



**William Biddlecombe** Councilmember    **Joe Dike** Councilmember    **Sam Artino** Councilmember    **Monty Tapp** Mayor    **Mark Claus** Vice-Mayor    **Matt Grieves** Councilmember    **Joel Hagy** Councilmember

**CITY COUNCIL — REGULAR COUNCIL MEETING**

Tuesday, May 9, 2023 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

- I. Call To Order** Moment of Silence followed by the Pledge of Allegiance to the Flag
- II. Roll Call of City Council**
- III. Swearing In/Oath of Office** Oath of Office of Jeffrey Travaglianti as Patrol Officer, administered by Matt Lasko, City Manager.
- IV. Approval of Minutes**
  - IV.a** Minutes of the April 28, 2023 regular Council meeting.
- V. Audience Comments** Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)
- VI. Presentations**
  - VI.a** Fabens Park Tennis Courts Bid and Community Survey Results
  - VI.b** Huron Residential Solid Waste, Disposal and Recycling Services Bid Results
- VII. Old Business**
  - VII.a** Resolution No. 18-2022 (**second amended**) (submitted by Jack Evans)  
An amended resolution authorizing the purchase of Neptune water meter radio transmitters from Neptune Technology Group relating to the Neptune AMR Transition Project.
  - VII.b** Ordinance No. 2023-10 (**second reading**) (*submitted by Cory Swaisgood*)  
An ordinance to levy a permissive motor vehicle license tax in the amount of \$5.00 per vehicle pursuant to Ohio Revised Code Section 4504.173.
- VIII. New Business**
  - VIII.a** Resolution No. 26-2023 (*submitted by Matt Lasko*)  
A resolution authorizing a lease agreement with Showboat LLC, dba Old Fish House for lease of a portion of PPN: 42-01077.00.
  - VIII.b** Resolution No. 30-2023 (*submitted by Matt Lasko*)  
A resolution authorizing an agreement with Seeley, Savidge, Ebert & Gourash Co., LPA for the provision of legal services for a period of one year.
  - VIII.c** Resolution No. 39-2023 (*submitted by Doug Steinwart*)  
A resolution authorizing a License Agreement with the Huron Rotary Club to hold the Huron Rotary Festival on June 24, 2023.

**VIII.d** Resolution No. 40-2023 (*submitted by Stuart Hamilton*)

A resolution authorizing a grant application to the Erie Regional Planning Commission Metropolitan Planning Commission for a Transportation Alternative Grant Program for construction of a multi-use path along Jim Campbell Boulevard.

**VIII.e** Resolution No. 41-2023 (*submitted by Stuart Hamilton*)

A resolution authorizing a grant application to the Erie Regional Planning Commission Metropolitan Planning Commission Transportation Alternative Grant Program for construction of a bike path connecting the Lake Shore Electric Trail to the Rye Beach Corridor.

**VIII.f** Ordinance No. 2023-11 (*presented by Matt Lasko*)

An ordinance to revise the Codified Ordinance by adopting current replacement pages.

**VIII.g** Ordinance No. 2023-12 (**first reading**) (*submitted by Erik Engle*)

An ordinance amending Chapter 909 (Assessments) to add new Sections 909.02 (Construction and/or Repair of Sidewalks) and 909.03 (Maintenance, Removal and/or Replacement of Trees).

**VIII.h** Ordinance No. 2023-13 (**first reading**) (*submitted by Erik Engle*)

An ordinance repealing and amending and restating Chapter 907 (Trees) of the Codified Ordinances of Huron, Ohio.

**VIII.i** Ordinance No. 2023-14 (**first reading**) (*submitted by Erik Engle*)

An ordinance establishing a new Section 541.14 (Trees) under Chapter 541 (Health, Safety and Sanitation); repealing, amending and restating Section 521.06 (Duty to Keep Sidewalks in Repair and Clean); and further amending Chapter 541 to add related cross-references.

**IX. City Manager's Discussion**

**X. Mayor's Discussion**

**XI. For the Good of the Order**

**XII. Executive Session(s)**

**XIII. Adjournment**



**TO:** Mayor Tapp and City Council  
**FROM:** Jack Evans  
**RE:** Resolution No. 18-2022 (**second amended**) (submitted by Jack Evans)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

This resolution amends Resolution No. 18-2022 (as amended) previously adopted on August 9, 2022. The prior amendment increased the cost set forth on the original Resolution No. 18-2022 adopted on January 25, 2022 to reflect the entire project cost for the Neptune AMR Transition Project, which staff has recently discovered will require additional funds due to inflation and an extra communication gateway. The correct amount that should have been reflected on Resolution 18-2022 is \$576,180.73, which reflects an increase of \$100,000.00.

### **Legislative History:**

Resolution 18-2022 adopted on January 25, 2022 - \$100,000.00

Resolution 18-2022 (amended) adopted on August 9, 2022 - \$476,180.73

### **Financial Review**

The Water Capital Project Fund (Fund 603) will continue to pay for this project. The fund has sufficient cash balance to accommodate the additional request to complete the project. Current appropriations are adequate within the fund.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Second Amended Resolution No. 18-2022 is in order.

[Resolution No. 18-2022 Second Amended \(2\).docx](#)

RESOLUTION NO. 18-2022 (SECOND AMENDMENT)  
Introduced by William Biddlecombe

RESOLUTION NO. 18-2022 ADOPTED ON JANUARY 25, 2022, AS AMENDED ON AUGUST 9, 2022, IS HEREBY FURTHER AMENDED AS FOLLOWS:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE NEPTUNE WATER METER RADIO TRANSMITTERS FROM NEPTUNE TECHNOLOGY GROUP RELATED TO THE NEPTUNE AMR TRANSITION PROJECT FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY-SIX THOUSAND ONE HUNDRED EIGHTY AND 73/100 DOLLARS (\$576,180.73).

WHEREAS, the City desires to replace its current automated water meter reading equipment due to failures experience due to misreads and battery failure; and

WHEREAS, Neptune Technology Group Inc. is the sole authorized distributor in the State of Ohio for Neptune RF meter reading equipment and software, Neptune water meters and Neptune parts; and

WHEREAS, the City desires to convert its current system to the Neptune AMR system to provide stability in meter readings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron authorizes and directs the City Manager to purchase Neptune water meter radio transmitters relating to the Neptune AMR Transition Project for an amount not to exceed Five Hundred Seventy-Six Thousand One Hundred Eighty and 73/100 Dollars (\$576,180.73).

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 3. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Ordinance No. 2023-10 **(second reading)** *(submitted by Cory Swaisgood)*  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

Vehicle registration permissive tax is a tax that is currently levied by municipalities on vehicle registrations. It is defined in Ohio Revised Code (ORC) Chapter 4504. There are five (5) \$5.00 levies available to municipalities. The City must pass legislation for each levy to become effective. The City previously passed 4 of the 5 levies. The City is collecting \$20 per license registration. The Ohio Revised Code allows for the City to collect up to \$25 per registration, as of July 2019.

In review of the statewide permissive tax, three local municipalities in Ottawa County are currently at the maximum allowed tax of \$25. The City of Vermilion approved the additional \$5 levy in 2022, which became effective January 1, 2023.

The Finance Committee has recommended Council to consider the additional \$5 levy with the 2023 budget. If passed before July 1, 2023, the new rate would become effective on January 1, 2024.

### **Financial Review**

Permissible uses of the permissive tax, per ORC Chapter 4504, include planning, constructing, improving, maintaining and repairing public roads and streets. The City collects approximately \$163,000 per year of permissive tax revenue. The annual revenue received from this tax has stayed consistent since 2015. The revenue is accounted for in the City's Street Maintenance Fund (Fund 212) and can only be credited to this fund by State law. The additional \$5 per license levy is expected to generate approximately \$42,000 more in revenue for the Street Maintenance Fund.

This additional levy is expected to offset the financial burden of maintaining and paving City streets. The City cannot rely on the annual revenue collected to meet timely demands of repairing and paving City streets. As approved with the 2023 budget, the City is expecting to subsidize the street maintenance budget going forward. Although the City's General Fund will still carry some of the financial burden if passed, the additional \$5 tax will help offset a portion of the General Fund's share.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion placing Ordinance No. 2023-10 on its second reading is in order.

