 12, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992- 27

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$ 155.00
Sanitation Fund	<u>2,442.06</u>
TOTAL	\$2,597.06

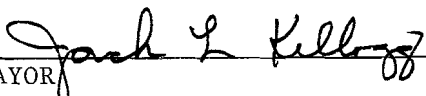
Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

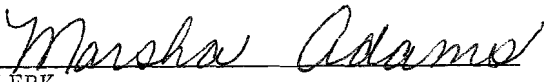
PASSED: May 11, 1992

APPROVED: May 12, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992-28

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE YEAR
ENDING DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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


Section 1. That there be additional appropriations made in the amount
of ~~\$33,961.77~~ \$65,961.77, as follows:

<u>General Fund</u>		
Police-Salaries	101-01-111-210-000-111	\$11,250.00
Police-Benefits	101-01-111-210-000-120	3,500.00
Airport-Equipment	101-06-621-250-000-450	<u>1,998.00</u>
TOTAL General Fund.....		\$16,748.00

<u>WIC Fund</u>		
Salaries	215-02-542-210-000-110	\$ 5,286.77
Benefits	215-02-542-210-000-120	3,578.36
Travel	215-02-542-220-000-220	744.33
Professional Service	215-02-542-230-000-320	37.00
Equipment Maintenance	215-02-542-230-000-360	34.00
Insurance	215-02-542-230-000-380	37.00
Supplies	215-02-542-240-000-420	2,359.31
Equipment	215-02-542-250-000-450	<u>5,137.00</u>
TOTAL WIC Fund.....		\$17,213.77

<u>Landfill Monitoring Fund</u>		
<u>Professional Services</u>	507-05-563-230-000-320	<u>\$32,000.00</u>
TOTAL LANDFILL M. FUND.....		\$32,000.00

Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and for the further
reason that it is necessary for the daily operation of said City; and as such,
shall take effect and be in force immediately upon its passage and approval by
the Mayor provided it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and after the
earliest period allowed by law.

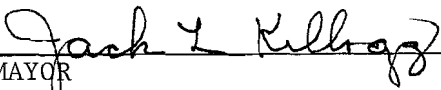


PRESIDENT OF COUNCIL

PASSED: May 11, 1992

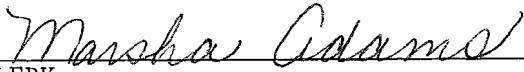
APPROVED: May 12, 1992

**As amended on Council floor 05/11/92*



MAYOR

ATTEST:



CLERK

Ken... 9

ORDINANCE NO. 1992- 29

ORDINANCE TO VACATE A TEN FOOT WIDE ALLEY BETWEEN PROPERTIES
KNOWN AS 494 AND 502 AVONDALE AVENUE, MARION, OHIO.

WHEREAS, in the opinion of this Council, there is good cause for vacating
a certain 10 foot wide alley between properties known as 494 and 502 Avondale
Avenue, Marion, Ohio, and

WHEREAS, the petition to vacate this alley was approved by the Marion City
Planning Commission at its meeting of April 7, 1992, and

WHEREAS, notice to all abutting landowners was given in accordance with
Marion Codified Ordinances 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not
be detrimental to the general interest and ought to be made;

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

Section 1. That the following described alley, to-wit:

Situated in the City of Marion, County of Marion, State
of Ohio, and described as follows:

Beginning at an iron pin in the east line of Avondale
Ave. and the southwest corner of Lot 7283 in Jones and
Wilson First Addition to the City of Marion, Ohio, then
in an easterly direction along the south line of Lot 7283,
a distance of 144 feet, to an iron pin in the southeast
corner of Lot 7283 and the west line of a north-south alley,
then in a southerly direction along the west line of the
north-south alley, a distance of 10 feet, to an iron pipe
in the west line of the north-south alley and the northeast
corner of Lot 6631 in Berry and Mautz First Addition to the
City of Marion, Ohio, then in a westerly direction along
the north line of Lot 6631, a distance of 143 feet, to an
iron pipe in the northwest corner of Lot 6631 and the east
line of Avondale Ave., then in a northerly direction along
the east line of Avondale Ave., a distance of 10 feet, to
the place of beginning,

be and is hereby vacated.

Section 2. That title to the real estate comprising said alley shall
revert to the abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any
right-of-way or easement now held by the City of Marion, in, under, over or across
the above mentioned alley for sewer purposes or for use by any public utility
operating under a franchise with the City of Marion, and the vacation of said alley
herein is specifically made subject to the continued existence of any such existing
right-of-way or easement, unless the abutting property owners renegotiate with the
utility another right-of-way or easement.

Section 4. That the Clerk of Council be and she is hereby authorized and
directed to certify a copy of the within ordinance to the Auditor of Marion County
and to the Recorder of Marion County, Ohio.

Section 5. That this ordinance shall take effect and be in force from and
after the earliest period allowed by law.

PASSED:
APPROVED:

*published
in Marion Star
April 16, 23, 30, 1992
May 7, 14, 21, 1992
Marilyn Adams
Clerk of Council*

PRESIDENT OF COUNCIL

ATTEST:

*defeated
May 26, 1992*

MAYOR

CLERK

ORDINANCE NO. 1992-30

ORDINANCE TO AMEND CHAPTER 1161 (SIGNS) OF THE ZONING CODE BY AMENDING SECTION 1161.013 (EXEMPTED SIGNS).


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

Section 1. That Chapter 1161 of the Zoning Code be and is hereby amended by adding subsection (F) of the Section 1161.013 as follows:

1161.013 Exempted Signs


(F) Street Banners for civic and charitable organizations hung across public streets in the public right-of-way as approved by the Safety/Service Director. The size, type, locations, length of display, content and locations of such signs shall be determined by the Director. This section does not include banners for ~~political~~, ~~religious~~ ~~party-affiliated~~/individual or group partisan political purposes or for the intent to promote religion or commercial promotions, which are NOT permissible. A fee of \$50.00 per banner will be made payable to the City of Marion and deposited in the S.C.M.R. Fund.

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



PRESIDENT OF COUNCIL

PASSED: May 26, 1992

APPROVED: May 27, 1992


MAYOR

ATTEST:


CLERK

published
The Marion Star
June 22, 29, 1992
Marsha Adams
Clerk of Council

ORDINANCE NO. 1992-31

ORDINANCE ACCEPTING THE REVISED PLAT OF NATIONAL DEVELOPMENT CORPORATION OF CHATEAU RIDGE 12th ADDITION TO THE CITY OF MARION, OHIO AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN, AND DECLARING AN EMERGENCY.

WHEREAS, National Development Corporation has hereunto submitted to the Planning Commission of the City of Marion, a revised plat of 17 lots, numbered 17084 through 17100, in Chateau Ridge 12th Addition, being a part of Section 35, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said plat, and two streets known as Blois Drive and Langeais Drive, and

WHEREAS, on the 3rd day of March, 1992, said Commission approved said plat, and

WHEREAS, the original plat of Chateau Ridge 12th Addition to the City of Marion, containing 36 lots and 3 streets, was accepted by the Council of the City of Marion by Ordinance No. 1979-129, dated October 22, 1979

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

Section 1. That the revised plat of National Development Corporation of 17 lots, numbered 17084 through 17100 in Chateau Ridge 12th Addition, being a part of Section 35, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, (dated November 15, 1991 and dedicated November 18, 1991; be and the same is hereby approved and accepted and the dedication to the public use of the streets shown therein be and the same is hereby accepted and confirmed.

Section 2. That the acceptance of this revised plat of Chateau Ridge 12th Addition shall be subject to the provisions of Ordinance No. 1973-108 pertaining to underground facilities.

Section 3. That Ordinance No. 1979-129, an ordinance accepting the original plat of Chateau Ridge 12th Addition to the City of Marion, shall hereby be repealed.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

Passed: May 26, 1992

Approved: May 27, 1992


MAYOR

Attest:


CLERK

ORDINANCE No. 1992-32

ORDINANCE TO AMEND CHAPTER 911 OF THE CODIFIED ORDINANCES
BY AMENDING § 911.13 (a) - CONNECTION FEES, AND DECLARING AN
EMERGENCY.

WHEREAS, the Revised Sewer Code and Sewer Regulations
(Chapter 911 of the Codified Ordinances of the City of Marion)
approved as Ordinance 1990-29 by the Council of the City of
Marion on February 26, 1990, contained a typographical error
regarding §911.13 (a) - Connection Fees;

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

Section 1. That paragraph (a) of § 911.13 of the Marion
Codified Ordinances, which reads as follows:

(a) Connection Fee for No Prior Assessment in the City.
No person shall make or construct any connection or tap with or
into any public sanitary, storm water, or other sewer or drain
in the City for any lot or part of lot or other parcel of land
that has not heretofore been assessed at the same rate as other
property for the cost of such sewer or drain without first
paying a connection fee therefore to the Service Director.


The connection fee shall be an amount that when added to
prior charges, if any, on the property subjects the property to
a charge for the use of the sewer or drain at the same rate as
other property assessed or charged in some manner for the cost
of such sewer or drain, but in no event shall such connection
fee be less than \$40.00.

is hereby amended to read as follows:

(a) Connection Fee for No Prior Assessment in the City.
No person shall make or construct any connection or tap with or
into any public sanitary, storm water, or other sewer or drain
in the City for any lot or part of lot or other parcel of land
that has not heretofore been assessed at the same rate as other
property for the cost of such sewer or drain without first
paying a connection fee therefore to the Service Director.

The connection fee shall be an amount that when added to
prior charges, if any on the property subjects the property to
a charge for the use of the sewer or drain at the same rate as
other property assessed or charged in some manner for the cost
of such sewer or drain, but in no event shall such connection
fee be less than \$400.00.

Section 2. That this ordinance is hereby declared to be an
emergency measure necessary for the immediate preservation of the
inhabitants thereof, and as such shall take effect and be in force
immediately upon its passage and approval by the Mayor, provided
it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and
after the earliest period allowed by law.

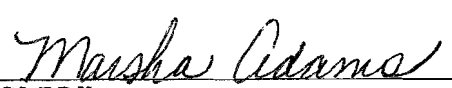

PRESIDENT OF COUNCIL

PASSED: May 26, 1992

APPROVED: May 27, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-33ORDINANCE TO AMEND CHAPTER 720 (COIN OPERATED DEVICES)
OF THE CODIFIED ORDINANCES OF THE CITY OF MARION, OHIO.

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

Section 1. That Chapter 720 of the Codified Ordinances, now reading in part as follows:

"720.01 DEFINITIONS

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Coin-operated mechanical amusement device" means a machine which, upon the insertion of a coin or slug, begins to operate or which may be operated for use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement or which shall allow the playing of a game or shall cause the playing of music; provided, that nothing contained in this section shall be deemed as allowing the use or licensing of gambling devices, and that this definition shall not be deemed to be exclusive.
- (b) "Operator" means any person who contracts or permits any coin-operated mechanical amusement device or mechanical music-playing device to be installed, used and operated in other than his own place of business.
- (c) "Owner" means any person who actually owns or has title to any coin-operated mechanical amusement device or music player.
- (d) An operator is also defined as any person who contracts or permits coin-operated mechanical amusement devices to be installed, used or operated in their own place of business, but whom own three or more said devices.

720.02 COMPLIANCE WITH CHAPTER

No person shall keep, maintain, permit or allow any licensed coin-operated mechanical device for amusement or music-playing purpose in or upon his place of business except as provided in this chapter. No person owning or operating a coin-operated mechanical amusement device within the City shall violate or fail to comply with the requirements of this chapter.

720.04 LICENSE REQUIRED

No owner or operator shall install or permit the use of any coin-operated mechanical amusement device, as defined by Section 720.01 and no person shall display or offer for use such a device, without first obtaining a license for such device as provided by this chapter.

720.05 APPLICATION

No license for a coin-operated mechanical amusement device or mechanical music-playing device shall be issued by the City Auditor until an application for a license has been made and approved by the City Auditor. Such application shall be on a form furnished by the City Auditor and shall require the giving of information deemed necessary by the City Auditor. Such information as may be required shall be limited to a questionnaire designed and prescribed by the City Auditor for the best interests of the City.

720.06 DENIAL OR REVOCATION; HEARING AND APPEAL

The City Auditor may refuse to license or may revoke the license at any time for any type or kind of coin-operated device which he determines to be objectionable for the use in the City. The City Auditor may hold a hearing to determine the propriety of issuing, renewing or revoking any license. No license shall be revoked, however, nor shall a license be denied, unless the person owning or operating a coin-operated devices fails or refuses to abide by the regulations of the City Auditor concerning such machines or unless the owner or operator shall be of immoral character or his reputation would indicate that such person is not a proper person to receive and hold a license.

In the event that the City Auditor shall revoke or refuse to issue any license after a hearing, then the person holding or applying for a license shall, within thirty days, have the right of appeal to Council. Council, by a majority vote thereof, shall approve or disapprove of the City Auditor's findings. In the event that the City Auditor's finding is disapproved, then Council shall order a license to be issued or renewed forthwith.

720.07 REMOVAL OF DEVICES AFTER REVOCATION

In the event any license is revoked as provided by Section 720.06, the fee

paid to the City on the machine as required by Section 720.09 shall be retained by the City. The machines involved shall be removed by the operator within three days after notice is given him by registered mail or they shall be removed by the Division of Police, held for the owner and delivered to him upon payment of the costs of removal and storage and any accrued tax thereon.

720.08 DURATION OF LICENSES; RENEWAL

The licenses required by this chapter shall be obtained for one year beginning November 1 and ending October 31. Thereafter, the licenses may be renewed for one year upon evidence that the requirements of this chapter have been fulfilled.

720.09 ANNUAL FEE

The fee to be paid by the owner or operator for each license granted under the provisions of this chapter for each coin-operated amusement device and for each music-playing device shall be five dollars (\$5.00).

720.10 ISSUANCE AND POSTING

The Auditor shall deliver to each applicant who meets the requirements for issuance a license which shall be posted in a conspicuous place where the device is located.

720.11 TAX LEVIED; WHEN DEDUCTED

For the purpose of providing revenue to defray a portion of the current expenses and other expenditures of the City, there is hereby levied a tax of six percent (6%) on the gross income from the operation, exhibition or use of coin-operated mechanical amusement devices. The tax shall be deducted from the gross amount of income from any such device before any division of funds therein is made between the owner, operator or any other person.

720.12 TAX RULES AND REGULATIONS

The Auditor shall have power to adopt and promulgate such rules and regulations as he may deem necessary to carry out the taxing provisions of this chapter.

720.13 FORM AND FILING OF MONTHLY RETURNS

Every owner of coin-operated mechanical amusement devices shall, on or before the thirtieth day of each calendar month, make a return in duplicate under oath to the Auditor, in such form as he may prescribe, showing the number of machines in operation, the license number of each machine, the amount of tax imposed by this chapter and such other facts and information as the Auditor may require.