[Ordinance No. 2023-10 Permissive Tax \(1\).docx](#)

ORDINANCE NO. 2023-10  
Introduced by Joel Hagy

AN ORDINANCE TO LEVY A PERMISSIVE MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.173

WHEREAS, pursuant to Ohio Revised Code Section 4504.173, the legislative authority of a municipal corporation may levy an annual license tax of Five Dollars (\$5.00) per motor vehicle operated on the public roads and highways in that municipal corporation for any authorized purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That there is hereby levied an annual license tax upon the operation of motor vehicles on the public roads and highways of the City of Huron, Ohio, pursuant to Section 4504.173 of the Ohio Revised Code, for the purpose of planning, constructing, improving, maintaining and repairing public roads, highways and streets, and to provide additional revenue for the purposes authorized by Section 4504.173(A)(2) of the Ohio Revised Code, and to supplement revenues already available for such purposes;

SECTION 2. That the license tax referenced above in Section 1 shall be at a rate of Five Dollars (\$5.00) per motor vehicle per year, on each and every motor vehicle the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is in the City of Huron, Ohio, subject to reductions in the manner provided in Section 4503.16, 4503.17, 4503.172, 4503.18, 4503.41, 4503.43, 4503.46 and 4503.571 of the Ohio Revised Code.

SECTION 3. That, as used in this ordinance, the term "motor vehicle" shall include all vehicles so defined in Sections 4501.01 and 4505.01 of the Ohio Revised Code.

SECTION 4. That the annual tax imposed by this ordinance shall apply to and be in effect for the registration year commencing January 1, 2024, and shall continue in effect and application during each registration year thereafter.

SECTION 5. That the annual tax imposed by this ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio, or to a Deputy Registrar, at the time application for registration of a motor vehicle is made as provided in Section 4503.01, et seq., of the Ohio Revised Code.

SECTION 6. That all revenues derived from the annual tax levied herein shall be used by the City of Huron for the purposes specified in this ordinance, or any other purpose authorized by state law.

SECTION 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 8. That, as required by Section 4504.173(B)(1), this ordinance shall not be adopted as an emergency measure. WHEREFORE, this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 26-2023 (*submitted by Matt Lasko*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

This is a continuation of an existing lease. This lease is a two-year lease with Showboat LLC (Old Fish House) in the amount of \$2,058 per year.

### **Financial Review**

The lease amount of \$2,058 will be deposited in the Parks and Recreation Fund and will offset the cost of the maintaining the property.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 26-2023 is in order.

[Resolution No. 26-2023 Old Fish House Lease \(2\).docx](#)

[Resolution No. 26-2023 Exhibit A The Old Fish House Lease 5-1-23 \(1\).docx](#)



RESOLUTION NO. 26-2023  
Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1)-YEAR LEASE AGREEMENT WITH SHOWBOAT LLC, DBA OLD FISH HOUSE, FOR A PORTION OF ERIE COUNTY, OHIO PERMANENT PARCEL NO. 42-01077.000 COMPRISING APPROXIMATELY 1,701 SQUARE FEET IMMEDIATELY ADJACENT TO LESSEE'S PROPERTY LOCATED AT 30 MAIN STREET, HURON, OHIO, FOR THE ANNUAL RENTAL AMOUNT OF TWO THOUSAND FIFTY-EIGHT AND XX/100 DOLLARS (\$2,058.00)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1: That the City Manager is authorized and directed to enter into a Lease Agreement with Showboat LLC, dba Old Fish House, for the lease of a portion of Erie County, Ohio Permanent Parcel No. 42-01077.000, comprising approximately 1,701 square feet, immediately adjacent to Lessee's property located at 30 Main Street, Huron, Ohio, for the annual rental amount of Two Thousand Fifty-Eight and XX/100 Dollars (\$2,058.00), as set forth in the Lease Agreement substantially in the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

ADOPTED:

\_\_\_\_\_

## **LEASE AGREEMENT**

This Lease Agreement is made between and among the City of Huron, Ohio, a municipal corporation of Erie County, Ohio, hereinafter called "City," and Showboat LLC dba Old Fish House, by and through its authorized representative, James J. Dike, hereinafter collectively called "Lessees," for the purpose of leasing to Lessees approximately 1,701 square feet of Erie County, Ohio Permanent Parcel No. 42-01077.000 immediately adjacent to Lessee's property located at 30 Main Street, Huron, OH 44839.

**WHEREAS**, the purpose of the Lease Agreement is to allow Lessees to utilize City property located at 30 Main Street in the operation of a restaurant/tavern business known as "Old Fish House," such facility being adjacent to the grounds of property owned by the City of Huron and formerly known as the "Showboat Property," and Lessees wish to lease a portion of those grounds for outside service in connection with such business; and

**WHEREAS**, the parties have met and have agreed that it would be mutually beneficial to enter into this Lease Agreement.

**NOW, THEREFORE**, the parties agree as follows:

1. The City hereby leases unto Lessees approximately 1,701 square feet of the grounds located on Permanent Parcel No. 42-01077.000 depicted in Exhibit "A" attached hereto and made a part hereof.
2. The term of this Lease Agreement shall be one (1) year commencing on January 1, 2023 and terminating on December 31, 2023.
3. The Lease Payment shall be Two Thousand Fifty-Eight and 00/100 Dollars (\$2,058.00) for the one-year lease term, payable in one lump sum payment on or before June 1, 2023.
4. Lessees shall defend, indemnify, and hold the City harmless against any and all liability for personal injury, property damage or loss of life or property resulting from, or in any way connected with, the condition or use of the premises, including but not limited to, all acts or claims arising or claimed to arise in connection with Lessees' operation of its restaurant/tavern business.

As further security for this indemnification, Lessees shall obtain and keep in full force and effect during the term of this Lease, general liability insurance, with limits of at least Two Million Dollars (\$2,000,000.00) for personal injury or death and Two Hundred Fifty Thousand Dollars (\$250,000.00) for property damage. The City shall be listed as an additional insured by endorsement and shall be given at least thirty (30) days written notification of an intent to cancel. Lessees shall provide the City Manager with a Certificate from the insurance company attesting to the existence of such insurance, its term and proof of payment of the premium. The delivery of such Certificate and the maintenance of such policy or policies in

good standing shall be a specific condition of this Lease, and if, at any time, such Certificate and the insurance it represents shall lapse, Lessees' right to occupy the leased property shall immediately cease and Lessees shall vacate the same.

The provisions of this paragraph 4 shall survive the Term of this Lease Agreement.

5. Lessees, all employees, agents, contractors, and any other persons subject to their direction and control shall **strictly** comply with all Ohio Department of Liquor Control, federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to any and all communicable diseases, including COVID-19. Lessees agree to be solely responsible for ensuring that the activities covered by this Agreement will be operated, run, managed, and conducted in a manner consistent with all applicable all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to COVID-19, and will coordinate with the Erie County Department of Health to ensure the same. Lessees understand its business will expose it and its employees, agents, contractors and other persons subject to its control to a risk of injury and illness (ex: communicable diseases such as MRSA, influenza, and COVID-19), including the potential for permanent paralysis and death, and while particular rules, equipment, and personal discipline may reduce these risks, the risks of serious injury and illness do exist, and KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS, both known and unknown, EVEN IF ARISING FROM THE NEGLIGENCE OF THE CITY, and assumes full responsibility for any such risk which may occur at the Event. LESSEES FURTHER DEFEND AND, INDEMNIFY, RELEASE, AND HOLD HARMLESS THE CITY, AND ITS OFFICIALS, AGENTS, AND/OR EMPLOYEES ("RELEASEES"), WITH RESPECT TO ANY AND ALL CLAIMS, DEMANDS, LAWSUITS, ACTIONS, ETC. OF ANY TYPE FOR ANY ALLEGED INJURY, ILLNESS, DISABILITY, DEATH, OR LOSS OR DAMAGE TO PERSON OR PROPERTY, WHETHER ARISING FROM THE NEGLIGENCE OF THE CITY OR OTHERWISE, TO THE FULLEST EXTENT PERMITTED BY LAW.
6. Lessees shall keep all areas of the leased property and the improvements installed thereon in good repair and in a clean and sanitary condition, free and clear of all hazards and debris. Lessees shall take all steps to keep vermin, stray animals and pests away from and off the leased premises. Lessees shall take all steps necessary to abide by all local sound amplification ordinance restrictions.
7. Either party, during the term of this lease, or any extension or renewal thereof, may terminate this lease by notice, in writing, to the other party delivered sixty (60) days prior to the date of termination, in which case, the rent shall be prorated to the date of termination provided however that, save and excepting Lessees breach of this Lease Agreement or Lessees violation of law (for example only and not intended to be an exhaustive list, Lessees citation by Ohio Division of Liquor Control, Lessees exceeding the maximum occupancy, etc.), the City shall not be entitled to

utilize this Section 7 to terminate this Lease Agreement with an effective termination date between May 1, 2023 and September 1, 2023.

- 8. Lessees shall be required to submit to the City of Huron Planning Commission site plan renderings for any structural improvements proposed for the Property. The City Council retains final discretion in the approval of structural improvements to the land which is subject to the Lease Agreement.
- 9. Promptly upon termination of this Lease Agreement regardless of reason, the improvements maintained by Lessees shall be removed by Lessees and the property restored, as nearly as possible, to its condition existing prior to those improvements.

**IN WITNESS WHEREOF**, the parties have executed duplicates hereof this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

LESSOR:

THE CITY OF HURON, OHIO

By: \_\_\_\_\_  
Matthew Lasko, City Manager

LESSEES:

SHOWBOAT LLC,  
dba OLD FISH HOUSE

By: \_\_\_\_\_  
James J. Dike

Title: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Todd Schrader, Law Director

**EXHIBIT A**



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 30-2023 (*submitted by Matt Lasko*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

This resolution will accept the proposal and authorize an agreement with Seeley, Savidge, Ebert & Gourash Co., LPA ("SSEG") for the provision of legal services as Law Director for the City of Huron. This is an extension of a one-year agreement due to expire on June 3, 2023. The pertinent terms of the agreement extension are as follows:

- One-year term;
- Either party may terminate the agreement on ninety (90) days' prior written notice;
- Covers basic legal and Law Director duties for the City;
- Litigation and additional projects are billed separately on a flat fee or \$200 per hour as agreed;
- Todd Schrader will continue as Law Director;
- Gary Ebert will continue as Assistant Law Director;
- Monthly flat fee of \$12,500, with no cap on hours worked.

### **Legislative History**

Resolution 2020-41 (adopted 6-4-20) - Initial Agreement w/monthly rate of \$10,000, capped at 60hrs per month;  
Resolution 32-2022 (adopted 5-25-21) - One-year agreement w/monthly rate of \$12,500, no cap on hours worked;  
Resolution 55-2022 (adopted 5-10-22) - Identical to Resolution 32-2022, other than term.

### **Financial Review**

The Law Director position is paid out of various City funds, including the General Fund and Water fund. As there is no change in fee structure from the 2022 contract, there is no modification to current appropriations required.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 30-2023 is in order.

[Resolution No. 30-2023 Exh A SSEG Contract.pdf](#)  
[Resolution No. 30-2022 SSEG Contract \(2\).docx](#)



Seeley Savidge  
Ebert & Gourash Co., LPA

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Fax: (216) 566-0213  
www.sseg-law.com

April 24, 2023

Mayor Monty Tapp  
Matt Lasko, City Manager  
City of Huron Ohio  
417 Main Street  
Huron, Ohio 44839

RE: Legal Services

Dear Messrs. Tapp and Lasko:

Seeley, Savidge, Ebert & Gourash Co., LPA (“SSE&G”) hereby submits the following proposal to provide continuing legal services to the City of Huron, which will be for a one (1) year term commencing June 4, 2023 and expiring on June 3, 2024 (provided, however, that this proposed arrangement is formally approved by the City of Huron prior to June 4, 2023).

### **Section One. Firm Overview and Qualifications**

SSE&G is a premiere transactional and litigation firm located in Westlake, Ohio. Our attorneys counsel over 500 clients throughout the United States, including entrepreneurs and start-ups, Fortune 500 companies, municipalities and government agencies and individuals. Our goal is to provide efficient, effective and creative legal services to meet the distinct needs of our clients. In furtherance of that goal, we provide advice and representation to our municipal and private clients that allow policymakers and boards to achieve their goals while minimizing legal risk.

SSE&G offers practical legal solutions in more than 15 areas of law, including public law, governmental services, land use, public funding, tax abatements, labor and employee relations, real estate, insurance, civil litigation and worker’s compensation. We have a strong history of providing services in the area of municipal law and attorneys practicing in this area have extensive experience interacting with government entities and officials. Our team of attorneys brings together expertise in litigation and appellate advocacy in state and federal courts, appearing before administrative bodies and providing legal advice to all municipal departments.

### **Section Two. Basic General Services**

SSE&G is prepared to undertake all basic general legal duties for the City of Huron, including:

- Serving as counsel at all regular and special Council Meetings, including Planning and Zoning Commission and any other boards and commissions as directed by the Mayor or City Manager.

- Providing thorough legal advice and written opinions as requested by the Mayor, City Manager, City Council and/or City Directors.
- Drafting ordinances and resolutions upon request of the Mayor, City Manager, City Council and/or City Directors.
- Providing legal advice and guidance to City officials, as necessary.
- Responding to inquiries regarding City matters.
- Attending meetings and discussions with City, County, State and Federal officials and other government officials.
- Reviewing and approving contracts, ordinances, resolutions and any other written documents, as requested by the Mayor, City Manager or City Directors.
- Representing the City regarding personnel matters, through the level of administrative proceedings before the Mayor, City Manager and other City Officials.

### **Section Three. Additional Services.**

The Firm is also prepared to continue representing the City of Huron in any litigation or additional projects, outside of the basic general legal services outlined herein. Subject to agreement, SSE&G will provide special legal services for litigation or additional projects beyond the normal, basic general legal services on a flat fee or hourly basis as agreed upon in advance by the parties. These services include attending to litigation-related matters, complex contracts, employment, workers compensation, and other personnel matters (including disciplinary proceedings), appearance and counsel to Planning Commission and Board of Zoning Appeals, and all litigation-related matters, including but not limited to defense of litigation either directly on behalf of the City or as appointed counsel through the City's insurance carrier(s).

### **Section Four. Proposed Legal Counsel**

SSE&G plans to continue working as a team, providing a network of legal support and Law Director services for the City of Huron across all of our practice areas, including sharing the basic general service responsibilities and duties in order to provide comprehensive coverage at Council meetings and Board meetings as needed. Attorneys Gary Ebert and Todd Schrader will be lead counsel on these matters, with Todd Schrader continuing as Law Director and Gary Ebert continuing as Assistant Law Director. Other SSE&G attorneys will be utilized to assist with provision of basic general services, including periodic attendance at the City of Huron, and to address other projects as assigned.



**Section Five. Proposed Fees**

For the basic general services, we propose to provide said services for \$12,500/monthly *(which is the same amount charged for the currently-expiring year of service)* on a flat-fee basis due and payable on or before the first of each month; fees are earned upon receipt of payment. Invoices will be billed monthly. It is envisioned that the basic general services shall equate to approximately 60 hours of SSE&G professional time monthly, which may be adjusted by agreement of the parties, but in no event should any excess in the amount of monthly hours provided restrict or impair the continuing representation of the City during the term of this Agreement. Notwithstanding any contrary provision of this correspondence, and unless the parties agree in writing otherwise, either party may terminate the services of SSE&G on ninety (90) days prior written notice to the other.

For additional projects outside of the scope of the basic general services outlined above, SSE&G will offer a discounted blended hourly rate of \$200.00 per hour, unless a different rate is agreed to by SSE&G and the City of Huron. SSE&G will be reimbursed for all out-of-pocket expenses incurred relating to litigation and additional projects. Such out-of-pocket expenses include, for example, the following: travel-related expenses, computer-assisted research, long distance telephone charges, copying charges, messenger services and overnight delivery. When involved in litigation with the Firm, there will be no duplication of services by individuals from the same Firm when providing defense on behalf of the City of Huron.

Please accept our genuine gratitude for the continuing opportunity to serve the legal needs of the City of Huron, and we look forward to assisting the City and its administration, leadership team and staff. Should you have any questions, please do not hesitate to call. We remain

Very truly yours,



Gary A. Ebert



Todd A. Schrader

RESOLUTION NO. 30-2023  
Introduced by Sam Artino

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF HURON, WITH SEELEY, SAVIDGE, EBERT & GOURASH CO., LPA FOR THE PROVISION OF LEGAL SERVICES FOR A PERIOD OF ONE YEAR FROM JUNE 4, 2023 THROUGH JUNE 3, 2024.