720.14 RETURNS TO BE CONFIDENTIAL; EXCEPTION

All returns required by Section 720.13 shall be held confidential by the Auditor and shall not be available for inspection unless ordered by a court of competent jurisdiction, except that the Auditor may furnish a copy to the Internal Revenue Department and the City Income Tax Division upon request.

720.15 PAYMENT OF TAX

Each person making the return required by Section 720.13 shall, at the time of making the return, pay the amount of taxes stated thereon to the City Auditor. The payments shall be paid into the City Treasury. The City Auditor may adopt uniform rules and regulations not inconsistent with this section governing the method of making payments.

720.16 INTEREST ON UNPAID TAX

If the tax imposed by this chapter is not paid when due, there shall be added, as a part of the tax, interest at the rate of one percent a month from the time that the tax became due until paid.

720.17 RECORDS OF RECEIPTS

Each person required by this chapter to collect and pay, or to pay the taxes imposed, shall keep such records of receipts and other pertinent documents in such form as the Auditor may by such regulation require. Such records and other documents shall be open at any time during business hours to the inspection of the Auditor or his duly authorized agent, and shall be preserved for a period of three years, unless the Auditor shall in writing consent to their destruction within that period or require that they be kept longer.

720.18 BONDS OR SECURITIES TO SECURE PAYMENT

The Auditor may require any person required by this chapter to collect and pay or to pay the taxes hereby imposed to file a bond, subject to the approval of the Law Director, with security to the approval of the Auditor, and in such amount as the Auditor may fix, conditioned for the collection and payment, or the

payment of any such taxes due or which may become due from such person. Such bonds when approved by the Auditor shall be deposited in his officer. In lieu of such bonds, securities approved by the Auditor may be deposited with him and shall be kept by him as security for the payment of such tax, interest or penalty, or both. The Auditor may sell any securities so deposited with him at public or private sale without notice to the depositor thereof, if it becomes necessary to do so in order to recover the amount of such tax, interest or penalty, or both, due or unpaid. Upon such sale the surplus, if any, above such amounts so due and unpaid shall be returned to the depositor of the securities.

720.19 REFUNDS MAY BE CREDITED

The Auditor may by such regulations permit any person making a refund of any payment upon which a tax is collected under this chapter to repay therewith the amount of the tax collected on such payment and provide for the crediting of the amount so repaid against the amounts included in any subsequent return.

720.20 TAXES AS LIENS; WITHHOLDING TAX FROM PURCHASE PRICE UPON SALE

The taxes imposed by this chapter shall be a lien upon all of the property of any person required to collect and pay or to pay the same. If he shall sell out his business or shall retire from the business, such person shall be required to make out the return provided by this chapter within thirty days after the date of sale of such business or retirement therefrom, and his successor in business shall be required to withhold a sufficient amount of the purchase money to cover the amount of the taxes so collected and unpaid, together with interest, if any, until such time as the former owner shall produce a receipt from the Auditor showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business shall fail to withhold purchase money as provided, the taxes so collected and unpaid on account of the operation of the business by the former owner, together with interest, shall be a lien against the purchaser.

720.21 CERTIFICATION AND RECORDING OF LIEN

The lien for unpaid taxes imposed by Section 720.20 shall not become effective until such time as the Auditor shall certify to the County Auditor the amount of taxes delinquent and such certification is placed on record by the County Recorder in a book maintained for that purpose.

720.22 ADDITIONAL ASSESSMENTS; NOTICE AND HEARING

If the Auditor is not satisfied with the return and payment of taxes made by any person under the provisions of this chapter, he is authorized and empowered to make an additional assessment of the tax due by such taxpayer, based upon the facts contained in the return or otherwise acquired. Promptly after the date of such additional assessment, the Auditor shall give or send by mail a notice thereof to such person, together with a written notice of the time and place where such person may be heard on a petition for reassessment as provided by Section 720.26.

720.23 ESTIMATED ASSESSMENTS; PENALTY AND NOTICE

If a person whose duty it is to collect and pay or to pay the taxes imposed by this chapter shall neglect or refuse to file any return required by this chapter, or having tendered a return, shall neglect or refuse to pay the amount of taxes imposed by this chapter as shown by such return, the Auditor shall make an estimated assessment of the probable amount of the taxes payable by the delinquent, to which shall be added a penalty of ten percent of the amount assessed. The Auditor shall promptly thereafter give or send by mail notice of such estimated assessment and penalty to the person against whom the same shall have been made.

720.24 ESTIMATED ADDITIONAL ASSESSMENTS; NOTICE AND HEARING

The Auditor shall have the power to make an estimated additional assessment to which shall be added a penalty of ten percent of the assessment against any person who has filed any return as required by this chapter, but who refuses to permit the Auditor or a duly authorized deputy to examine his books of account and papers pertaining to the business for which the return was made. The Auditor shall promptly thereafter give or send by mail notice of such estimated additional assessment and penalty to such person, together with written notice of the time and place where such person may be heard on a petition for reassessment.

720.25 ASSESSMENTS; WHEN DUE AND PAYABLE

All taxes and penalties resulting from any assessment made by the Auditor shall be due and payable ten days after notice thereof is given or sent by mail to the person against whom such assessment shall have been made.

720.26 REASSESSMENTS

Any person against whom an additional assessment, estimated assessment or estimated additional assessment, as provided by Sections 720.22 through 720.25,

shall be made by the Auditor, may file an application for reassessment with the Auditor. Such application shall be filed within thirty days after receipt of notice of such estimated assessment and penalty from the Auditor and shall contain all the arguments and reasons why such assessment and penalty should be reserved, vacated or modified. Within twenty days of the filing of such application for reassessment, the Auditor shall redetermine his former assessment, estimated assessment or estimated additional assessment and shall either affirm, vacate or modify the same.

Such determination shall be final and the assessment, estimated assessment or estimated additional assessment shall become payable ten days after notice thereof is given or sent by mail to the person filing the application.

720.27 METHOD OF GIVING NOTICE

Any notice authorized or required under the provisions of this chapter may be given by mailing the same to the person for whom it is intended, in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this chapter. If no return was filed, then notice may be mailed to such address as may be obtainable. The mailing of such notice shall be prima-facie evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this chapter by the giving of notice shall commence to run from the date of mailing such notice."

is hereby amended to read as follows:

"720.01 DEFINITIONS

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Coin-operated mechanical amusement device" means a machine which, upon the insertion of a coin or slug, begins to operate or which may be operated for use as a game, contest or amusement of any description, or which shall allow the playing of a game or shall cause the playing of music (e.g., pinball, video game, juke box, pool table, etc...); provided, that nothing contained in this section shall be deemed as allowing the use or licensing of gambling devices, and that this definition shall not be deemed to be exclusive.

(b) "Person" means any person or entity, partnership, firm, corporation, association, organization, fellowship, institution, or foundation.

(c) "Operator" means any person who contracts or permits any coin-operated mechanical amusement device to be installed, used and operated within the City of Marion irrespective of ownership.

(d) "Distributor" shall include any person which sells, leases, rents, or otherwise distributes coin-operated mechanical amusement device(s) within the City of Marion.

(c) "Owner" shall include any person which owns or has legal title to any coin-operated mechanical amusement device.

(f) "Device" hereafter refers to all coin-operated mechanical amusement devices.

720.02 COMPLIANCE WITH CHAPTER

No person shall keep, maintain, permit or allow any licensed device for amusement or music-playing purpose in or upon their premises except as provided in this chapter. No person, owning or operating a device within the City, shall violate or fail to comply with the requirements of this chapter.

720.03 LICENSE REQUIRED

Device License - No owner or operator shall install or permit the use of any device, as defined by Section 720.01 and no person shall display or offer for use such a device, without first obtaining a license for such device as provided by this chapter.

Owner/Distributor License - No owner who owns more than two (2) devices nor any distributor shall display, sell, lease, rent, or otherwise distribute any device within the City, without first obtaining an owner/distributor license as provided by this chapter.

720.04 APPLICATION

Device Application - No license for a device shall be issued by the City Auditor until an application for a license has been made and approved by the City Auditor.

Owner/Distributor Application - An application is required by any owner who owns more than two (2) coin-operated mechanical amusement devices and by all distributors. This application is in addition to the device application.

The above application(s) shall be furnished by the City Auditor and shall require the giving of information deemed necessary by the City Auditor. Such information as may be required shall be limited to a questionnaire designed and prescribed by the City Auditor for the best interests of the City.

720.05 DENIAL OR REVOCATION; HEARING AND APPEAL

The City Auditor may refuse or revoke a device or owner/distributor license for any of the following reasons: the device is determined to be objectionable for the use in the City; failure or refusal to abide by the regulations set forth by the City Auditor; failure or refusal to abide by the requirements of this chapter; operator, owner, or distributor has been convicted of a felony or a crime involving moral turpitude within five (5) years next preceding the date of the application.

The City Auditor may require a meeting with the licensing applicant to determine the propriety of issuing, renewing, or revoking any license. In the event that the City Auditor shall revoke or refuse to issue any license, then the person holding or applying for a license shall, within thirty (30) days, have the right to appeal to Council. Council, by a majority vote thereof, shall approve or disapprove of the City Auditor's findings. In the event that the City Auditor's finding is disapproved, the Council shall order a license to be issued or renewed forthwith.

720.06 REMOVAL OF DEVICES AFTER REVOCATION

In the event any license is revoked as provided by Section 720.05, the fee paid to the City as required by Section 720.08 shall be retained by the City. The machines involved shall be removed by the owner/distributor within three (3) days after notice is given by registered mail. In the event the machines are not removed within the three (3) day period, they shall be removed by the Division of Police, held for the owner/distributor, and released upon payment of the cost of removal, storage, and any accrued penalties.

720.07 DURATION OF LICENSES

All licenses required by this chapter shall be obtained for one year beginning January 1st and ending December 31st of the same calendar year. License issued during the year are valid through December 31st of that calendar year.

720.08 ANNUAL FEE(S)

Device Fee - The fee to be paid by the owner or distributor for each device license, granted under the provisions of this chapter, shall be ten dollars (\$10.00) per device per year.

Owner/Distributor Fee - The fee to be paid by any owner who owns more than two (2) devices and by all distributors for an owner/distributor's license, granted under the provisions of this chapter, shall be one hundred dollars (\$100.00) per year. This fee is in addition to the device license fee.

720.09 ISSUANCE AND POSTING

The Auditor shall deliver to each applicant who meets the requirements for issuance a device license which shall be posted in a conspicuous place where the device is located.


720.27 METHOD OF GIVING NOTICE

Any notice authorized or required under the provisions of this chapter may be given by mailing the same to the person for whom it is intended, in a postpaid envelope addressed to such person at the address given on the last application filed pursuant to the provisions of this chapter. If no application was filed, then notice may be mailed to such address as may be obtainable. The mailing of such notice shall be prima-facie evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this chapter by the giving of notice shall commence to run from the date of mailing such notice.

720.99 PENALTIES

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree carrying a maximum penalty of thirty (30) days imprisonment or a fine of two hundred and fifty dollars (\$250.00) or both. A separate offense shall be deemed committed each day during on which a violation occurs or continues."

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

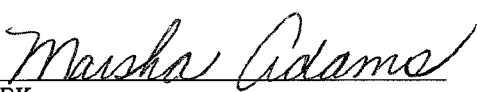

PRESIDENT OF COUNCIL

PASSED: May 26, 1992

APPROVED: May 27, 1992


MAYOR

ATTEST:


CLERK

Published
The Marion Star
June 22, 29, 1992
Marsha Adams
Clerk of Council

ORDINANCE NO. 1992-34

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE INSTALLATION OF AN UNDERGROUND FUEL TANK FOR MARION AREA TRANSIT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and she is hereby authorized to prepare specifications and advertise for bids for the installation of an underground fuel tank for Marion Area Transit.

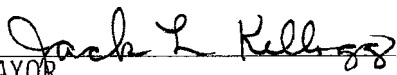
Section 2. That the cost of said underground fuel tank, approximately \$55,830.00, shall be payable from the Transit Fund - 502.06.512.250.000.450 - Capital Equipment.

Section 3. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that this year's bidding prices must be obtained under the terms of the Grant; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: May 26, 1992

APPROVED: May 27, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

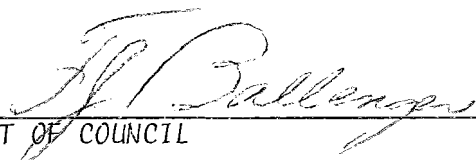
ORDINANCE NO. 1992-35

ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR A COMPREHENSIVE HOUSING IMPROVEMENT STRATEGY GRANT THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT, AND TO ADMINISTER SAID GRANT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Mayor be and he is hereby authorized to apply for a Comprehensive Housing Improvement Grant for \$7,500.00, through the Ohio Department of Development, and to administer said Grant.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the application must be submitted by June 1, 1992; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: May 26, 1992

APPROVED: May 27, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 36

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CLEANING AND SEALING OF CRACKS AND/OR JOINTS IN THE ASPHALT AIRCRAFT RAMP AT MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and she is hereby authorized to prepare specifications and advertise for bids for the cleaning and sealing of approximately 22,020 linear feet of cracks and/or joints in the asphalt aircraft ramp at Marion Municipal Airport.

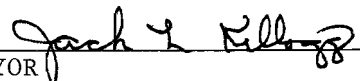
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary to meet certain deadlines imposed by the Department of Transportation as a condition of the Grant awarded to the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: May 26, 1992

APPROVED: May 27, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount of \$9,600.00 as follows:

General Fund

Recreation Fund

Professional Services	101-03-422-230-000-320	\$ 5,000.00
Supplies	101-03-422-240-000-420	2,535.00
Equipment	101-03-422-250-000-450	<u>2,065.00</u>
TOTAL GENERAL FUND		\$ 9,600.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

*defeated
June 22, 1992*

ORDINANCE NO. 1992-38

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BERRY & MILLER CONSTRUCTION COMPANY FOR THE QU QUA DITCH CLEANING PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1992-19 authorized the Safety/Service Director to prepare plans and specifications and advertise for bids for the cleaning of the Qu Qua Ditch in the City of Marion, Ohio, and

WHEREAS, Berry & Miller Construction Company submitted the low bid of \$64,140.00 for the project

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

Section 1. That the Safety/Service Director is hereby authorized and directed to enter into contract with Berry & Miller Construction Company for the cleaning of the Qu Qua Ditch in the City of Marion, Ohio.

Section 2. That the cost of the \$64,140.00 contract shall be payable from the Engineering Professional Services Fund 101-07-743 230-000-320

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK OF COUNCIL

*defeated
June 8, 1992*

ORDINANCE NO. 1992-39

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE
YEAR ENDING DECEMBER 31, 1992, AND DECLARING AN
EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount
of ~~\$85,102.00~~ as follows:

20,962.00

General Fund

~~Engineering Professional Services~~ ~~101-01-143-230-000-320~~ ~~\$=64,140.00=~~

Police Salaries 101-01-111-210-000-111 962.00

TOTAL GENERAL FUND \$ ~~65,102.00~~
962.00

Street Construction Maintenance & Repairs

Contractual Services 207-06-612-230-000-531 \$ 20,000.00

TOTAL SCMR FUND 20,000.00

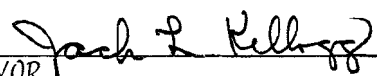
Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and for the further
reason that it is necessary for the daily operation of said City; and as such,
shall take effect and be in force immediately upon its passage and approval by
the Mayor provided it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and after the
earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992

*As amended on Council floor 06/08/92


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-40

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF SUPPLIES, MATERIALS AND SERVICES FOR THE SERVICE DEPARTMENT AND SAFETY DEPARTMENT OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is hereby authorized to contract and purchase supplies, materials and services, to-wit: Crushed limestone (various sizes), concrete transit mixed, asphalt concrete, pre-mixed patching materials, motor oil, transmission oil, hydraulic hoist oil, chassis grease, wheel bearing grease, gasoline, diesel fuel, anti-freeze, salt, sign blanks, tires, paint, etc.

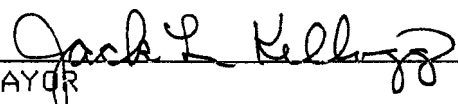
Section 2. That said Safety/Service Director shall advertise for bids for such supplies, materials and services and shall be authorized and directed to enter into written contracts with the lowest and best bidders for said supplies, materials and services required for a period of one year or fraction of one year beginning June 1, 1992 and terminating not later than May 31, 1993. Said Safety/Service Director may reject any or all bids.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the present contracts will expire May 31, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it received the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


 PRESIDENT OF COUNCIL

PASSED: June 8, 1992

APPROVED: June 9, 1992


 MAYOR

ATTEST:


 CLERK OF COUNCIL

ORDINANCE NO. 1992-41

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A LEASE WITH THE MARION COUNTY COMMISSIONERS FOR THE LEASING OF CERTAIN LANDS FOR USE AS AN OFF-STREET PARKING AREA FOR THE CITY OF MARION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined by the Council that off-street parking facilities should be provided for use by the residents of the City, and

WHEREAS, the Marion County Commissioners have proposed to renew the lease of certain lands to the City for use as an off-street parking area;

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

Section 1. That the Safety/Service Director is hereby authorized and directed on behalf of the City of Marion, Ohio to enter into a lease with the Marion County Commissioners for the following described land for use as an off-street public metered parking area:

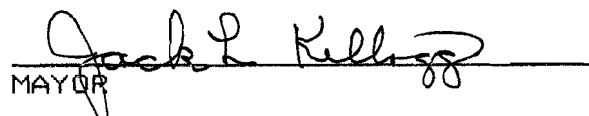
Situated in the City of Marion, County of Marion, and State of Ohio, and known as being lots Numbers fifty seven (57) and fifty eight (58); Map No. 10-18' X 165'; Map No. 11-16' X 165'; Map No. 12-16' X 165'; Map No. 13-4 -66.24' X 165', otherwise known as the parking lot adjacent to the Marion County Court House, in the Original Town, now City of Marion, Ohio.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the present contract expired June 1, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: June 8, 1992

APPROVED: June 9, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992 - 42

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT
TO OHIO REVISED CODE §5705.41(D), AND DECLARING
AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$ <u>430.00</u>
TOTAL	\$ 430.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

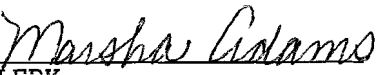

PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-43

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR RESURFACING AND IMPROVING OF CERTAIN STREETS IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, advertise for bids and enter into contract for the resurfacing and improving of the following described streets in the City of Marion, Ohio:

RESURFACING

	<u>FROM</u>	<u>TO</u>
1. Fairlane Avenue	entire	
2. Fairview Street	entire	
3. Fairwood Avenue	entire	
4. Franklin Street	entire	
5. George Street	entire	
6. Jefferson Street	Fairground Street	George Street
7. Kensington Place	Indiana Avenue	Center Street
8. Madison Avenue	Center Street	North Corporation Line
9. McKinley Park Boulevard	entire	
10. Vernon Heights Boulevard	entire	
11. Windsor Street	Church Street	Duluth Avenue


Section 2. That the cost of such contract shall be payable from the SCM&R Fund 207-06-612-230-000-530 (Permissive Auto Tax), 207-06-612-230-000-531 (resurfacing projects) and the Ohio Public Works Commission's Local Transportation Improvement Program (LTIP) Fund (80% grant for Vernon Heights/McKinley Park Boulevards).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the inhabitants thereof and for the further reason that the construction season for this project is limited to the summer months; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-44

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO
CONDUCT A FRACTURE TRACE ANALYSIS AT THE MARION CITY
LANDFILL, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is
hereby authorized and directed to prepare specifications and
advertise for bids to Conduct a Fracture Trace Analysis at
the Marion City Landfill.

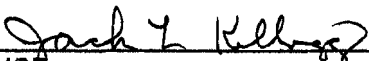
Section 2. That this ordinance is hereby declared to be
an emergency measure necessary for the immediate preservation
of the public health, welfare and safety of the City of
Marion and the inhabitants thereof and for the further reason
that it is necessary for the daily operation of said City;
and as such, shall take effect and be in force immediately
upon its passage and approval by the Mayor provided it
receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from
and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1992-45

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO
INSTALL EIGHT MONITORING WELLS AT THE MARION CITY
LANDFILL, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is
hereby authorized and directed to prepare specifications and
advertise for bids to install eight Monitoring Wells at the
Marion City Landfill.


Section 2. That this ordinance is hereby declared to be
an emergency measure necessary for the immediate preservation
of the public health, welfare and safety of the City of
Marion and the inhabitants thereof and for the further reason
that it is necessary for the daily operation of said City;
and as such, shall take effect and be in force immediately
upon its passage and approval by the Mayor provided it
receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from
and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1992 - 46

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
ENTER INTO CONTRACT FOR THE CLEANING AND SEALING OF
CRACKS AND/OR JOINTS IN THE ASPHALT AIRCRAFT RAMP AT
THE MARION MUNICIPAL AIRPORT, ^{and}DECLARING AN EMERGENCY.

WHEREAS, the Safety/Service Director received bids as per Ordinance No. 1992-36, and

WHEREAS, Strawser, Inc. submitted the lowest and best bid,

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

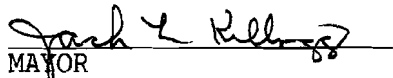
Section 1. That subject to the approval of the Ohio Department of Transportation, Division of Aviation, that the Safety/Service Director be authorized and she is hereby directed to enter into contract with Strawser, Inc. for the cleaning and sealing of cracks and/or joints in the asphalt aircraft ramp at the Marion Municipal Airport.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

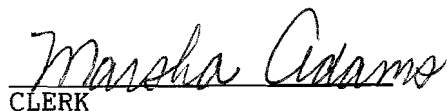

PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 47

ORDINANCE TO AUTHORIZE THE MAYOR TO REQUEST PROPOSALS
FOR THE STUDY OF THE MARION INDUSTRIAL PARK IN
COOPERATION WITH THE MARION COUNTY COMMISSIONERS, AND
DECLARING AN EMERGENCY.

WHEREAS, both Marion City and Marion County have applied for and received approval of \$10,000.00 each for a total of \$20,000.00 of Community Development Block Grant funds for topographic study, environmental assessment, and preliminary site drawings of an Industrial Park adjacent to Marion City Airport, and

WHEREAS, the land is owned by the City of Marion, and

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

Section 1. The Mayor is authorized to request proposals for the study of an Industrial Park and enter into an agreement with the Marion County Commissioners for payment of the County share of funds.

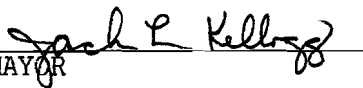
Section 2. It is understood that approval of the Consultant contract will be by Marion City Council at a later date after consulting with the Marion County Commissioners.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 48

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount of \$201,249.00 as follows:

General Fund

Transfer to Airport Improvement Fund	101-09-745-270-000-707	\$21,000.00
TOTAL GENERAL FUND		\$21,000.00

Airport Improvement Fund

Land & Building Maintenance	446-06-216-230-000-370	\$17,449.00
TOTAL AIRPORT IMPROVEMENT FUND		\$17,449.00

Parks Fund

Capital Improvements	221-03-421-250-000-526	\$12,000.00
TOTAL PARKS FUND		\$12,000.00


Street Improvement Fund

Resurfacing Projects	461-06-614-230-000-531	\$144,000.00
TOTAL STREET IMPROVEMENT FUND		\$144,000.00

Landfill Monitoring Fund

Professional Services	507-05-563-230-000-320	\$6,800.00
TOTAL LANDFILL MONITORING FUND		\$6,800.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992


MAYOR

ATTEST:


CLERK

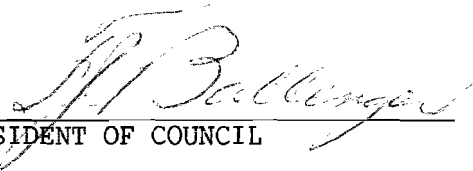
ORDINANCE NO. 1992 - 49

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
INSURANCE COVERAGE (EXCLUDING GENERAL LIABILITY) FOR
THE CITY OF MARION.

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


Section 1. That the Safety/Service Director be and she is hereby directed to prepare specifications and advertise for bids for insurance coverage, excluding general liability, for the City of Marion.

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



PRESIDENT OF COUNCIL

PASSED: June 22, 1992

APPROVED: June 23, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-50

ORDINANCE FINDING THAT CERTAIN PUBLIC OFFICIALS HAVE NOT BEEN PAID ACCORDING TO LAW AND MAKING ADDITIONAL APPROPRIATIONS FOR THE YEAR ENDING DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

WHEREAS, the Marion City Council has established by Ordinance, the salaries and cost of living increases to various public officials, and

WHEREAS, these salaries have been improperly calculated based upon the failure to add the cost of living increases to the base rate of these salaries and the past due salaries of those public officials have not been paid, although the City is legally bound to pay, and

WHEREAS, many elected officials deferred payments of their cost of living increases,

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

Section 1. That the salaries of the following public officials shall be established:

Mayor	\$45,291.18
Auditor	\$37,000.00
Law Director	\$29,439.26
Treasurer	\$5,285.65
Council	\$5,285.65

Section 2. That the following individuals are entitled to past due salaries and/or deferred COLA increases and the Auditor is directed to pay the following sums:

Ronald Malone	\$3,214.47
F. J. Ballenger	\$1,620.76
576.29	
<u>1,284.10</u>	
1,860.39	
<u>(239.63)</u>	
1,620.76	
Robert S. Brown	\$19,019.53
Jack Kellogg	\$5,527.30
4,074.54	
<u>1,452.76</u>	
5,527.30	
Robert Cramer	\$18,217.72
S. Fred Ziegler	\$803.79
Dave Williamson	\$1,364.87
John Hix	\$11,542.30
Michael Grimes	\$2,648.45
Ed Schwaderer	\$87.89
Tom Shesky	\$460.15
Kim McCleese	\$803.22
Pam Pierron	\$84.35
Dick Arnt	\$1,260.34
Robert L. Brown	\$2,611.51
Tim Combs	\$2,614.87
Lois Weber	\$145.23
Rick Drollinger	\$1,389.69
Lowell Hamburg	\$154.58
Jean Hoffman	\$644.73
Janet Musser	\$1,279.48
Michelle Pierson	\$149.48
Ken Postell	\$1,102.17
J. C. Ratliff	\$154.58
Ivan Stithem	\$808.09
John Veach	\$376.61
Ed Ward	\$154.58
Fred Foos	\$325.55
Robin Loreno	\$325.55
Larry Mumper	\$325.55
Kathy Lyons	\$325.55

*defeated
June 22, 1992*

Section 3. That there be appropriations made in the General Fund in the amount of \$108,072.69 as follows:

<u>Mayor</u>		
Salaries	101-07-710-210-000-110	\$31,027.66
Benefits	101-07-710-210-000-120	6,469.20
<u>Auditor</u>		
Salaries	101-07-711-210-000-110	\$18,217.72
Benefits	101-07-711-210-000-120	3,561.56
<u>Treasurer</u>		
Salaries	101-07-713-210-000-110	\$1,682.27
Benefits	101-07-713-210-000-120	352.00
<u>Law Director</u>		
Salaries	101-07-714-210-000-110	\$19,052.24
Benefits	101-07-714-210-000-210	3,969.52
<u>Council</u>		
Salaries	101-07-721-210-000-110	\$20,039.78
Benefits	101-07-721-210-000-120	<u>3,700.74</u>
TOTAL GENERAL FUND		\$108,072.69

Section 4. That the following individuals have been overpaid and the Law Director is directed to seek collection from the following individuals:

Michael Brown	\$146.19
Pat Niedig	\$256.27
Cindy Libster	\$239.38

Section 5. That the Law Director is directed to determine whether any recovery of the overpaid salaries is feasible and to determine the appropriate action to be taken.

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

ORDINANCE NO. 1992-51

ORDINANCE TO VACATE THAT PORTION OF NORTH GRAND AVENUE, BETWEEN FAIRGROUND STREET AND FLEETWOOD AVENUE, THAT LIES WITHIN THE CITY LIMITS.

WHEREAS, in the opinion of this Council, there is good cause for vacating that portion of North Grand Avenue, between Fairground Street and Fleetwood Avenue, that lies within the city limits, and

WHEREAS, the petition to vacate this portion of North Grand Avenue was approved by the Marion City Planning Commission at its meeting of May 5, 1992, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described avenue, to-wit:

Situated in the City of Marion, County of Marion and State of Ohio, and bounded and described as follows:

Being that portion of Grand Avenue located in the City of Marion, running from the south line of Fairground Street to the north line of Fleetwood Avenue.

Being further described as follows: Beginning at the north-east corner of Lot 6463 in Fleetwood Addition to the City of Marion, Ohio; thence east on the south line of Fairground Street to a point on the east line of Section 22, Marion Township; thence south on said Section line to a point where said Section line meets the North line of Fleetwood Avenue; thence west to the southeast corner of Lot 6480 of said Addition; thence North on the east line of Lots 6480 and 6463 to the place of beginning,

be and is hereby vacated.

Section 2. That title to the above real estate shall revert to the abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said property herein is specifically made subject to the continued existence of any such existing right-of-way or easement, unless the abutting property owners renegotiate with the utility another right-of-way or easement.