WHEREAS, the firm of Seeley, Savidge, Ebert & Gourash Co., LPA (hereinafter known as SSE&G) has extensive experience in the provision of Municipal Legal Services; and

WHEREAS, the City and the firm of SSE&G will enter into an agreement to ensure legal representation of the City; and

WHEREAS, such representation and obligations are set out in the Contract attached hereto as Exhibit "A"; and

WHEREAS, the City Council for the City of Huron finds that it is in the best interest of the City and residents of the City to enter into an agreement with SSE&G for legal services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1: The Huron City Council authorizes the City Manager to execute the Contract for Legal Services between SSE&G and the City of Huron, as set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Doug Steinwart , Operations Manager  
**RE:** Resolution No. 39-2023 (*submitted by Doug Steinwart*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

The Huron Rotary Club is requesting use of City property for the annual Huron Rotary Festival on June 24, 2023. This year's event will be for one day, and will feature entertainment for children and adults, food trucks, and music featuring Wall and the Beavs. The Huron Rotary Club requests the sale of beer and wine in the designated area and this event will incur the special event charge for facility rental of \$500.

### **Financial Review**

A one-day special event facility usage charge of \$500 will be charged to the Huron Rotary Club and will be allocated to the Boat Basin Fund (Fund 210) under Facility Rental. This amount was anticipated and budgeted for in account 210-0006-41536. The facility usage fee will offset maintenance and personnel costs.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 39-2023 is in order.

[Resolution No. 39-2023 Huron Rotary Festival.doc](#)

[Resolution No. 39-2023 Exh A Huron Rotary Festival \(1\).doc](#)

RESOLUTION NO. 39-2023  
Introduced by William Biddlecombe

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO, WITH THE HURON ROTARY CLUB TO HOLD THE HURON ROTARY FESTIVAL IN THE CITY OF HURON, OHIO ON JUNE 24, 2023

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1: The City Manager is authorized and directed to execute a License Agreement for and on behalf of the City of Huron, Ohio with the Huron Rotary Club to use City property at the Boat Basin in conjunction with the Huron Rotary Festival on June 24, 2023, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

**LICENSE AGREEMENT**

This License Agreement ("Agreement"), made between the City of Huron, Ohio, hereinafter called "City" and the Huron Rotary Club, hereinafter called "Licensee", is to EVIDENCE THAT:

**WHEREAS**, the Huron Rotary Festival ("Festival") is held on property owned by the City and, therefore, it is necessary for the City to grant the Huron Rotary Club a revocable license to use said property and;

WHEREAS the Festival is scheduled to occur on June 24, 2023; and

**WHEREAS**, it is also necessary for the City of Huron to furnish additional City services in order that said event may be held on City property in Huron, Ohio.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. The City hereby grants a revocable license to Licensee to use the Amphitheater at the Boat Basin on Saturday, June 24, 2023 during the hours of 4:00 p.m. to 11:00 p.m. for the purpose of conducting the Festival for a flat rental fee of \$500.00 total on the property described on Exhibit A and incorporated by reference.

2. The City hereby grants the placement of three (3) 10 x 8 latex banners for advertising signage to be erected in the following areas: median area of U. S. Route 6/Center Street, S.R. 13/Riverside Drive, and Cleveland Road E/By the Shores Drive commencing on June 10, 2022 and which shall be removed on June 26, 2023.

3. Licensee agrees, at its own expense to have the entire event area cleaned up, including removal of all equipment, trash, and other items placed in the site, by 8:00 a.m. on Sunday, June 25, 2023. This provision may be modified due to weather conditions.

4. Licensee agrees to adhere to the Festival Regulations pursuant to the Ohio Fire Code as referenced in Exhibit D.

5. The City shall have the option to terminate or modify this Agreement and related revocable license in the event the property being licensed to the Licensee becomes unavailable for use by Licensee as provided for by this Agreement, which determination shall be decided by the Huron City Council at a regular or special meeting, notice of which shall be given to the Licensee at least seven (7) days prior to the date of the meeting.

6. The City shall also notify the Licensee as soon as it can reasonably be done, of any impending public works construction that might adversely affect the use of the property by the Licensee.

7. The Licensee agrees to defend, indemnify, and hold the City harmless from any and all actual or threatened actions, causes of action, claims, costs, damages, demands, expenses,

fees (including reasonable attorney's fees), fines, judgments, losses, penalties or suits arising directly or indirectly from Licensee's breach of this Agreement, from Licensee's use or the use by participants, workers, vendors, invitees, and attendees of City-owned lands for the Festival and parking areas as authorized by this Agreement, or from the operation of the event or claimed to have arisen from the operation of the event, and Licensee shall secure liability insurance, including liquor liability coverage, in an amount of at least One Million Dollars (\$1,000,000.00) for bodily injury and death, and One Hundred Thousand Dollars (\$100,000.00) for property damage, which policies shall name City as an additional named insured by endorsement and loss payee. Licensee shall furnish City with evidence that the required insurance has been obtained, with proof of payment of the premium for the duration of this Agreement, no later than June 1, 2022, and a copy of such shall herein be attached and incorporated as Exhibit B. Such insurance policies shall provide that such insurance policies may not be canceled without thirty (30) days prior written notice to the City.

8. Licensee further agrees as follows:
  - a. Event activity shall be scheduled within the hours: Friday: June 24, 2023, 4:00 p.m. to 11:00 p.m.
  - b. Signs to be posted restricting beer/wine in plastic or paper cups only to the fenced areas as noted in Exhibit C.
  - c. Concession booths shall not be permitted to open without first obtaining an approved electrical inspection.
  - d. Event grounds shall shut down by 11:00 p.m.
  - e. Food sales shall cease by 10:30 p.m.
  - f. Licensee agrees to incorporate the operating restrictions set forth herein in all contracts with affected vendors.
  - g. Licensee agrees to have all water connections checked for compliance with the State of Ohio Code.
  - h. Licensee agrees to protect parking lot at the Boat Basin and further agrees not to make any holes in parking lot surface for any reason.
  - i. Licensee shall furnish City with evidence that the required insurance has been obtained prior to the opening of the event.
  - j. Licensee hereby agrees to conduct said event in accordance with the terms and conditions set forth and approved by the Council of the City of Huron and all rules and regulations of other state or local agencies applicable to these events.

- k. This Agreement contains the entire agreement between the Parties and supersedes any oral or prior written understandings, representations or agreements between the Parties.
- l. This agreement shall be interpreted in accordance with the laws of the State of Ohio.

12. The City approves the sale of beer and wine during the Festival as follows: Saturday, June 24, 2023 from 4:00pm to 11:00pm. All sales of beer and wine shall be confined to the designated area. Beer and wine shall be in plastic or paper cups or cans; no bottles permitted. Consumption of beer and wine shall be permitted in fenced in areas only and as noted on Exhibit A. Licensee agrees to comply with all rules and regulations of the Ohio Department of Liquor control as required by the regulations governing Licensee's Alcohol Permit identified in Exhibit E.

IN WITNESS WHEREOF, all parties have set their hands to duplicate copies of this Agreement on the date(s) referenced below.

CITY: CITY OF HURON, OHIO

LICENSEE: HURON ROTARY CLUB

\_\_\_\_\_  
Matt Lasko, City Manager

\_\_\_\_\_  
\_\_\_\_\_, President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Todd A. Schrader, Law Director

**EXHIBIT A**  
**DESCRIPTION OF LEASED PROPERTY**





**EXHIBIT B**  
**LIABILITY INSURANCE POLICY**

**EXHIBIT C**  
**SIGNS FOR BEER CONSUMPTION IN CERTAIN AREAS**

# EXHIBIT D

## FESTIVAL REGULATIONS- OHIO FIRE CODE

### **Festival Regulations**

The City of Huron has adopted, and the Fire Division enforces, the latest version of the Ohio Fire Code. The following regulations are highlighted to minimize misunderstanding between Fire Division personnel and festival vendors. The Ohio Fire Code, in its entirety, and the judgment of the Authority Having Jurisdiction (The Fire Chief or Designee) will continue to be the ultimate Authority regarding public fire safety.