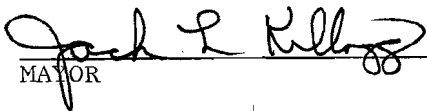
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

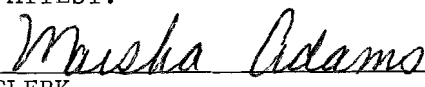


PRESIDENT OF COUNCIL

PASSED: July 27, 1992
APPROVED: July 28, 1992



MAYOR

ATTEST:


CLERK

published
The Marion Star
June 1, 8, 15, 22, 29, 1992
July 6, 1992
Marsha Adams
Clerk of Council

ORDINANCE NO. 1992-52

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR STREET IMPROVEMENTS ON BALLENTINE AVENUE AND PATTERSON STREET IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, advertise for bids and enter into contract for the installation of new curbs and sidewalks and asphalt resurfacing on Ballentine Avenue from Quarry Street to Farming Street and on Patterson Street from George Street to Mark Street.

Section 2. That the cost of such contract shall be payable from the City of Marion's Comprehensive Housing/Neighborhood Revitalization Program, Formula Grant and General Fund (\$15,000; Ordinance 1991-52).

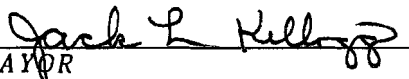
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the inhabitants thereof and for the further reason that the construction season for this project is limited to the summer months; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL


Passed: July 14, 1992

Approved: July 15, 1992



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1992 - 53

SAFETY
ORDINANCE AUTHORIZING THE /SERVICE DIRECTOR TO PREPARE
SPECIFICATIONS AND ADVERTISE FOR BIDS FOR JANITORIAL
SERVICES FOR THE MUNICIPAL BUILDING, 233 WEST CENTER
STREET, MARION, OHIO.

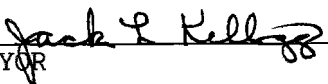
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the ^{Safety}Service Director be and he is hereby authorized and directed to prepare specifications and advertise for bids for janitorial services for the Municipal Building, 233 West Center Street, Marion, Ohio, for a one-year period with the option to renew for an additional one-year period.

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


PRESIDENT OF COUNCIL

PASSED: *July 14, 1992*APPROVED: *July 15, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 54

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO INSTALL
TEN MONITORING WELLS AT THE MARION CITY LANDFILL, AND
DECLARING AN EMERGENCY.

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

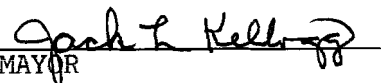
Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids to install ten Monitoring Wells at the Marion City Landfill.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: July 14, 1992

APPROVED: July 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 55ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
ENTER INTO CONTRACT FOR THE PURCHASE OF LEACHATE
COLLECTION SYSTEM MATERIALS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1992-26 directed the preparation of specifications and advertising for bids for the purchase of PVC Pipe and Manhole/Sump Unit for a leachate collection system at the Marion City Landfill, and

WHEREAS, said advertising did occur on June 9, and June 16, 1992, and

WHEREAS, the City received no bids,

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

Section 1. That the Safety/Service Director is authorized and is hereby directed to enter into contract with Advanced Drainage Systems for the purchase of materials necessary for the installation of a leachate collection system at the Marion City Landfill.

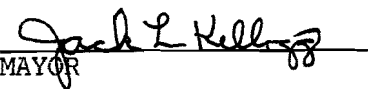
Section 2. That said contract shall be payable from the Landfill Monitoring Fund, Account No. 507-05-563-240-000-420.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: July 14, 1992

APPROVED: July 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 56

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN INVOICE
FROM THE SANITATION FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion and AFSCME, Ohio Council 8 and Local Union #1158, recently had a matter of arbitration before Louis M. Thomson, Jr., and

WHEREAS, said arbitrator found for the Union, and

WHEREAS, Article 7, Section 2, Paragraph C of the bargaining agreement states "Cost of arbitration shall be borne by the Loser".

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

Section 1. That the City Auditor is hereby authorized and directed to pay Louis M. Thomson, Jr., Arbitrator, \$2,295.30 for services rendered and fees charged in connection with FCMS No. 91-16167.

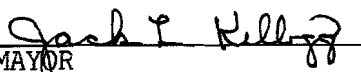
Section 2. That said invoice shall be payable from Account No. 506-05-561-230-000-320 in the Sanitation Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 14, 1992

APPROVED: July 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
FOR THE YEAR ENDING DECEMBER 31, 1992, AND
DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the amount of ~~\$38,001.46~~ as follows:
\$26,450.00

General Fund

Mayor	Salaries	101-07-710-210-000-110	\$2,953.04	
	Benefits	101-07-710-210-000-120	411.95	
Auditor	Salaries	101-07-711-210-000-110	346.19	
	Benefits	101-07-711-210-000-120	69.06	
Treasurer	Salaries	101-07-713-210-000-110	401.98	
	Benefits	101-07-713-210-000-120	70.92	
Law Director	Salaries	101-07-714-210-000-110	803.79	
	Benefits	101-07-714-210-000-120	112.13	
Council	Salaries	101-07-721-210-000-110	6,406.98	
	Benefits	101-07-721-210-000-120	965.42	
TOTAL GENERAL FUND				\$12,541.46

Senior Citizens Block Grant Fund

Salaries	205-03-542-210-000-110	\$1,228.00	
Travel	205-03-542-220-000-220	264.00	
Equipment Maintenance	205-03-542-230-000-360	200.00	
Supplies	205-03-542-240-000-420	558.00	
TOTAL SENIOR CITIZENS BLOCK GRANT FUND			\$2,250.00

Health Fund

Blight Control	214-02-222-230-000-427	\$8,200.00	
TOTAL HEALTH FUND			\$8,200.00

Landfill Monitoring Fund

Supplies	507-05-563-240-000-420	\$16,000.00	
TOTAL LANDFILL MONITORING FUND			\$16,000.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

J. Ballenger
PRESIDENT OF COUNCIL

PASSED: July 14, 1992

APPROVED: July 15, 1992

*As amended on Council floor 07/14/92

Jack L. Kellogg
MAYOR

ATTEST:

Marsha Adams
CLERK

ORDINANCE NO. 1992 - 58ORDINANCE AUTHORIZING THE PURCHASE OF CAPITAL EQUIPMENT
EXCEEDING \$2,500.00 IN COST, AND DECLARING AN EMERGENCY.

WHEREAS, City Council passed Ordinance No. 1991-136 requiring approval of all Capital Expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Ohio, and

WHEREAS, the Human Resources Director is in need of computer equipment, tables, and filing cabinets.

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

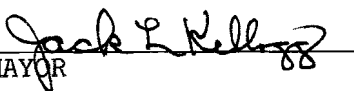
Section 1. That the Human Resources Director is hereby authorized to purchase said equipment in an amount not to exceed \$4,900.00.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 14, 1992

APPROVED: July 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-59

AN ORDINANCE APPROVING THE DRAFT SOLID WASTE MANAGEMENT PLAN OF THE DELAWARE, KNOX, MARION, MORROW JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT.

WHEREAS, the Board of County Commissioners of Delaware, Knox, Marion and Morrow Counties have established the Delaware, Knox, Marion, Morrow Joint County Solid Waste Management District (the "District") and have established and convened a "Solid Waste Management Policy Committee" (the "Policy Committee") in accordance with Section 3734.54 of the Revised Code to prepare a "Solid Waste Management Plan" (the "Plan") for the District as required by Section 3734.54; and

WHEREAS, the Policy Committee completed a draft Plan for the District and submitted that Plan to the Director of the Ohio Environmental Protection Agency for preliminary review and comment in accordance with Sections 3734.54 and 3734.55 of the Revised Code; and

WHEREAS, the Policy Committee received the Director's written, nonbinding advisory opinion regarding the draft Plan and established a public comment period and held a public hearing concerning the draft Plan; and

WHEREAS, the Policy Committee, after consideration of comments and recommendations received concerning the draft Plan, made certain modifications to the draft Plan and has adopted and submitted to this legislative authority a copy of the draft Plan for the District as so modified (the "Final Draft Plan"); and

WHEREAS, this legislative authority is required by Division (B) of Section 3734.55 of the Revised Code to approve or disapprove the Final Draft Plan within 90 days after receiving a copy of the Final Draft Plan and has been requested to approve the Final Draft Plan;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Marion, State of Ohio:

Section 1. The Final Draft Plan is hereby approved in the form submitted to this legislative authority and presently on file with the Clerk of this legislative authority.

Section 2. The Clerk of this legislative authority is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Ordinance to the Policy Committee.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

*Improperly placed on
Council agenda. See
Council Rule 56.*

ORDINANCE NO. 1992 - 60

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT AND APPROPRIATING FUNDS TO CONDUCT A FRACTURE TRACE ANALYSIS AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-44 authorized the advertising and bidding for a fracture trace analysis at the Marion City Landfill, and

WHEREAS, Floyd Browne Associates, Inc. submitted the lowest and best bid, and

WHEREAS, there are insufficient appropriations to certify for the analysis,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc. to conduct a fracture trace analysis at the Marion City Landfill.

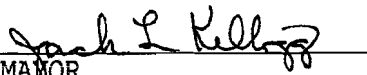
Section 2. That the \$4,257.00 cost of said contract shall be payable from the Landfill Monitoring Fund Account No. 507-05-563-230-000-320 and are hereby appropriated.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the analysis is to be completed by July 26, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 14, 1992

APPROVED: July 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
IN THE GENERAL FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the General Fund in the amount of \$12,541.46 as follows:

General Fund

Mayor	Salaries	101-07-710-210-000-110	\$2,953.04
	Benefits	101-07-710-210-000-120	411.95
Auditor	Salaries	101-07-711-210-000-110	346.19
	Benefits	101-07-711-210-000-120	69.06
Treasurer	Salaries	101-07-713-210-000-110	401.98
	Benefits	101-07-713-210-000-120	70.92
Law Director	Salaries	101-07-714-210-000-110	803.79
	Benefits	101-07-714-210-000-120	112.13
Council	Salaries	101-07-721-210-000-110	6,406.98
	Benefits	101-07-721-210-000-120	<u>965.42</u>

TOTAL GENERAL FUND

\$12,541.46

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: July 27, 1992

APPROVED: July 28, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 62

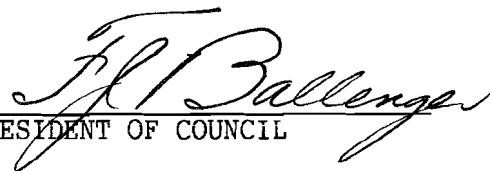
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
IN THE SWIMMING POOL FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the Swimming Pool Fund in the amount of \$10,312.00 as follows:

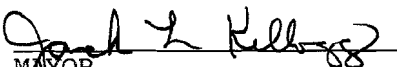
<u>Swimming Pool Fund</u>			
Salaries	516-03-423-210-000-110	\$8,000.00	
Benefits	516-03-423-210-000-120	1,680.00	
Supplies	516-03-423-240-000-420	<u>632.00</u>	
TOTAL SWIMMING POOL FUND			\$10,312.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: July 27, 1992

APPROVED: July 28, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 63

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
IN THE WIC FUND FOR THE YEAR ENDING
DECEMBER 31, 1992.

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

Section 1. That there be additional appropriations made in the WIC Fund in the amount of ~~\$64,075.00~~ as follows:
\$79,075.00

WIC Fund

Salaries	215-02-543-210-000-110	\$39,500.00	
Benefits	215-02-543-210-000-120	16,000.00	
Travel	215-02-543-220-000-220	375.00	
Prof. Service	215-02-543-230-000-320	350.00	
Equip. Maint.	215-02-543-230-000-360	300.00	
Bldg. Lease	215-02-543-230-000-371	3,750.00	
Supplies	215-02-543-240-000-420	2,500.00	
Equipment	215-02-543-250-000-450	1,300.00	
Bldg. Lease FY92	215-02-542-230-000-371	<u>15,000.00</u>	
TOTAL WIC FUND			\$64,075.00 <u>\$79,075.00</u>


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


PRESIDENT OF COUNCIL

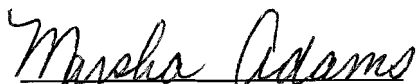
PASSED: July 27, 1992

APPROVED: July 28, 1992

*AS AMENDED ON COUNCIL FLOOR 07/27/92


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
THE LANDFILL MONITORING FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the
Landfill Monitoring Fund in the amount of \$9,708.00 as follows:

Landfill Monitoring Fund

Professional Services	507-05-563-230-000-320	<u>\$9,708.00</u>
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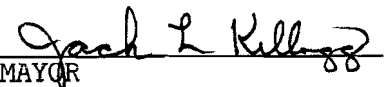
TOTAL LANDFILL MONITORING FUND	\$9,708.00
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Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and for the further
reason that it is necessary for the daily operation of said City; and as such,
shall take effect and be in force immediately upon its passage and approval by
the Mayor provided it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and after the
earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 27, 1992

APPROVED: July 28, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 65ORDINANCE REDUCING APPROPRIATIONS IN THE
STREET DEPOSIT TRUST FUND FOR THE YEAR ENDING
DECEMBER 31, 1992.

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

Section 1. That there be a reduction of appropriations made in the
Street Deposit Trust Fund in the amount of \$154.00 as follows:

Trust Expenditures 730-09-816-270-000-731 (\$154.00)

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


PRESIDENT OF COUNCIL

PASSED: *July 27, 1992*APPROVED: *July 28, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 66

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
SELL FOUR LOTS LOCATED ON EDWARDS STREET IN THE CITY
OF MARION AND OWNED BY THE CITY.

WHEREAS, pursuant to Ordinance 1992-21, the Safety/Service Director was authorized to prepare specifications and advertise for bids to sell four lots owned by the City of Marion and located on Edwards Street, and

WHEREAS, E. R. Smith and S. E. Denman submitted the only bids to purchase said real estate,

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

Section 1. That the Safety/Service Director be and she is hereby authorized to sell the following real estate now owned by the City of Marion:

To E. R. Smith, Outlot #436.24, for the sum of \$1,050.00;

To S. E. Denman, Outlots #436.20, 436.21 and 426.33, for the sum of \$825.00.

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



PRESIDENT OF COUNCIL

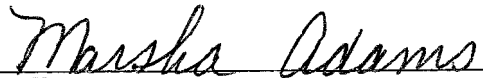
PASSED: July 27, 1992

APPROVED. July 28, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 67

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO
INSTALL REAR DOOR OPENER AT CITY HALL BUILDING FOR ADA
COMPLIANCE, AND DECLARING AN EMERGENCY.

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


Section 1. That the Safety/Service Director be and is
hereby authorized and directed to prepare specifications and
advertise for bids to install rear door opener at City Hall
building for ADA compliance.

Section 2. That this ordinance is hereby declared to be
an emergency measure necessary for the immediate preservation
of the public health, welfare and safety of the City of
Marion and the inhabitants thereof and for the further reason
that it is necessary for the daily operation of said City;
and as such, shall take effect and be in force immediately
upon its passage and approval by the Mayor provided it
receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from
and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 27, 1992

APPROVED: July 28, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-68

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE ASSOCIATES, INC., TO INSTALL EIGHT MONITORING WELLS AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1992-45 authorized the Safety/Service Director to prepare specifications and advertise for bids to install eight Monitoring Wells at the Marion City Landfill, and

WHEREAS, Floyd Browne Associates, Inc., submitted the low bid of \$9,708.00 for the project:

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

Section 1. That the Safety/Service Director is hereby authorized and directed to enter into contract with Floyd Browne Associates, Inc., to install eight Monitoring Wells at the Marion City Landfill.