It shall be the responsibility of the organization hosting the event (Permit Holder) to provide this information to all vendors, and to arrange for the inspection(s) with the Fire Division. Any one of these violations or any regulation cited shall be corrected immediately or the vendor will not be allowed to open until violation(s) are corrected. Absolutely, no exceptions will be made.

- All electrical connections and / or equipment **shall be** in full compliance with all requirements of the National Electric Code (NFPA 70). The City of Huron Electrical Inspector **shall be** contacted (419-357-1006) by the Permit Holder before each event for an electrical inspection.
- All required Fire extinguishers **shall be** properly tagged by a qualified service company within the past year according to (NFPA 10 ) Ohio Administrative Code 1301:7-7-45. You can locate a qualified company in the yellow pages under Fire Extinguishers.
- All tents, booths, trailers or canopies not occupied by the public used **for cooking shall have** at least one (1) portable fire extinguisher with a minimum 4-A:40:BC rating, or two (2) portable fire extinguishers with a minimum 2-A:10:BC rating. Vendors utilizing Deep Fryers shall have at least one Class K extinguisher with a minimum rating of 2-A:K.
- If cooking under a tent/canopy the tent **must have a permanently affixed label** (FM-2403.3) meeting (NFPA 701, Annex D) (NFPA 5000, Chapter 32) (NFPA 1, Chapter 25) of flame propagation.
- Fuel powered rides must have at least one (1) properly serviced & tagged extinguisher with a rating of 40:BC.

## Festival Regulations

The City of Huron has adopted, and the Fire Division enforces, the latest version of the Ohio Fire Code. The following regulations are highlighted to minimize misunderstanding between Fire Division personnel and festival vendors. The Ohio Fire Code, in its entirety, and the judgment of the Authority Having Jurisdiction (The Fire Chief or Designee) will continue to be the ultimate Authority regarding public fire safety.

It shall be the responsibility of the organization hosting the event (Permit Holder) to provide this information to all vendors, and to arrange for the inspection(s) with the Fire Division. Any one of these violations or any regulation cited shall be corrected immediately or the vendor will not be allowed to open until violation(s) are corrected. Absolutely, no exceptions will be made.

- All electrical connections and / or equipment **shall be** in full compliance with all requirements of the National Electric Code (NFPA 70). The City of Huron Electrical Inspector **shall be** contacted (419-357-1006) by the Permit Holder before each event for an electrical inspection.
- All required Fire extinguishers **shall be** properly tagged by a qualified service company within the past year according to (NFPA 10 ) Ohio Administrative Code 1301:7-7-45. You can locate a qualified company in the yellow pages under Fire Extinguishers.
- All tents, booths, trailers or canopies not occupied by the public used for cooking **shall have** at least one (1)portable fire extinguisher with a minimum 4-A:40:BC rating, or two (2)portable fire extinguishers with a minimum 2-A:10:BC rating. Vendors utilizing Deep Fryers shall have at least one Class K extinguisher with a minimum rating of 2-A:K.
- If cooking under a tent/canopy the tent **must have a permanently affixed label** (FM-2403.3) meeting (NFPA 701, Annex D) (NFPA 5000, Chapter 32) (NFPA 1, Chapter 25) of flame propagation.
- Fuel powered rides must have at least one (1) properly serviced & tagged extinguisher with a rating of 40:BC.



**TO:** Mayor Tapp and City Council  
**FROM:** Stuart Hamilton , Service Director  
**RE:** Resolution No. 40-2023 (*submitted by Stuart Hamilton*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

An opportunity to apply for funds from the Erie Regional Planning Commission Metropolitan Planning Commission Transportation Alternative Grant Program to help fund the installation of a multi-use/bike path on Jim Campbell Blvd is available and will close May 12th. This application will be in the amount of \$270,000.

### **Financial Review**

This legislation has no immediate financial impact to the City other than staff hours to prepare and submit the application. If awarded, the \$270,000 award can only be used for the intended purpose.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 40-2023 is in order.

[Resolution No. 40-2023 ERPC Grant Application \(1\).doc](#)

RESOLUTION NO. 40-2023  
Introduced by Monty Tapp

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE ERIE COUNTY REGIONAL PLANNING COMMISSION METROPOLITAN PLANNING ORGANIZATION (ERPC MPO) TRANSPORTATION ALTERNATIVE (TA) PROJECT GRANT RELATING TO CONSTRUCTION OF A MULTI-USE PATH ALONG JIM CAMPTBELL BOULEVARD IN THE AMOUNT OF TWO HUNDRED SEVENTY THOUSAND AND XX/100 DOLLARS (\$270,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY THOUSAND AND XX/100 DOLLARS (\$270,000.00) BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the ERPC MPO Transportation Alternative (TA) project grant to partially subsidize construction of a multi-use path along Jim Campbell Boulevard (referred to as the "Project"); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to transportation and to the MPO's long range plans, such that they enhance a current or proposed transportation system; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from the ERPC MPO; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and project, if awarded ; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron authorizes and directs the City Manager to submit a grant application through the Erie County Regional Planning Commission Metropolitan Planning Organization (ERPC MPO) Transportation Alternative (TA) project grant to become eligible for potential funding assistance toward construction of a multi-use path along Jim Campbell Boulevard in the amount of Two Hundred Seventy Thousand and xx/100 Dollars (\$270,000.00). A copy of the grant application materials is attached hereto as Exhibit "A."

SECTION 2. That if grant funds are awarded, authorization is given to the City Manager to execute any agreement(s) with ERPC MPO to be eligible for funding under the program, and to accept the grant award of up to Two Hundred Seventy Thousand and xx/100 Dollars (\$270,000.00).

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Resolution No. 41-2023 (*submitted by Stuart Hamilton*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

An opportunity to apply for funds from the Erie Regional Planning Commission Metropolitan Planning Commission Transportation Alternative Grant Program to help in connecting the Lake Shore Electric Trail to Rye Beach Road is available and will close May 12th. This application will be in the amount of \$200,000.

### **Financial Review**

This legislation has no immediate financial impact to the City other than staff hours to prepare and submit the application. If awarded, the \$200,000 award can only be used for the intended purpose.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is pro

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 41-2023 is in order.

[Resolution No. 41-2023 ERPC Grant Application.doc](#)



RESOLUTION NO. 41-2023  
Introduced by Monty Tapp

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE ERIE COUNTY REGIONAL PLANNING COMMISSION METROPOLITAN PLANNING ORGANIZATION (ERPC MPO) TRANSPORTATION ALTERNATIVE (TA) PROJECT GRANT RELATING TO CONSTRUCTION OF A BIKE PATH CONNECTING THE LAKE SHORE ELECTRIC TRAIL TO THE RYE BEACH CORRIDOR IN THE AMOUNT OF TWO HUNDRED THOUSAND AND XX/100 DOLLARS (\$200,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND AND XX/100 DOLLARS; AND ENTER INTO AN AGREEMENT WITH THE ERPC MCO UPON AWARD, SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the ERPC MPO Transportation Alternative (TA) project grant to partially subsidize construction of a bike path connecting the Lake Shore Electric Trail to the Rye Beach Corridor (referred to as the "Project"); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to transportation and to the MPO's long range plans, such that they enhance a current or proposed transportation system; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from the ERPC MPO; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and project, if awarded ; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron authorizes and directs the City Manager to submit a grant application through the Erie County Regional Planning Commission Metropolitan Planning Organization (ERPC MPO) Transportation Alternative (TA) project grant to become eligible for potential funding assistance toward construction of a bike path connecting the Lake Shore Electric Trail to the Rye Beach Corridor in the amount of Two Hundred Thousand and xx/100 Dollars (\$200,000.00). A copy of the grant application materials is attached hereto as Exhibit "A."

SECTION 2. That if grant funds are awarded, authorization is given to the City Manager to execute any agreement(s) with ERPC MPO to be eligible for funding under the program, and to accept the grant award of up to Two Hundred Thousand and xx/100 Dollars (\$200,000.00).