Section 2. That the cost of the \$9,708.00 contract shall be payable from the Landfill Monitoring Account 507-05-563 230-000-320.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 27, 1992

APPROVED: July 28, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-69ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE SANITATION FUND FOR THE YEAR ENDING
DECEMBER 31, 1992 AND DECLARING AN EMERGENCY.

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

Section 1. That there be an additional appropriation in the amount of \$36,915.00 made in the Sanitation Fund as follows:

Solid Waste Transfer Expense 506-05-561-230-000-319 \$36,915.00

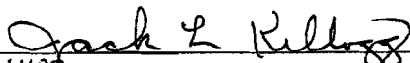
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL


PASSED: July 27, 1992

APPROVED: July 28, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992 - 70ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
THE AIRPORT IMPROVEMENT FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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
Airport Improvement Fund in the amount of \$100,000.00 as follows:

Project 06

Professional Services	446-06-446-230-000-320	<u>\$100,000.00</u>
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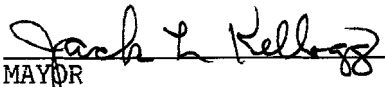
TOTAL AIRPORT IMPROVEMENT FUND	\$100,000.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 10, 1992

APPROVED: August 11, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 71ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
THE GENERAL FUND FOR THE YEAR ENDING DECEMBER
31, 1992, AND DECLARING AN EMERGENCY.

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
General Fund in the amount of \$3,900.00 as follows:

Safety/Service Director

Professional Services	101-07-716-230-000-320	<u>\$3,900.00</u>
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TOTAL GENERAL FUND

\$3,900.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 14, 1992

APPROVED: September 15, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 72ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE SANITATION FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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 Sanitation Fund in the amount of \$240,000.00 as follows:

CollectionsSolid Waste Transfer Expense 506-05-561-230-000-319 \$240,000.00

TOTAL SANITATION FUND

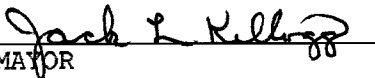
\$240,000.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 73

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT
TO OHIO REVISED CODE §5705.41(D), AND DECLARING
AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

Sanitation Fund	<u>\$20,080.43</u>
TOTAL	\$20,080.43

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 74ORDINANCE AMENDING MARION CODIFIED ORDINANCE 660.03
RELATING TO LITTERING AND DEPOSIT OF GARBAGE, AND
DECLARING AN EMERGENCY.

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

Section 1. That Chapter 660.03 of the Codified Ordinances, now reading in part as follows:

"660.03 LITTERING

(a) No person, without lawful authority to do so, shall throw, drop, discard, place or otherwise deposit in any manner upon any public property or private property not owned by him, any garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature. (Ord. 1984-81. Passed 9-24-84.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section 698.02."

is hereby amended to read as follows:

"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 or anything else of an unsightly or unsanitary nature, thrown, dropped, discarded or placed as mentioned herein.
- (b) No person, being the owner, person in charge, tenant, or occupant of the premises or any invited guest of the above, shall place or allow to be placed, accumulated or deposited upon any premises or property under their control, any paper, trash, garbage, waste, refuse or any substance which is or may be noxious, offensive, injurious or dangerous to the public health, comfort or safety, except as provided for in Section 943.06.
- (c) No person shall place or allow to be placed or deposited upon any lots or lands in the City 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.
- (d) No person shall regardless of intent throw, discard, place or deposit litter or cause litter to be thrown, dropped, discarded, placed or deposited on any public property or private property not owned by them or in the waters of the State, unless the person has:
- (1) Been directed to do so by a public official as part of a litter collection drive,
 - (2) Thrown, dropped, discarded, placed or deposited the litter in a litter receptacle in a manner that prevents its being carried away by the elements, or
 - (3) Been issued a permit or license concerning the litter pursuant to Chapter 3734 or 6111 of the Revised Code.

*amended
with
Ord. No.
1992-111
passed
10/26/92*

- (e) Upon determination that such an accumulation or deposit of material specified in subsections (a) or (b) hereof exists, the City Safety/Service Director or designated representative shall cause a written notice of such violation to be posted at the site of the violation giving the owner, person in charge, tenant or occupant seventy-two hours to remove such deposit or accumulation. In addition to physically posting the site of the violation, the City Safety/Service Director or designated representative shall seek to personally notify the owner, person in charge, tenant or occupant of such violation during such seventy-two hour period. Posting the property shall be deemed sufficient notice of violation whether or not personal notice is given.

In addition, any owner of real estate located in the City shall have on file in the City Sanitation Department, a current address and forwarding mailing address for purposes of providing notice under this Ordinance. Service by certified mail is deemed sufficient if mailed to the occupant or other person in charge thereof at the address where the violation exists, and if mailed to the owner at the tax mailing address shown on the books of the County Auditor for the parcel of real estate where said violation exists.

- (f) In the event that the owner, person in charge, tenant or occupant of any premises, having been notified under subsection (e) hereof, does not remove the deposit or accumulation specified in the notice of violation and removal order within the fourteen (14) days following notice as mentioned above, the City Safety/Service Director or designated representative shall cause such deposit or accumulation to be removed and shall charge the cost of such removal, together with the administrative costs incurred with regard to such removal, to the owner, person in charge, tenant or occupant, if such cost is not paid by the owner, person in charge, tenant or occupant within a reasonable time, the sum may be certified by the proper City official to the County Auditor and placed upon the tax duplicate for collection as a special assessment against such premises.
- (g) This ordinance may be enforced by any law enforcement officer, Health Department officer or City Zoning Inspector.
- (h) Whoever violates subsection (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."

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

J. T. Ballenger
PRESIDENT OF COUNCIL

PASSED: August 10, 1992

APPROVED: August 11, 1992

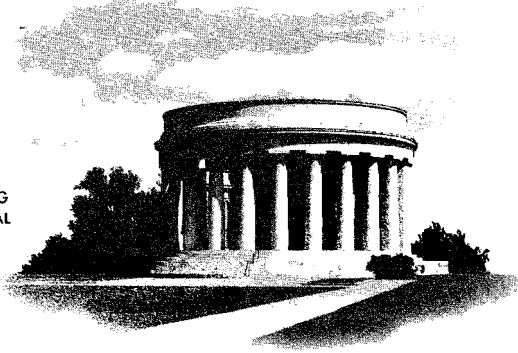
Jack L. Kelly
MAYOR

ATTEST:

Marsha Adams

*published
in the Marion Star
Aug. 24, 31, 1992
Marsha Adams
Clerk of Council*

HARDING
MEMORIAL



PHONE: 614/387-2020

CITY OF MARION

233 WEST CENTER STREET
MARION, OHIO 43302

OFFICE OF THE LAW DIRECTOR
MICHAEL S. GRIMES, Law Director

August 26, 1992

Mr. Jerry Ballenger
Marion City Council

RE: 1992-74

Enclosed please find the corrected ordinance. I noticed two minor corrections. On paragraph (f) the subsection mentioned should be (e) not (c), and in paragraph (h) the section mentioned should be subsection b, c or d, not section a or b.

Please accept these typographical errors and also be advised that because these are typographical errors, we do not need further council action.

Also, please accept changes on Section 1. This should read "That Chapter 660.03 of the Codified Ordinances, now reading in part as follows:".

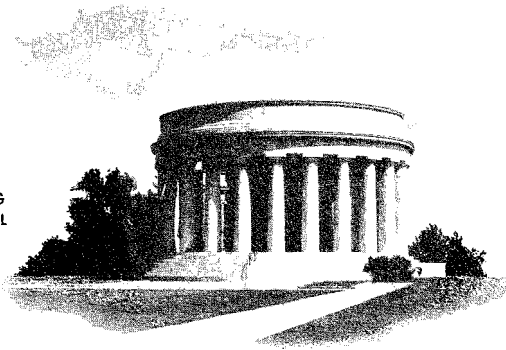
Sincerely,

A handwritten signature in black ink, appearing to be "S. Chaffin".

Steven E. Chaffin
Assistant Law Director

SEC/jn

HARDING
MEMORIAL



PHONE: 614/387-2020

CITY OF MARION

233 WEST CENTER STREET
MARION, OHIO 43302

OFFICE OF THE LAW DIRECTOR
MICHAEL S. GRIMES, Law Director

August 12, 1992

Mr. Jerry Ballenger
Marion City Council

RE: 1992-74

Enclosed please find the corrected ordinance. I noticed two minor corrections. On paragraph (f) the subsection mentioned should be (e) not (c), and in paragraph (h) the section mentioned should be subsection b, c or d, not section a or b.

Please accept these typographical errors and also be advised that because these are typographical errors, we do not need further council action.

Sincerely,

Steven E. Chaffin
Assistant Law Director

SEC/jn

ORDINANCE NO. 1992 - 75ORDINANCE AMENDING MARION CODIFIED ORDINANCE 111.06 OF
THE COUNCIL RULES, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 111.06 of the Codified Ordinances, now reading in part as follows:

"111.06 COUNCIL RULES

Rule 51. Placing on the Agenda. All ordinances or resolutions shall be placed on the agenda by the Clerk of Council when ordered by the Mayor, or three members of Council, or a committee of Council, or Council, and no ordinance or resolution shall be placed on the agenda by the Clerk of Council unless ordered by the Mayor, or three members of Council, or a committee of Council, or Council."

is hereby amended to read as follows:

"111.06 COUNCIL RULES

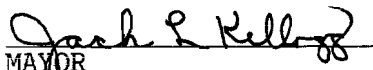
Rule 51. Placing on the Agenda. All ordinances or resolutions shall be placed on the agenda by the Clerk of Council when ordered by the Mayor, or three members of Council, or a committee of Council, or Council, and no ordinance or resolution shall be placed on the agenda by the Clerk of Council unless ordered by the Mayor, or three members of Council, or a committee of Council, or Council. Any items placed on the agenda which do not comply with Rule 56, shall not be acted upon by Council unless Rule 56 is suspended by a majority vote of all members elected to Council."

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 76

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT
TO OHIO REVISED CODE §5705.41(D), AND DECLARING
AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

Sewer Revenue Fund	<u>\$191.79</u>
TOTAL	\$191.79

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 77ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN INVOICE
FROM THE SANITATION FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City Auditor was unable to certify funds for solid waste transfer expense due to insufficient appropriations, and

WHEREAS, City Council did appropriate sufficient funds on Ordinance No. 1992-69 to the Solid Waste Transfer Expense Account.

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

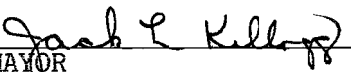
Section 1. That the City Auditor is hereby authorized and directed to pay Sims Bros., Inc. \$48,253.69 for Solid Waste Transfer Expenses incurred from July 1 thru July 27, 1992.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 78

ORDINANCE AUTHORIZING THE PURCHASE OF CAPITAL
EQUIPMENT EXCEEDING \$2,500.00 IN COST, AND
DECLARING AN EMERGENCY.

WHEREAS, Marion City Council passed Ordinance No. 1991-136 requiring approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Ohio, and

WHEREAS, the Safety/Service Director has requested computer equipment exceeding \$2,500.00 in cost for the Utility Billing Department,

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

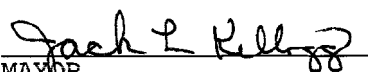
Section 1. That the Safety/Service Director is hereby authorized to purchase computer equipment for a cash receipting system in the Utility Billing Department at an estimated cost of \$3,652.00.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE UTILITY BILLING FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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

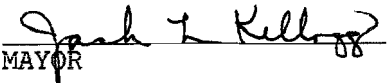
Section 1. That there be an additional appropriation made in the
Utility Billing Fund in the amount of \$8,352.00 as follows:

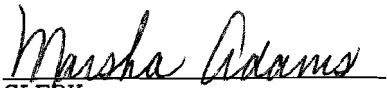
<u>Utility Billing Fund</u>			
Professional Services	612-05-571-230-000-320	\$4,700.00	
Capital Equipment	612-05-571-250-000-450	<u>3,652.00</u>	
TOTAL UTILITY BILLING FUND			\$8,352.00

Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and for the further
reason that it is necessary for the daily operation of said City; and as such,
shall take effect and be in force immediately upon its passage and approval by
the Mayor provided it receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from and after the
earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992
APPROVED: August 25, 1992


MAYOR

ATTEST:

CLERK

ORDINANCE NO. 1992- 80

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT
WITH WILBUR SMITH OF COLUMBUS, OHIO, ENGINEERING CONSULTANT,
FOR A PRELIMINARY SITE PLAN FOR THE AIRPORT INDUSTRIAL PARK,
AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 1992-47, the mayor was authorized to request proposals for a preliminary site plan of the Marion Industrial Park in cooperation with the Marion County Commissioners, and

WHEREAS, Wilbur Smith, Engineering Consultant, submitted the lowest and best proposal,

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

Section 1. That the Mayor be and heis hereby authorized to enter into contract with Wilbur Smith of Columbus, Engineering Consultant, for a preliminary site plan for the Marion Industrial Park.

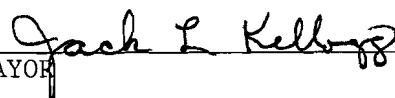
Section 2. That the cost of said plan shall be paid from both City and County CDBG Funds.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-81

ORDINANCE TO AMEND THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT AND THE FY91 HOUSING GRANT TO DELETE ONE BLOCK, NAMELY, BALLENTINE AVENUE BETWEEN FARMING AND GEORGE STREETS, FROM THE ORIGINAL STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City has applied for funds with the intent of carrying out street paving, installing drainage tile and catch basins, curbs and curb cuts, and sidewalks where needed, on Patterson St. between George and Mark Streets and on Ballentine Avenue between Quarry and Farming Streets, and

WHEREAS, on construction estimates being revised, and higher bids being received, one of the five blocks, Ballentine Avenue between Farming and George Streets is being proposed to be eliminated so that the remaining work may proceed,

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

Section 1. That the Small Cities Community Development Block Grant and the FY91 Housing Grant be and they are hereby amended to delete Ballentine Avenue between Farming and George Streets from the above mentioned street improvement project.


Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the bid received is good for thirty days only, and as such emergency, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 82

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ADVERTISE FOR BIDS TO SELL THE HARDING FRESHMAN
BUILDING LOCATED ON WEST CHURCH STREET, MARION,
OHIO.

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

Section 1. That the Safety/Service Director be and she is hereby
authorized and directed to advertise for bids for the sale of the Harding
Freshman Building located on West Church Street.

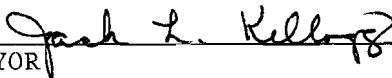
Section 2. That this ordinance shall take effect and be in force from
and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992



MAYOR



CLERK

ORDINANCE NO. 1992-83

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
THREE LANDFILL CLOSURE ITEMS AS SET FORTH BELOW,
AND DECLARING AN EMERGENCY.