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Ordinance No. 2023-11 (*presented by Matt Lasko*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

Ordinance No. 2023-11 authorizes and accepts replacements pages to the Codified Ordinances, as prepared by American Legal Publishing (aka Walter Drane Company), based on legislation adopted by City Council through March 2023, as well as any changes made by the State pertaining to the Traffic Code and General Offenses Code during this same time period. A copy of the replacement pages are attached hereto as Exhibit "1". Upon adoption of this ordinance, the 2023 Codified Ordinances will be uploaded to the City website and replacement pages inserted into administrative hard copy versions. If any members of Council or Council Committee members retain the Codified Ordinance either electronically or in hard copy, please delete/discard and made the replacement with the update through March 31, 2023 Codified Ordinances. A copy of the revised pages are available for review in the Council Clerk's office.

### **Financial Review**

The matter has been reviewed and while there are no costs associated with the acceptance of the updated Codified Ordinance pages, there are costs (filing fees, etc.) associated with the preparation of these Ordinances by American Legal Publishing, which costs have been included in the 2023 Municipal Budget. Fees for this service are based on the number of pages that require revision, updating the internet version, PDF, thumb drive and hard copies.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you. The Ohio Revised Code is modified several times during the year. These changes do not affect the codified ordinances until the City Council considers an ordinance adopting changes. Ratification of this legislation will allow local officers the ability to pursue changes under the updated code sections.

### **Recommendation**

If Council is in agreement with the request, a motion to adopt Ordinance No. 2023-11 as an emergency measure is in order.

[Ordinance No. 2023-11 Adopting Ordinance \(1\).rtf](#)

ORDINANCE NO. 11-2023  
Introduced by Joe Dike

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES; AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company, nka American Legal Publishing, to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Ohio:

Section 1. That the ordinances of the City of Huron, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the April 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

- |         |  |
|---------|--|
| 303.081 | Impounding Vehicles on Private Residential or Agricultural Property.<br>(Amended)  |
| 303.082 | Private Tow-Away Zones. (Amended)  |
| 303.083 | Impounding Vehicles on Public Property. (Amended)  |
| 303.991 | Committing an Offense While Distracted Penalty. (Amended)  |
| 331.35  | Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home<br>While in Motion. (Amended)                             |
| 333.01  | OVI; Willful Misconduct; Speed. (Amended)  |
| 333.03  | Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)  |
| 333.11  | Electronic Wireless Communication Device Use Prohibited While Driving.<br>(Amended)  |
| 335.07  | Driving Under Suspension or License Restriction. (Amended)   |
| 335.071 | Driving Under OVI Suspension. (Amended)  |
| 335.072 | Driving Under Financial Responsibility Law Suspension or Cancellation;<br>Driving Under a Nonpayment of Judgment Suspension. (Amended) |
| 335.073 | Driving Without Complying With License Reinstatement Requirements.<br>(Amended)  |

### Traffic Code (Cont.)

335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
337.22	Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
341.01	Commercial Drivers Definitions. (Amended)
351.04	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

### General Offenses Code

501.01	General Provisions and Penalty Definitions. (Amended)
501.99	Penalties for Misdemeanors. (Amended)
505.071	Cruelty to Companion Animals. (Amended)
505.12	Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
509.04	Disturbing a Lawful Meeting. (Amended)
509.11	Impeding Public Passage of an Emergency Service Responder. (Added)
513.01	Drug Abuse Control Definitions. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04	Possessing Drug Abuse Instruments. (Amended)
513.12	Drug Paraphernalia. (Amended)
513.121	Marihuana Drug Paraphernalia. (Amended)
517.08	Raffles. (Amended)
521.14	Spreading Contagion. (Added)
525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
525.15	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.01	Obscenity and Sex Offenses Definitions. (Amended)
533.06	Voyeurism. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
537.03	Unlawful Restraint. (Amended)
537.06	Menacing. (Amended)
537.07	Endangering Children. (Amended)
537.15	Temporary Protection Order. (Amended)
545.05	Petty Theft. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

Section 3. The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current Codified Ordinances. New material contained therein is published at length in the Huron Codified Ordinances as provided in Section 3.05(2) of the Charter and no further publication shall be necessary.

Section 4. This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Ohio R.C. 121.22.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Huron, Ohio, and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the Codified Ordinances to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements; wherefore, this Ordinance shall be in full force and effect from and immediately following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Erik Engle  
**RE:** Ordinance No. 2023-12 **(first reading)** *(submitted by Erik Engle)*  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

Ordinance 2023-12 establishes a special assessment to be levied on properties for tree removal costs paid by the City. Similar to the sidewalk program, the City can assess properties for the removal of trees as determined by the City arborist, similar to the sidewalk program. The cost of removing tree and proceeds from future assessments will be tracked in a separate special assessment fund.

### **Financial Review**

Ordinance 2023-12 establishes a special assessment to be levied on properties for tree removal costs paid by the City. Similar to the sidewalk program, the City can assess properties for the removal of trees as determined by the City arborist, similar to the sidewalk program. The cost of removing tree and proceeds from future assessments will be tracked in a separate special assessment fund.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion to place Ordinance No. 2023-12 on its first reading is in order.

[Ordinance No. 2023-12 Chapter 909 \(3\).docx](#)

[Ordinance No. 2023-12 Exhibit A Chapter 909.docx](#)

ORDINANCE NO. 2023-12  
Introduced by Joe Dike

AN ORDINANCE AMENDING CHAPTER 909 (ASSESSMENTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH NEW SECTIONS 909.02 (CONSTRUCTION AND/OR REPAIR OF SIDEWALKS) AND 909.03 (MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 909 (Assessments) is hereby amended to add new Sections 909.02 (Construction and/or Repair of Sidewalks) and 909.03 (Maintenance, Removal and/or Replacement of Trees), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**CHAPTER 909**  
**Assessments**

**909.01 Lighting public places.**

**909.02 Construction and/or repair of sidewalks.**

**909.03 Maintenance, removal and/or replacement of trees.**

CROSS REFERENCES

Assessments - see Ohio R.C. Ch. 727, 729

Sidewalk obstructions – see GEN. OFF. 521.04

Duty to keep sidewalks in repair and clean – see GEN. OFF. 521.06

Duty to maintain trees in tree lawn – see GEN. OFF. 521.14

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**909.01 LIGHTING PUBLIC PLACES.**

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of lighting public places as set forth herein. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 , 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of lighting certain public places.

(1) The resolution of Council determining the necessity of the public improvement (the “resolution of necessity”) shall set forth:

- A. The period for which those special assessments may be levied and collected,
- B. The real property upon which the special assessments are to be levied,
- C. The method by which the special assessments are to be levied and
- D. Other matters as required or permitted by law.

(2) For purposes of the proceedings for the levy of the special assessments, including but not limited to the resolution of necessity,

- A. “Lighting” shall include exterior and interior lighting, security and emergency lighting, traffic and other signalization, other types of lighting as specified in the resolution of necessity and acquiring, constructing, installing,

equipping and otherwise improving lighting facilities, creating reserves therefor and financing thereof (including debt service charges related thereto), and

B. “Public places” shall include streets (including alleys, avenues, boulevards, highways and other roadways by whatever designation), bridges, docks, wharfs, piers, parks, recreational and cultural facilities, waterworks system facilities, sewer system facilities, facilities related to the construction and maintenance of streets, parking facilities, portions of other City facilities open to the public and other places as designated in the resolution of necessity, all such places owned by or otherwise controlled by (or subject to an easement in favor of) the City or for which the City has assumed the responsibility for providing lighting.

(Ord. 2005-39. Passed 7-25-05.)

C. “Real property” means the land and any improvements made to the land. Assessments shall be made by the Erie County Auditor, or its designee, in such a way as to include this definition.

(Ord. 2009-7. Passed 2-24-09.)

#### **909.02 CONSTRUCTION AND/OR REPAIR OF SIDEWALKS**

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of maintenance, repair and replacement of sidewalks as set forth in Huron Ord. 521.06 and Ohio Revised Code Section 729.01, et. seq. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 ,1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of construction and/or repair of sidewalks in the manner set forth in Huron Ord. 521.06 and Ohio Revised Code Section 729.01, et. seq. (R.C. 727. 01, 729.03, R.C. 729.04)

#### **909.03 MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES.**

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of planting, maintaining, trimming, and removing shade trees as set forth in Huron Ord. 521.14, 907.03, 907.04, and Ohio Revised Code Sections 727.01 and 727.011. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 ,1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of planting, maintaining, trimming, and removing shade trees in the manner set forth in Huron Ord. 521.14, 907.03, 907.04, and Ohio Revised Code Sections 727.01 and 727.011

(RC. 715.20, R.C 727.01; RC 727.011; RC 731.21; RC 133.17)



**TO:** Mayor Tapp and City Council  
**FROM:** Erik Engle  
**RE:** Ordinance No. 2023-13 (**first reading**) (*submitted by Erik Engle*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

This ordinance provides the responsibilities of the City and properties for tree removal. The City is expected to front the cost of most tree removals and seek reimbursement from the properties via full payment or special assessment over four years. The cost to remove trees and reimbursement of those costs will be tracked in a separate special revenue fund.

### **Financial Review**

This ordinance provides the responsibilities of the City and properties for tree removal. The City is expected to front the cost of most tree removals and seek reimbursement from the properties via full payment or special assessment over four years. The cost to remove trees and reimbursement of those costs will be tracked in a separate special revenue fund.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure, and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion to place Ordinance No. 2023-13 on its first reading is in order.

[Ordinance No. 2023-13 Trees Chapter 907 \(1\).docx](#)

[Ordinance No. 2023-13 Exhibit A Chapter 907.docx](#)

[Ordinance No. 2023-13 Exhibit B Chapter 907.docx](#)

ORDINANCE NO. 2023-13  
Introduced by Joe Dike

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 907 (TREES) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 907 (Trees) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 907 (Trees) of the Codified Ordinances of the City of Huron, Ohio, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

CHAPTER 907

Trees

907.01 Definitions.

907.02 Recommended trees and shrubs.

907.03 Removal, replanting and replacement.

907.04 Tree specifications; species, planting, spacing, distances.

907.05 Pruning obstructions.

907.06 Abuse or mutilation of public trees.

907.07 Protection of trees.

907.08 Placing materials on public property.

907.99 Penalty.

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20

Assessments for tree planting or maintenance - see Ohio R.C. 727.011

Injury or destruction - see GEN. OFF. 541.06

907.01 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

(a) "Person" means any person, firm, partnership, association, corporation, contractor, company or organization of any kind.

(b) "Street" or "highway" means the entire width of every public way, easement or right of way when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular and pedestrian traffic, and includes alleys.

(c) "Public place" includes all other grounds owned by the City.

(d) "Property line" means the outer edge of a street or highway.

(e) "Treelawn" means that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

(f) "Public trees" means all shade and ornamental trees now or hereafter growing on any street, highway or any public places.

(g) "Large trees" means those attaining a height of fifty feet or more.

(h) "Medium trees" means those attaining a height of twenty-five to fifty feet.

(i) "Small trees" means those attaining a height up to twenty-five feet.

(j) "Principal thoroughfare" means any street upon which trucks are not prohibited.

(Ord. 1990-3. Passed 2-12-90.)

#### 907.02 RECOMMENDED TREES AND SHRUBS.

The following trees are recommended for planting on municipally owned property.

##### Small Trees - up to 25 feet in height

Botanical Name:	Common Name:
Malus "Centurion"	Centurion Crabapple
Malus "Harvest Gold"	Harvest Gold Crabapple
Malus "Indian Magic"	Indian Magic Crabapple
Malus "Sugar Tyme"	Sugar Tyme Crabapple

##### Medium Trees - 25 to 50 feet in height

Botanical Name:	Common Name:
Acer campestre	Hedge Maple
Acer platanoides "Emerald Queen"	Emerald Queen Norway Maple
Acer p. "Columnar"	Columnar Norway Maple
Acer p. "Crimson King"	Crimson King Norway Maple
Amelanchier x "Cumulus"	White Cloud Serviceberry
Cercidiphyllum japonicum	Katsura Tree
Corylus colurna	Turkish Filbert
Crataegus phaenopyrum	Washington Hawthorn
Crataegus viridis "Winter King"	Winter King Hawthorn

<i>Crataegus laevigata</i> "Crimson Cloud"	Crimson Cloud Hawthorn
<i>Gleditsia triacanthos inermis</i> "Halka"	Halka Honeylocust
<i>Gleditsia t. i.</i> "Imperial"	Imperial Honeylocust
<i>Gleditsia t. i.</i> "Shademaster"	Shademaster Honeylocust
<i>Gleditsia t. i.</i> "Skyline"	Skyline Honeylocust
<i>Gleditsia t. i.</i> "Sunburst"	Sunburst Honeylocust
<i>Koelreuteria paniculata</i>	Golden Rain Tree
<i>Nyssa sylvatica</i>	Black Gum
<i>Pyrus calleryana</i> "Aristocrat"	Aristocrat Pear
<i>Pyrus c.</i> "Cleveland Select"	Cleveland Select Pear
<i>Pyrus c.</i> "Redspire"	Redspire Pear

## Large Trees - 50 feet plus in height

Botanical Name:	Common Name:
<i>Acer rubrum</i> "Red Sunset"	Red Sunset Maple
<i>Acer saccharum</i> "Green Mountain"	Green Mountain Sugar Maple
<i>Fagus gradifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Fraxinus americana</i> "Autumn Applause"	Autumn Applause Ash
<i>Fraxinus a.</i> "Autumn Purple"	Autumn Purple Ash
<i>Fraxinus a.</i> "Rose Hill"	Rose Hill White Ash
<i>Fraxinua pennsylvania</i> "Marshall's"	Marshall's Seedless Ash
<i>Fraxinus p.</i> "Newport"	Newport Ash
<i>Fraxinus p.</i> "Summit"	Summit Ash
<i>Ginkgo biloba</i>	Ginkgo (Note - large areas)
<i>Ginkgo biloba</i> "Fastigiata"	Columnar Ginkgo
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Platanus acerifolia</i> "Bloodgood"	London Planetree
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus rubra</i>	Red Oak
<i>Taxodium distichum</i>	Common Bald Cypress (deciduous) *(Note - shall be limbed up)
<i>Tilia cordata</i> "Fairview"	Fairview Linden

Tilia cordata "Greenspire"	Greenspire Linden
Tilia euchlora	Redmond Linden
Tilia tomentosa "Sterling Silver"	Sterling Silver Linden
Ulmus x hollandica "Urban"	Urban Elm
Ulmus x "Homestead"	Homestead Elm
Ulmus x "Pioneer"	Pioneer Elm
Ulmus parvifolia	Chinese Elm

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this section, the City Manager, or his designee shall remove or cause removal of the same.

(Ord. 1990-3. Passed 2-12-90.)

#### 907.03 REMOVAL, REPLANTING AND REPLACEMENT.

(a) Wherever it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, the City shall require the contractor or person to replant such trees or shrubs or replace them, removing all stumps below the surface of the ground; provided, that this requirement may be satisfied if an equivalent number of trees or shrubs of the same size and species as specified by the Shade Tree Commission are planted in an attractive manner on the adjoining property.

(b) No person or property owner shall remove a tree or shrub from a treelawn for the purpose of construction, or for any other reason without first filing an application and obtaining a permit from the City Manager or his designee. Such person or property owner shall, at his own expense, replace the removed tree or shrub in accordance with the standards, size and species set forth by the Commission. Such person or property owner shall remove at his own expense, any stumps to below the surface of the ground.

(c) When in good faith, the City Manager or his designee determines that a tree or trees located within a treelawn constitutes a hazard to the public's use of the streets, then the owner of the property abutting the treelawn shall, at his own expense, remove such tree or trees.

Should any property owner fail to comply with an order of removal, City may cause such tree or trees to be removed and the cost thereof to be assessed against the owner as provided by law.

(Ord. 1990-3. Passed 2-12-90.)



907.04 TREE SPECIFICATIONS; SPECIES, PLANTING, SPACING, DISTANCES.

(a) Tree species shall comply with Section 907.02.

(b) Spacing of trees shall be in accordance with the three species size classes referred to in Section 907.02. No trees may be planted closer together than the following: Small trees - 30 feet; medium trees - 40 feet; and large trees - 50 feet, except in special plantings designed or approved by the Shade Tree Commission.

(c) The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the three species size classes referred to in Section 907.02. No trees may be planted closer to any curb or sidewalk than the following: Small trees - 2 feet; medium trees - three feet; and large trees - 4 feet.