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

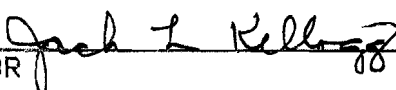
Section 1. That the Safety/Service Director be and is
hereby authorized and directed to prepare specifications and
advertise for bids for three Landfill Closure items, 1)
Conduct Downhole Geophysics, 2) Install Minipiezometers and
sweep meters and 3) Conduct Geophysical Feasibility Study at
the Marion City Landfill.

Section 2. That this ordinance is hereby declared to be
an emergency measure necessary for the immediate preservation
of the public health, welfare and safety of the City of
Marion and the inhabitants thereof and for the further reason
that it is necessary for the daily operation of said City;
and as such, shall take effect and be in force immediately
upon its passage and approval by the Mayor provided it
receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from
and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE TO AUTHORIZE THE SETTLEMENT OF ALL PENDING LITIGATION AND CLAIMS AGAINST THE CITY OF MARION BY CURTIS WALTERS, IN THE EVENT THE CITY IS NOT COMPLETELY SUCCESSFUL IN ITS MOTION FOR SUMMARY JUDGMENT, AND DECLARING AN EMERGENCY.

WHEREAS, litigation is presently pending involving certain claims by Curtis Walters against the City and Rick Winfield, et al, in the U.S. District Court, Northern District of Ohio, Western Division, Case No. 3:91-CV-7265, seeking damages, and

WHEREAS, A Motion for Summary Judgment is pending and will be decided in early September and, if not completely successful, the City's insurance carrier would like to settle this case rather than go to trial, and

WHEREAS, the City of Marion concedes no liability on behalf of itself or any of the other named defendants, and

WHEREAS, the City of Marion in no way wishes to show reason to doubt the character and integrity of the actions of the Marion City Police Department or its officers, but the City of Marion elects to reach a full, complete and final settlement of all legal issues and liabilities raised among and between all of the parties in this pending litigation in the interests of expediency and reducing the costs of litigation; and upon the advise of the City Law Director.

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

Section 1. The City of Marion hereby authorizes, ratifies and approves, and agrees to implement the negotiated full, complete and final settlement of all claims against all parties pursuant to such terms and conditions as previously presented to the members of Council by the Law Director, including the provision that the terms of the settlement not be disclosed by the parties of their counsel.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and for the further reason that since discovery deadlines are imminent, and trial and hearing dates have been set, it is necessary to settle all claims immediately to avoid further litigation costs to the City; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

*Removed from agenda -
settlement was reached.*

*M. Adams
Clerk of Council*

ORDINANCE NO. 1992-85

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1992,
AND DECLARING AN EMERGENCY.

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 General Fund in the amount of \$12,600.00 as follows:

Airport

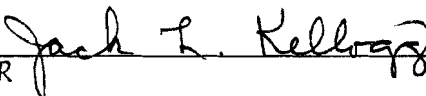
Utilities	101-06-621-230-000-310	\$ 3,500.00
Equipment Maintenance	101-06-621-230-000-360	400.00
Lands & Bldgs. Maintenance	101-06-621-230-000-370	3,700.00
Insurance	101-06-621-230-000-380	4,000.00
Supplies	101-06-621-240-000-420	800.00
Fuel	101-06-621-240-000-430	<u>200.00</u>
TOTAL GENERAL FUND		\$12,600.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 86

ORDINANCE AUTHORIZING THE CITY HEALTH DEPARTMENT TO
PREPARE SPECIFICATIONS FOR OFFICE DESIGN AND EQUIPMENT
AND FOR A BUILDING LEASE AND WAIVING THE BIDDING
PROCESS, AND DECLARING AN EMERGENCY.

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

Section 1. The the Marion City Health Department and the WIC Director be and are hereby authorized and directed to prepare specifications for Office Design and Equipment and for a building lease in connection with the establishment of a WIC facility.

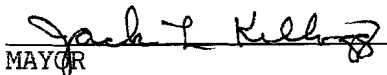
Section 2. That because of the time constraint in connection with gaining approval of expenditures of the grant monies being used for the above, the Health Department and WIC Director are authorized to enter into contract for the above without obtaining bids.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1992

APPROVED: August 25, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-87

ORDINANCE TO ESTABLISH A MODERATE AND LOW INCOME HOUSING REHABILITATION PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE MARION COUNTY REGIONAL PLANNING COMMISSION FOR SAID COMMISSION TO APPLY FOR, AND ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER INTO CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED ASSISTANCE COMPONENT, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slums and blights, benefit low and moderate income households or meet other urgent community development needs, and

WHEREAS, the CHIP Program makes funds available for projects which address these problems, and

WHEREAS, the City must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the Community and Economic Development Programs, and

WHEREAS, the Marion County Regional Planning Commission has offered to enter into a contract to prepare said application and administer said grant, if received, with the Tenant Based Assistance Component to be administered by the Marion Metropolitan Housing Authority.

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

Section 1. That this Council hereby authorizes the Mayor to enter into a proposed contract, a copy of which is attached hereto, to authorize the Marion County Regional Planning Commission to make application for a CDBG Small Cities' Grant for moderate and low income housing and rehabilitation in the FY92 Target Area.

Section 2. That, upon the approval of the City of Marion's grant application, the Mayor is authorized to sign the contract and allow the administration of the grant in accordance with the terms of the contract with the Marion County Regional Planning Commission.


Section 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign a contract with the Marion Metropolitan Housing Authority based on the attached Scope of Services.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

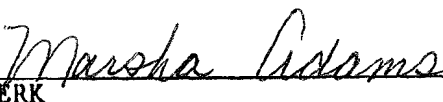

PRESIDENT OF COUNCIL

PASSED: September 14, 1992

APPROVED September 15, 1992


MAYOR

ATTEST:


CLERK

AMENDED

ORDINANCE NO. 1992-88

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED,
(VARGER REPORT) BY ESTABLISHING THE POSITION OF TAX
INVESTIGATOR IN THE MARION CITY INCOME TAX DEPARTMENT.

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

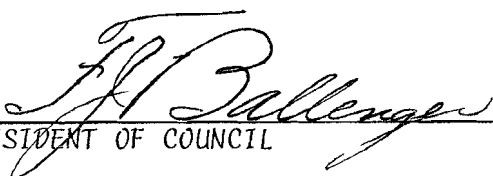
Section 1. That Ordinance No. 1969-29, as amended, (Varger Report) is hereby amended by establishing the position of Tax Investigator in the Marion City Income Tax Department.

Section 2. That the job description for said position is attached hereto and incorporated herein by reference and shall by reference become a part of the personnel classification schedule heretofore adopted by this Council as fully as if the same were re-written in said personnel classification schedule.

Section 3. That the salary for the position of Tax Investigator shall commence at Grade 21 in the position classification report prepared by Varger & Assoc., Inc., April, 1969 (as amended).

Section 4. That said position of Tax Investigator shall be a temporary position and as such, shall be terminated on December 31, 1994.


Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992

*As amended on Council floor 09/28/92


MAYOR

ATTEST:


CLERK

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE GENERAL FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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 General Fund in the amount of \$10,000.00 as follows:

Income Tax Department

Salaries	101-07-712-210-000-110	\$7,000.00
Benefits	101-07-712-210-000-120	<u>3,000.00</u>

TOTAL GENERAL FUND	\$10,000.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-90

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE IMPROVEMENT OF PEDESTRIAN SIGNAL INSTALLATIONS AT CERTAIN INTERSECTIONS IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications and advertise for bids for the improvement of traffic signal installations at the following described intersections in the City of Marion, Ohio:

A. REMOVE PEDESTRIAN SIGNALS:

1. Church Street and Blaine Avenue
2. Main Street and Hecker Avenue

B. REPLACE PEDESTRIAN SIGNALS:

1. Center Street and Grand Avenue
2. Church Street, Mt. Vernon Avenue and Vine Street
3. Columbia Street and Blaine Avenue
4. Mt. Vernon Avenue and Forest Lawn Boulevard
5. Mt. Vernon Avenue and Grand Avenue
6. Mt. Vernon Avenue and Vernon Heights Boulevard
7. State Street and George Street


Section 2. That the cost of advertising for bids shall be payable from the State highway Improvement Fund.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


President of Council

Passed: September 14, 1992

Approved: September 15, 1992


Mayor


Clerk of Council

ORDINANCE NO. 1992-91

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR THE QUARTERLY MONITORING AND ANALYSIS OF THE LANDFILL FOR THE NEXT FOUR (4) QUARTERS AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

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


Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for the Quarterly Monitoring and Analysis of the Landfill for the next four (4) quarters at the Marion City Landfill.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 14, 1992

APPROVED: September 15, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

amended w/Ord. No. 1992-94
passed 9/28/92
M. Adams
Clerk of Council

ORDINANCE NO. 1992-92

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE ASSOCIATES, INC., FOR THE INSTALLATION OF SIX (6) MONITORING WELLS AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-54 authorized the advertising and bidding for the installation of six (6) Monitoring Wells at the Marion City Landfill, and

WHEREAS, Floyd Browne Associates, Inc., submitted the lowest and best bid,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., to install six (6) Monitoring Wells at the Marion City Landfill.

Section 2. That the \$13,500.00 cost of said contract shall be payable from the Monitoring Fund Account No. 507-05-562-230-000-320.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

FT Ballenger

 PRESIDENT OF COUNCIL

PASSED: September 14, 1992

APPROVED: September 15, 1992

Jack L. Kilgus

 MAYOR

ATTEST:

Marsha Adams

 CLERK OF COUNCIL

ORDINANCE NO. 1992- 93

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."


Sanitation Fund \$464.98

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

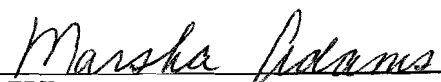

PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992- 94ORDINANCE TO AMEND ORDINANCE NO. 1992-92 AND
DECLARING AN EMERGENCY.

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

Section 1. That Section 2 of Ordinance No. 1992-92, now reading as
follows:

"That the \$13,500.00 cost of said contract shall be payable
from the Monitoring Fund, Account #507-05-563-230-000-230"

be amended to read as follows:

"That the \$13,500.00 cost of said contract shall be payable
from the Sanitation Fund, Account #506-05-562-230-000-320."

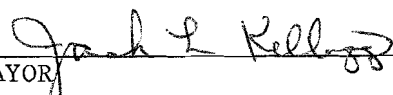
Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and also for the
daily operation of said City; and as such, shall take effect and be in force
immediately upon its passage and approval by the Mayor provided it receives the
affirmative vote of two-thirds of all members elected to Council; otherwise,
it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 95ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE
YEAR ENDING DECEMBER 31, 1992 AND DECLARING AN
EMERGENCY.

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

Section 1. That there be additional apprpriations made in the amount
of \$8,975.00 as follows:

Early Intervention Fund

Schooling	249-02-543-230-000-221	\$ 725.00
Utilities	249-02-543-230-000-310	300.00
Professional Services	249-02-543-230-000-320	7,400.00
Supplies	249-02-543-240-000-420	225.00
Postage	249-02-543-240-000-423	<u>75.00</u>
TOTAL Early Intervention Fund.....		\$8,725.00

Northwest Interceptor Fund

Maintenance	552-05-533-230-000-370	\$ 250.00
GRAND TOTAL.....		<u>\$8,975.00</u>

Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and also for the
daily operation of said City; and as such, shall take effect and be in force
immediately upon its passage and approval by the Mayor provided it receives the
affirmative vote of two-thirds of all members elected to Council; otherwise,
it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 96ORDINANCE APPROVING THE PURCHASE OF ONE (1) VAN THROUGH
THE OHIO COOPERATIVE PURCHASING PROGRAM.

WHEREAS, the Senior Citizen Center is in need of a new van for use in their Transportation Program, and

WHEREAS, the City of Marion is a participant in the Ohio Cooperative Purchasing Program, and

WHEREAS, Ordinance No. 1991-136 required Council approval of all Capital Expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of Marion, Ohio,

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

Section 1. That the Safety/Service Director is hereby authorized to purchase one (1) van through the Ohio Cooperative Purchasing Program for use in the Senior Citizen Transportation Program.

Section 2. That the cost of said purchase shall be paid from the General Fund, Senior Citizen Account No. 101-03-424-250-000-450.


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



PRESIDENT OF COUNCIL


PASSED: September 28, 1992

APPROVED: September 29, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992- 97

ORDINANCE AUTHORIZING THE PURCHASE OF CAPITAL
EQUIPMENT EXCEEDING \$2,500.00 IN COST, AND
DECLARING AN EMERGENCY.

WHEREAS, Marion City Council passed Ordinance No. 1991-136 requiring approval of all Capital Expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Ohio, and

WHEREAS, the Board of Health approved the purchase of computer and related equipment for use in the Early Intervention Program from Marion Computer Center in the amount of \$3,400.00,

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

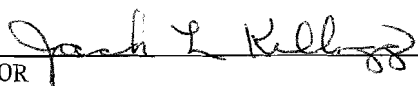
Section 1. That the Health Department is hereby authorized to purchase computer and related equipment for use in the Early Intervention Program for \$3,400.00 from Marion Computer.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the Grant Funds will expire the end of this month; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992


MAYOR

ATTEST:


CLERK

AMENDED
ORDINANCE NO. 1992-98

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE ASSOCIATES, INC., FOR THE INSTALLATION OF THREE (3) MONITORING WELLS AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-54 authorized the advertising and bidding for the installation of three (3) Monitoring Wells at the Marion City Landfill, and

WHEREAS, Floyd Browne Associates, Inc., submitted the only bid,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., to install three (3) Monitoring Wells at the Marion City Landfill.

Section 2. That the \$13,475.00 cost of said contract shall be payable from the ~~Monitoring~~ ^{Sanitation} Fund Account No. ~~507-05-563-230-000-320.~~
6 2


Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992



MAYOR

*As amended on Council floor 09/28/92

ATTEST:



CLERK OF COUNCIL

AMENDED
ORDINANCE NO. 1992-99

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BILL'S BIT SERVICE, FOR THE INSTALLATION OF ONE (1) BEDROCK WELL AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-54 authorized the advertising and bidding for the installation of one (1) Bedrock Well at the Marion City Landfill, and

WHEREAS, Bill's Bit Service, submitted the only bid,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Bill's Bit Service, to install three (1) Bedrock Well at the Marion City Landfill.

Section 2. That the \$3,236.00 cost of said contract shall be payable from the ~~XXXXXXX~~ Fund Account No. 507-05-563-230-000-320. *Sanitation*

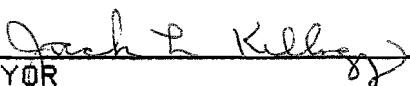
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992



MAYOR

*As amended on Council floor 09/28/92

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1992-100

AN ORDINANCE AUTHORIZING DECLARATIONS OF OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES, AND RELATED MATTERS, AND DECLARING AN EMERGENCY.

WHEREAS, Treasury Regulations Section 1.103-18 prescribes conditions under which proceeds of bonds, notes or other obligations (Bonds) will be deemed "spent" for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986 when used to reimburse advances made for capital expenditures before the issuance of those obligations, so that upon reimbursement the proceeds so used will not be subject to requirements or restrictions under those sections of the Internal Revenue Code; and

WHEREAS, certain provisions of the Regulations require a Declaration of Official Intent preceding a capital expenditure expected to be reimbursed from proceeds of such obligations, and that the reimbursement through allocation on the books or records occur within the later of one year after the day the expenditure is made or one year after the day the property is placed in service; and

WHEREAS, the City wishes to take steps for compliance with the Regulations;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, County of Marion, State of Ohio, that:

Section 1. The following definitions apply to the terms used herein:

"Authorized Officer" means the City Auditor and any person with authority at the time to exercise the functions of that office.

"Bonds" means and includes bonds, notes, certificates and other obligations included in the meaning of "bonds" under Section 150 of the Internal Revenue Code of 1986.

"Declaration of Official Intent" means a declaration of intent, in the manner contemplated in the Regulations, that expenditures are reasonably expected to be reimbursed from the proceeds of Reimbursement Bonds to be issued after the expenditure is made.

"Public Record" means "public record" as defined in Section 149.43 of the Ohio Revised Code.

"Regulations" means Treasury Regulations Section 1.103-18 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as at the time applicable, prescribing conditions under which the proceeds of Reimbursement Bonds when allocated or applied to a reimbursement will be treated as "spent" for all or any purposes of Sections 103 and 141 to 150 of the Internal Revenue Code.

"Reimbursement" or "reimburse" means the restoration to the City of money temporarily advanced from its other funds and spent for capital expenditures (including any issuance costs) before the issuance of the Reimbursement Bonds. "Reimbursement" or "reimburse" does not include the refunding or retiring of Bonds previously issued and sold to, or borrowings from, unrelated entities (entities not in the same "controlled group," within the meaning of the Regulations).

"Reimbursement Bonds" means any issue of Bonds all or part of the proceeds of which are to be used for reimbursement of capital expenditures paid before issuance of the Bonds.

Section 2. Each Authorized Officer is authorized to prepare, sign, and include in the Public Records, Declarations of Official Intent with respect to capital expenditures (including any costs of issuance of the Reimbursement Bonds) to be made from money temporarily available and which are reasonably expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from the proceeds of Reimbursement Bonds, to make appropriate reimbursement and timely allocations from the


proceeds of the Reimbursement Bonds to reimburse such prior capital expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Regulations to satisfy the requirements for proceeds used for reimbursement to be treated as "spent" for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986. No advance from any fund or account or order for payment may be made for expenditures that are to be reimbursed subsequently from proceeds of Reimbursement Bonds unless a Declaration of Official Intent with respect thereto is first made. All Declarations of Official Intent heretofore made on behalf of the Issuer are hereby ratified and adopted.

Section 3. Each Declaration of Official Intent shall be treated as a Public Record and made available for reasonable public inspection not later than 30 days after the date of the Declaration of Official Intent, and shall be available for reasonable public inspection continuously during normal business hours on every business day to and including the date of issuance of the Reimbursement Bonds.

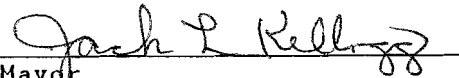
Section 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this ordinance is required to be immediately effective in order to enable the City to comply with federal treasury regulations providing for the reimbursement of advances made for capital expenditures from proceeds from the issuance of Bonds of the City; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

PASSED: September 28, 1992


President of Council

APPROVED: September 29, 1992


Mayor

ATTEST:


Clerk of Council

ORDINANCE NO. 1992- 101ORDINANCE AUTHORIZING THE PURCHASE OF CAPITAL EQUIPMENT
EXCEEDING \$2,500.00 IN COST, AND DECLARING AN EMERGENCY.

WHEREAS, Marion City Council passed Ordinance 1991-136 requiring approval of all Capital Expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Ohio, and

WHEREAS, the Board of Park Commissioners approved the purchase of a 1988 Ford F-150 Pickup Truck and the trading in of a 1982 Chevy 5-10 Pickup SN 1GCB514A9C2156431 and a 1982 Chevy Bus S/N ZGBHG31M3C4152187 for a net cost of \$6,500.00 from McDaniel Motors,

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

Section 1. That the Parks Department is hereby authorized to purchase a 1988 Ford F-150 Pickup for the terms as stated above from McDaniel Motors.

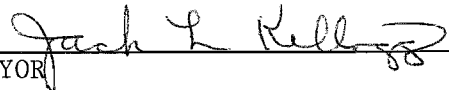
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 28, 1992

APPROVED: September 29, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992-102

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FOR THE
YEAR ENDING DECEMBER 31, 1992 AND DECLARING AN
EMERGENCY.

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 General
Fund in the amount of \$11,000.00 as follows:

<u>Recreation Department</u>		
Salaries	101-03-422-210-000-110	\$ 300.00
Utilities	101-03-422-230-000-310	1,000.00
Professional Services	101-03-422-230-000-320	9,000.00
Supplies	101-03-422-240-000-420	<u>700.00</u>
TOTAL.....		\$11,000.00


Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and also for the
daily operation of said City; and as such, shall take effect and be in force
immediately upon its passage and approval by the Mayor provided it receives the
affirmative vote of two-thirds of all members elected to Council; otherwise,
it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: *October 6, 1992*

APPROVED: *October 7, 1992*



MAYOR

ATTEST:



CLERK

AMENDED
ORDINANCE NO. 1992 - 103

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR INSURANCE COVERAGES FOR THE CITY OF MARION, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety/Service Director received insurance proposals as per Ordinance No. 1992-49, and

WHEREAS, the Finance Committee has met to review the City Administrations's recommendations,

BE IT ORDAINED BY THE COUNCIL of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into three (3) year contracts for insurance coverages as follows:

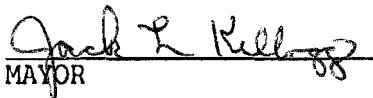
<u>Insurance Coverage</u>	<u>Insurance Agency</u>	<u>Premium</u>
1. Property Coverage (\$500 Ded)	Love Insurance Agency	\$21,896
2. Inland Marine	Love Insurance Agency	Incl in 1
3. Plate Glass	Love Insurance Agency	Incl in 1
4. Boiler and Machinery	Love Insurance Agency	Incl in 1
5. Automobile Liability and Physical Damage		
a. Fleet	General Insurance Agency	42,382 \$42,051
b. Transit	Love Insurance Agency	\$32,149
c. Senior Citizens	General Insurance Agency	Incl in 5a
6. Airport Liability (1M Hangarkeeper Liability)	Scharer Insurance, Inc.	\$ 2,010
7. Public Officials & Employee Legal Liab. (5,000 Ded)	Scharer Insurance, Inc.	\$15,000
8. Comprehensive Law Enforcement Liability	Goodwin & Teel Insurance Agency	\$29,311
9. Firefighters GL and Errors & Omissions	Goodwin & Teel Insurance Agency	\$ 9,498
10. Ambulance Attendance Errors & Omissions	Goodwin & Teel Insurance Agency	Incl in 9
11. Public Health Dept. Professional Liab.	No Quotes Received	
12. Uninsured/Underinsured/Excess Liability Increase Current Policy to \$1,000,000 Limit (GL Policy)	Goodwin & Teel Insurance Agency	\$13,992

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the current insurance coverage lapse at 12:01 a.m. October 8, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: October 6, 1992

APPROVED: October 7, 1992


MAYOR

*As amended on Council floor 10/06/92.

ATTEST:

CLERK

ORDINANCE NO. 1992- 104ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1992,
AND DECLARING AN EMERGENCY.

— 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 General Fund in the amount of \$15,000.00 as follows:

Police Department

Prisoner Housing 101-01-112-230-000-352 \$15,000.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and, further, for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

— 

PRESIDENT OF COUNCIL

PASSED: October 12, 1992

APPROVED: October 13, 1992



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992-105

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
UTILITY BILLING FUND FOR THE YEAR ENDING DECEMBER 31,
1992, AND DECLARING AN EMERGENCY.

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
Utility Billing Fund in the amount of \$3,265.00 as follows:

Professional Service	612-05-571-230-000-320	\$2,065.00
Equipment	612-05-571-250-000-450	<u>1,200.00</u>
TOTAL Utility Billing Fund.....		\$3,265.00

Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public health, welfare
and safety of the City of Marion and the inhabitants thereof and, further, for
the daily operation of the City; and as such, shall take effect and be in
force immediately upon its passage and approval by the Mayor provided it receives
the affirmative vote of two-thirds of all members elected to Council; otherwise,
it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: *October 12, 1992*

APPROVED: *October 13, 1992*



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1992 - 106

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN INVOICE
FROM THE GENERAL FUND AND APPROPRIATING THE NECESSARY
FUNDS THEREFORE.

WHEREAS, the City of Marion has an invoice in the amount of \$6,950.00 from
Pry CPA Services, Inc. for professional services rendered in connection with the
investigation of the Utility Billing Department, and

WHEREAS, there are insufficient appropriations to pay said invoice,

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 general
fund as follows:

Audit Fees	101-07-744-230-622	\$6,950.00
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Section 2. That the City Auditor is hereby authorized and directed to pay
Pry CPA Services, Inc. \$6,950.00 for professional services rendered as per their
invoice dated October 2, 1992.

Section 3. That said invoice shall be paid from Account No. 101-07-744-
230-000-622.

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



PRESIDENT OF COUNCIL

PASSED: *October 12, 1992*

APPROVED: *October 13, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-107

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACTS FOR THE QUARTERLY MONITORING AND ANALYSIS OF THE MONITORING WELLS AT THE LANDFILL AND APPROPRIATING TO NECESSARY FUNDS THEREFORE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-91 authorized the preparation of specifications and the advertising for Bids for the Quarterly Monitoring and Analysis of the Monitoring Wells, and

WHEREAS, There was but one (1) Bidder for each project,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contracts with Floyd Browne Associates, Inc., for the Quarterly Monitoring and Aqua Tech Environmental Laboratories, Inc. for the Analysis of the Monitoring Wells at the Marion City Landfill.

Section 2. That said contracts shall be payable from the Sanitation Fund Account No. 506-05-562-230-000-320.

Section 3. That there be an additional appropriation in the amount of \$88,331.60 made in the Sanitation Fund as follows:


PROFESSIONAL SERVICES 506-05-562-230-000-320 \$88,331.60

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the ~~immediate presentation of the public health, welfare and safety~~ of the City of Marion and the inhabitants thereof and for the further reason that the work must be completed by October 31, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 12, 1992

APPROVED: October 13, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-108

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT TO CONDUCT DOWNHOLE GEOPHYSICS
AT THE MARION CITY LANDFILL AND APPROPRIATING THE
NECESSARY FUNDS THEREFORE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-83 authorized the preparation of
specification and the advertising for Bids to Conduct
Downhole Geophysics, and

WHEREAS, There was but one (1) Bidder,

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

Section 1. That the Safety/Service Director be authorized
and is hereby directed to enter into contract with Floyd
Browne Associates, Inc., to Conduct Downhole Geophysics at
the Marion City Landfill.

Section 2. That said contracts shall be payable from the
Sanitation Fund Account No. 506-05-562-230-000-320.

Section 3. That there be an additional appropriation in
the amount of \$9,382.00 made in the Sanitation Fund as
follows:


PROFESSIONAL SERVICES 506-05-562-230-000-320 \$9,382.00

Section 4. That this ordinance is hereby declared to be
an emergency measure necessary for the ~~immediate preservation~~
~~of the public health, welfare and safety~~ of the City of
Marion and the inhabitants thereof and for the further reason
that the work must be completed by October 19, 1992; and as
such, shall take effect and be in force immediately upon its
passage and approval by the Mayor provided it receives the
affirmative vote of two-thirds of all members elected to
Council; otherwise, it shall become effective from and after
the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 12, 1992

APPROVED: October 13, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-109

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE INSTALLATION OF MINIPIEZOMETERS AND SEEP METERS AT THE MARION CITY LANDFILL AND APPROPRIATING THE NECESSARY FUNDS THEREFORE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-83 authorized the preparation of specification and the advertising for Bids for the Installation of Minipiezometers and Seep Meters, and

WHEREAS, There was but one (1) Bidder,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., for the Installation of Minipiezometers and Seep Meters at the Marion City Landfill.

Section 2. That said contracts shall be payable from the Landfill Monitoring Fund Account No. 507-05-563-230-000-320.

Section 3. That there be an additional appropriation in the amount of \$19,320.00 made in the Landfill Monitoring Fund as follows:


PROFESSIONAL SERVICES 507-05-563-230-000-320 \$19,320.00

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the ~~immediate preservation of the public health, welfare and safety~~ of the City of Marion and the inhabitants thereof and for the further reason that the work must be completed by October 24, 1992; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *October 12, 1992*

APPROVED: *October 13, 1992*


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992- 110

ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS 375 SOUTH VINE STREET, MARION, OHIO, FROM R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO C-1 (NEIGHBORHOOD SHOPPING DISTRICT).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-3 (Multi-Family Residential District to C-1 (Neighborhood Shopping District), and

WHEREAS, the Marion City Planning Commission has considered and disapproved the rezoning from R-3 to C-1, 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 375 South Vine Street, Marion, Ohio, and being more particularly described as follows:

Situated in the County of Marion, in the State of Ohio and in the City of Marion and bounded and described as follows:

Being 64 feet off of the south end of Lot Number 798 in J.W. Bain's Second Addition to the City of Marion, Ohio.

ALSO THE FOLLOWING DESCRIBED REAL ESTATE:

Commencing at the Southeast corner of Lot Number 797 in J.W. Bain's Second Addition to the City of Marion, Ohio; thence westwardly a distance of 17 feet along the south line of Lot Number 797 to a point; thence north parallel with the east line of Lot Number 797 a distance of 64 feet to a point; thence eastwardly a distance of 17 feet to a point in the east line of Lot Number 797; thence southwardly along the west line of Lot Number 798 a distance of 64 feet to the place of beginning,

heretofore zoned R-3 (Multi-Family Residential District) is hereby zoned C-1 (Neighborhood Shopping District).

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 Safety/Service Director.

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

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

*published
The Marion Star
Sept 16, 1992
defeated
Nov. 23, 1992
Monisha Adams
Clerk of Council*

ORDINANCE NO. 1992 - 111ORDINANCE AMENDING MARION CODIFIED ORDINANCE 660.03(b)
RELATING TO LITTERING AND DEPOSIT OF GARBAGE, AND DECLARING AN
EMERGENCY.

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

Section 1. That Chapter 630.03(b) of the Codified Ordinances, now reading in part as follows:

"(b) No person, being the owner, person in charge, tenant, or occupant of the premises or any invited guest of the above, shall place or allow to be placed, accumulated or deposited upon any premises or property under their control, any paper, trash, garbage, waste, refuse or any substance which may be noxious, offensive, injurious or dangerous to the public health, comfort or safety, except as provided for in Section 943.06."

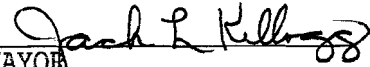
is hereby amended to read as follows:

"(b) No person, being the owner, person in charge, tenant, or occupant of the premises or any invited guest of the above, shall place or allow to be placed, accumulated or deposited upon any premises or property under their control, any LITTER, waste, refuse or any substance WHICH IS OR may be noxious, offensive, injurious or dangerous to the public health, comfort or safety, except as provided for in Section 943.06."


Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *October 26, 1992*APPROVED: *October 27, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-112

ORDINANCE TO ESTABLISH AN ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO UNDER THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THESE FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slums and blight, benefit low-and-moderate income households or meet other urgent community development needs, and

WHEREAS, the CDBG Small Cities' Program makes funds available for projects which address these problems, and

WHEREAS, the Mayor must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems,

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

Section 1. That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities' funds, including the following activities:

1. Emergency Home Repair.....	\$ 33,500.00
2. Streets, Curbs and Sidewalks.....	34,500.00
3. Clearance.....	31,200.00
4. Parks and Recreation.....	22,000.00
5. CHIS Matching Funds.....	2,500.00
6. Administration & Implementation.....	26,145.00
7. Fair Housing.....	455.00
	<u>\$150,300.00</u>


Section 2. That, upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities' Program in the City of Marion.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 26, 1992

APPROVED: October 27, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992 - 113

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL LEASE BETWEEN THE CITY OF MARION AND MARION GENERAL HOSPITAL, INC. WHICH PERMITS THE HOSPITAL TO SECURE THE TWENTY YEAR OHIO HOSPITAL ASSOCIATION VARIABLE RATE REVENUE BONDS FROM THE ASSOCIATIONS 1991 AND 1992 TAX EXEMPT BOND POOLS, AND DECLARING AN EMERGENCY.

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

Section 1. That the Mayor be and is authorized to enter into a supplemental lease agreement with Marion General Hospital, Inc., as set forth below.

Section 2. That the supplemental lease agreement shall only amend Section 2.10 and 3.2. of the original lease agreement between the parties.

Section 2.10 of the original lease is hereby amended to read as follows:

Section 2.10. Basic Rent - Pledge of Gross Receipts and Security Interest. Subject to the provisions of Section 3.2 hereof, to secure the prompt payment of the Basic Rent, the Additional Payments and the performance by Lessee of its other obligations hereunder, Lessee hereby pledges to Lessor and hereby grants to Lessor a security interest in and agrees and acknowledges that Lessor shall have and shall continue to have a security interest in all present and future Gross Receipts derived by Lessee from the conduct of all or any part of its business or businesses, including particularly its hospital and related services operated on or off the Leased Premises, and in all of Lessee's Gross Receipts, revenue and income from whatever source derived, including not only that derived from the Leased Premises but also that derived from any and all facilities hereafter acquired, leased or used by Lessee, income from and the principal of investments, leases and income from leases and grants received by Lessee from any source, excluding only (i) grants, gifts, bequests, contributions and other donations, to the extent specifically restricted by the donor or grantor to a special object or purpose so as to preclude use thereof for financing the costs, or paying operating, maintenance and repair expenses of Hospital Facilities and (ii) the proceeds of any secured borrowing permitted by this Lease other than the Bonds but only to the extent the proceeds of such borrowing constitute security therefor.

Notwithstanding any provision of this Section or Section 3.2 to the contrary, Lessee shall be permitted to pledge and grant a security interest in and present and future Gross Receipts to secure Lessee's payment of Indebtedness (as defined below) and the performance of its obligations under any document, agreement or instrument creating or securing Indebtedness; provided, however, that so long as the General Obligation Bonds are outstanding, any such grant of a security interest in Gross Receipts shall be subordinate to the security interest in Gross Receipts granted under the terms of the immediately preceding paragraph of this Section; provided, further, that any grant of a security interest in Gross Receipts permitted by this paragraph shall be on a parity with or subordinate in priority to the grant of a security interest in Gross Receipts securing payment of the Additional Payments and the performance by Lessee of its obligations hereunder.

Subject to the provisions of Section 3.2 hereof, to secure the prompt payment of the Basic Rent, the Additional Payments and the performance by Lessee of its other obligations hereunder, Lessee hereby pledges to Lessor and hereby grants to Lessor a security interest in and agrees and acknowledges that Lessor shall have and shall continue to have a security interest in all equipment, inventory, furniture and any other tangible personal property, of every nature and kind and wheresoever situated, whether or not it forms a part of the Leased Premises, now owned or hereafter acquired by Lessee and all proceeds therefrom, whether cash or non-cash; provided, however, that as permitted by Section 3.2 hereof, Lessee may grant purchase money mortgages or other purchase money security interests to the full extent of the purchase price of the asset or assets purchased after the commencement of the Lease Term; provided further that in connection with such purchase money security interest, Lessee shall also grant to Lessor a subordinated security interest under this paragraph in such asset or assets unless the granting of a subordinated security interest in such asset or assets would constitute a default or similar event under the terms of the security agreement creating the purchase money security interest.

Notwithstanding any provision of this Section or Section 3.2 to the contrary, Lessee shall be permitted to pledge and grant a security interest in all present and future equipment, inventory, furniture and any other tangible personal property, of every nature and kind and wheresoever situated, to secure Lessee's payment of Indebtedness (as defined below) and the performance of its obligations under any document, agreement or instrument creating or securing Indebtedness, provided, however, that so long as the General Obligation Bonds are outstanding, any such grant of security interest in equipment, inventory, furniture and any other tangible personal property shall be subordinate to the security interest granted under the terms of the immediately preceding paragraph of this Section; provided, further, that any grant of a security interest in Gross Receipts permitted by this paragraph shall be on a parity with or subordinate in priority to the grant of a security interest in Gross Receipts securing payment of the Additional Payments and the performance by Lessee of its obligations hereunder.

Nothing in this Section shall be deemed to prohibit any mortgage, pledge or security agreement outstanding as of the date of the delivery of this Lease.

"Indebtedness" means, without duplication, (a) all indebtedness of Lessee for borrowed moneys (excluding the General Obligation Bonds but including all Additional Bonds) or which is incurred or assumed in connection with the acquisition of Property by Lessee, (b) all indebtedness, no matter how created, secured by Property of Lessee, whether or not such indebtedness is assumed by Lessee, (c) the liability of Lessee under any lease of real or personal property which is properly capitalized on the balance sheet of Lessee in accordance with generally accepted accounting principles, and (d) any guaranty by Lessee of indebtedness of any other Person for borrowed moneys or which has been incurred or assumed by such Person in connection with the acquisition of Property or the leasing of real or personal property which is properly capitalized on the balance sheet of such Person in accordance with generally accepted accounting principles; provided that there shall be excluded from the definition of Indebtedness any obligation of Lessee which is secured by an irrevocable extension of credit of, or is subject to any agreement to purchase such obligation from the holder thereof by, any other Person and that there shall be included as Indebtedness the obligation incurred pursuant to the reimbursement agreement executed and delivered in connection with such irrevocable extension of credit or purchase agreement as if such credit were drawn upon completely or such purchase were fully effected and the advance made under the reimbursement agreement were to be repaid in accordance with the terms of such reimbursement agreement, and any such Indebtedness shall be deemed to have been incurred at the time such reimbursement agreement is executed and delivered.

"Person" means an individual, a corporation, a partnership (including without limitation, general and limited partnerships), an association, a joint stock company, a joint venture, a trust, a firm, a society, an estate, an unincorporated organization, a government or any agency or political subdivision thereof, and any other legal entity.

"Property" means any and all rights, titles and interests of Lessee in and to any and all property whether real or personal, tangible or intangible, and wherever situated.

Section 3.2 of the Original Lease is hereby amended to read as follows:

"Section 3.2. Installation of Lessee's Own Personal Property. Lessee may from time to time, in its sole discretion and at its own cost and expense, install personal property including without limitation that which when installed becomes in whole or in part a fixture, on or upon the Leased Premises. All such property so installed by Lessee or any of its sublessees shall, unless it is necessary in the administration, maintenance and operation of the Leased Premises as Hospital Facilities, remain its or their sole property, as the case may be, in which Lessor and the Trustee shall have no interest other than the security interest granted in Section 2.10 hereof, and such property may be modified or removed at any time if Lessee is not in default hereunder. However, if an Event of Default shall occur under this Lease, any movable furnishings, equipment or other personal property so installed by any sublessee may be so modified or removed even if they are necessary to the operation of the Leased Premises as Hospital Facilities; provided, however, such movable furnishings, equipment or other personal property so installed by any sublessee shall not be modified or removed without the consent of Lessor and until a reasonable time is provided for Lessee's securing a replacement for the movable furnishings, equipment or other

personal property which the sublessee desires to modify or remove. Nothing contained in the preceding provisions of this Section or elsewhere in this Lease, shall prevent Lessee or any of its sublessees from purchasing, after delivery of the Indenture, such personal property on conditional sale, installment purchase or lease sale contract, or subject to vendor's lien or security agreement, as security for the unpaid portion of the purchase price thereof, provided that no such lien or security interest shall attach to any part of the Leased Premises or the Gross Receipts except as permitted by Section 2.10 hereof; and provided further, however, that no such conditional sale, installment purchase, or lease sale contract shall be secured by a pledge or other hypothecation of the Gross Receipts, revenue or income derived by Lessee which pledge or other hypothecation is on a parity with or prior to the security interest in the Gross Receipts securing the obligation of Lessee to make payments of Basic Rent under this Lease into the General Obligation Bond Fund and the General Obligation Bond Reserve Fund. Lessee shall pay, or cause to be paid, as due the purchase price of, and all costs and expenses with respect to, the acquisition and installation of any such personal property installed by it or its sublessees pursuant to this Section."

Section 3. Original Lease in Full Force and Effect. Except as set forth in this First Supplemental Lease, the Original Lease remains in full force and effect.

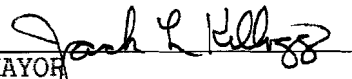
Section 4. Execution Counterparts. This First Supplemental Lease may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same document. It shall not be necessary in proving this First Supplemental Lease to produce or account for more than one of those counterparts.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

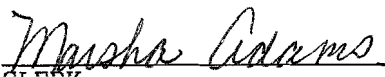

PRESIDENT OF COUNCIL

PASSED: October 26, 1992

APPROVED: October 27, 1992


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 -114ORDINANCE MAKING APPROPRIATION REVISIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 1992, AND DECLARING AN EMERGENCY.

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

Section 1. That there be appropriation revisions made in various funds in the amount of \$0 as follows:

General Fund

Income Tax Refunds	101-07-744-270-712-720	\$30,000.00
TOTAL GENERAL FUND		\$30,000.00

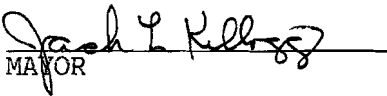
Transit Fund

Capital Equipment	502-06-512-250-000-450	\$(30,000.00)
TOTAL TRANSIT FUND		\$(30,000.00)

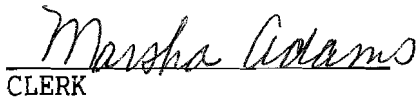
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *October 26, 1992*APPROVED: *October 27, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992 - 115ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE SANITATION FUND FOR THE YEAR ENDING
DECEMBER 31, 1992, AND DECLARING AN EMERGENCY.

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 Sanitation Fund in the amount of \$9,600.00 as follows:

Professional Services 506-05-562-230-000-320 \$9,600.00

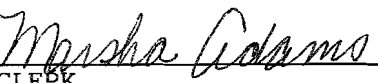
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *October 26, 1992*APPROVED: *October 27, 1992*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1992-116

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF THE HOUSE AND ACCESSORY BUILDING LOCATED AT 259 AND 259 1/2 LEADER STREET AND DECLARING AN EMERGENCY.

WHEREAS, The Safety/Service Director, by Chapter 1360.08(c) of the Codified Ordinances for the City of Marion, was authorized to prepare specifications and advertise for bids for the demolition of the buildings located at 259 & 259 1/2 Leader Street, and

WHEREAS, J & J Renovations submitted the lowest bid,

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

Section 1. That the Safety/Service Director be and is hereby authorized to enter into contract with J & J Renovations for the demolition as per bid specifications.

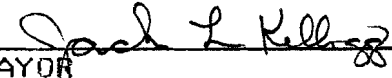
Section 2. That the demolition shall be for the amount of \$5,000.00 payable from the General Fund, Acct. No. 101-07-716-230-000-323.


Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the welfare and safety of the City of Marion and the inhabitants thereof and as such shall take effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *October 26, 1992*

APPROVED: *October 27, 1992*


MAYOR


CLERK

ORDINANCE NO. 1992-117

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
LANDFILL CLOSURE ITEMS AS REQUIRED BY THE OHIO EPA AT
THE MARION CITY LANDFILL AND DECLARING AN EMERGENCY.

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


Section 1. That the Safety/Service Director be and is
hereby authorized and directed to prepare specifications and
advertise for bids for Landfill Closure items, as required by
the Ohio EPA at the Marion City Landfill.

Section 2. That this ordinance is hereby declared to be
an emergency measure necessary for the welfare of the City of
Marion and the inhabitants thereof and for the further reason
that it is necessary for the daily operation of said City;
and as such, shall take effect and be in force immediately
upon its passage and approval by the Mayor provided it
receives the affirmative vote of two-thirds of all members
elected to Council; otherwise, it shall become effective from
and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *October 26, 1992*

APPROVED: *October 27, 1992*


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1992-118

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT TO CONDUCT A GEOPHYSICAL FEASIBILITY STUDY AT THE MARION CITY LANDFILL AND APPROPRIATING THE NECESSARY FUNDS THEREFORE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1992-83 authorized the preparation of specifications and the advertising for Bids to conduct a Geophysical Feasibility Study, and

WHEREAS, There was but one (1) Bidder,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Floyd Browne Associates, Inc., to conduct a Geophysical Feasibility Study at the Marion City Landfill.

Section 2. That said contract shall be payable from the Landfill Monitoring Fund Account No. 507-05-563-230-000-320.

Section 3. That there be an additional appropriation in the amount of \$47,349.00 made in the Landfill Monitoring Fund as follows:

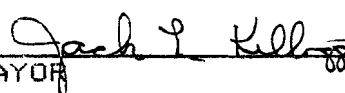
PROFESSIONAL SERVICES 507-05-563-230-000-320 \$47,349.00

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 26, 1992

APPROVED: October 27, 1992


MAYOR

ATTEST:


CLERK OF COUNCIL