(d) No tree shall be planted closer than twenty feet of any street corner, measuring from intersecting curbs or curblines. No tree shall be planted closer than ten feet to any fire hydrant.

(Ord. 1990-3. Passed 2-12-90.)

907.05 PRUNING OBSTRUCTIONS.

(a) Any person or persons owning or occupying real property bordering on any street shall prune any trees or shrubs in such manner that they will not obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. The minimum height of any overhanging portion thereof shall be ten feet above sidewalks and twelve feet above all streets except truck thoroughfares which shall have a clearance of sixteen feet.

(b) Should any person or persons owning real property bordering on any street fail to prune trees or shrubs as herein provided, the City Manager or his designee shall order such person or persons to so prune such trees or shrubs within ten days after receipt of written notice.

The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

When a person to whom an order is directed fails to comply within the specified time, the City shall prune such trees or shrubs and the exact cost thereof shall be assessed to the owner as provided by law.

(Ord. 1990-3. Passed 2-12-90.)

907.06 ABUSE OR MUTILATION OF PUBLIC TREES.

Unless specifically authorized by the City Manager or his designee, no person shall intentionally damage, cut, carve, transplant or remove any public tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any public tree or shrub; allow any gaseous liquid or solid substance which is harmful to such public trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any public tree or shrub.

(Ord. 1990-3. Passed 2-12-90.)

907.07 PROTECTION OF TREES.

All trees and shrubs on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be protected with a good substantial fence, not less than four feet high and eight feet square, or at a distance in feet from the tree or shrub equal to the diameter of the trunk in inches at chest high, whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining permission from the City Manager or his designee.

(Ord. 1990-3. Passed 2-12-90.)

907.08 PLACING MATERIALS ON PUBLIC PROPERTY.

No person shall deposit, place, store or maintain, upon any public place of the City, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein.

(Ord. 1990-3. Passed 2-12-90.)

907.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not to exceed one hundred dollars (\$100.00). In addition, the person shall replace the tree with a size and species recommended by the Shade Tree Commission. Each tree affected by a violation of this chapter shall constitute a separate offense.

(Ord. 1990-3. Passed 2-12-90.)

**CHAPTER 907**  
**Trees**

<b>907.01</b>	<b>Definitions.</b>	<b>907.05</b>	<b>Trimming obstructions.</b>
<b>907.02</b>	<b>Recommended trees and shrubs.</b>	<b>907.06</b>	<b>Abuse or mutilation of public trees.</b>
<b>907.03</b>	<b>Removal, replanting and replacement.</b>	<b>907.07</b>	<b>Protection of trees.</b>
<b>907.04</b>	<b>Tree specifications; species, planting, spacing, distances.</b>	<b>907.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20  
Assessments for tree planting or maintenance - see Ohio R.C. 727.011  
Injury or destruction - see GEN. OFF. 541.06

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**907.01 DEFINITIONS.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) "Person" means any person, firm, partnership, association, corporation, contractor, company or organization of any kind.
- (b) "Street" or "highway" means the entire width of every public way, easement or right of way when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular and pedestrian traffic, and includes alleys.
- (c) "Public place" includes all other grounds owned by the City.
- (d) "Property line" means the outer edge of a street or highway.
- (e) "Treelawn" means that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.
- (f) "Public trees" means all shade and ornamental trees now or hereafter growing on any street, highway or any public places.
- (g) "Large trees" means those attaining a height of fifty feet or more.
- (h) "Medium trees" means those attaining a height of twenty-five to fifty feet.
- (i) "Small trees" means those attaining a height up to twenty-five feet.
- (j) "Principal thoroughfare" means any street upon which trucks are not prohibited.(Ord. 1990-3. Passed 2-12-90.)

## **907.02 RECOMMENDED TREES AND SHRUBS.**

Upon approval of any permit, the applicant shall select an appropriate tree for replanting from the Recommended Tree List provided by the Planning and Zoning Department.

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this section, the City Manager, or his designee shall remove or cause removal of the same. (Ord. 1990-3. Passed 2-12-90.)

## **907.03 REMOVAL, REPLANTING AND REPLACEMENT.**

(a) Wherever it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, the City shall require the contractor or person to replant such trees or shrubs or replace them, removing all stumps below the surface of the ground; provided, that this requirement may be satisfied if an equivalent number of trees or shrubs of the same size and species as specified by the Shade Tree Commission are planted in an attractive manner on the adjoining property.

(b) No person or property owner shall remove a tree or shrub from a treelawn for the purpose of construction, or for any other reason without first filing an application and obtaining a permit from the City Manager or his designee, which application shall include a written finding by an arborist or tree-related professional reasonably acceptable to the City that such tree(s) and/or shrub(s) require removal. Such person or property owner shall, at his own expense, replace the removed tree or shrub in accordance with the standards, size and species set forth by the Commission. Such person or property owner shall remove at his own expense, any stumps to below the surface of the ground.

(c) When in good faith, the City Manager or his designee determines that a tree or trees located within a treelawn constitutes a hazard to the public's use of the streets, then the owner of the property abutting the treelawn shall, at his own expense, remove such tree or trees. Should any property owner fail to comply with an order of removal and/or replacement, and after prior written notice to the owner of the property that includes an estimate of costs for said tree removal and/or replacement, City may cause such tree or trees to be removed and/or replaced and the cost thereof to be assessed against the owner as provided by law. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(d) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to

the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(Ord. 1990-3. Passed 2-12-90.)

**907.04 TREE SPECIFICATIONS; SPECIES, PLANTING, SPACING, DISTANCES.**

(a) Tree species shall comply with Section 907.02.

(b) Spacing of trees shall be in accordance with the three species size classes referred to in Section 907.02. No trees may be planted closer together than the following: Small trees - 30 feet; medium trees - 40 feet; and large trees - 50 feet, except in special plantings designed or approved by the Shade Tree Commission.

(c) The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the three species size classes referred to in Section 907.02. No trees may be planted closer to any curb or sidewalk than the following: Small trees - 2 feet; medium trees - three feet; and large trees - 4 feet.

(d) No tree shall be planted closer than twenty feet of any street corner, measuring from intersecting curbs or curblines. No tree shall be planted closer than ten feet to any fire hydrant.

(Ord. 1990-3. Passed 2-12-90.)

**907.04 TRIMMING OBSTRUCTIONS.**

(a) Any person or persons owning or occupying real property bordering on any street shall trim any trees or shrubs in such manner that they will not obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. The minimum height of any overhanging portion thereof shall be ten feet above sidewalks and twelve feet above all streets except truck thoroughfares which shall have a clearance of sixteen feet.

(b) Should any person or persons owning real property bordering on any street fail to trim trees or shrubs as herein provided, the City Manager or his designee shall order such person or persons to so trim such trees or shrubs within ten days after receipt of written notice.

The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

When a person to whom an order is directed fails to comply within the specified time, the City shall trim such trees or shrubs and the exact cost thereof shall be assessed to the owner as provided by law.

(Ord. 1990-3. Passed 2-12-90.)

**907.05 ABUSE OR MUTILATION OF PUBLIC TREES.**

Unless specifically authorized by the City Manager or his designee, no person shall

intentionally damage, cut, carve, transplant or remove any public tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any public tree or shrub; allow any gaseous liquid or solid substance which is harmful to such public trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion

of any public tree or shrub.  
(Ord. 1990-3. Passed 2-12-90.)

**907.06 PROTECTION OF TREES.**

All trees and shrubs on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be protected with a good substantial fence, not less than four feet high and eight feet square, or at a distance in feet from the tree or shrub equal to the diameter of the trunk in inches at chest high, whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining permission from the City Manager or his designee.

(Ord. 1990-3. Passed 2-12-90.)

**907.07 PLACING MATERIALS ON PUBLIC PROPERTY.**

No person shall deposit, place, store or maintain, upon any public place of the City, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein.

(Ord. 1990-3. Passed 2-12-90.)

**907.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not to exceed one hundred dollars (\$100.00). In addition, the person shall replace the tree with a size and species recommended by the City. Each tree affected by a violation of this chapter shall constitute a separate offense.

(Ord. 1990-3. Passed 2-12-90.)



**TO:** Mayor Tapp and City Council  
**FROM:** Erik Engle  
**RE:** Ordinance No. 2023-14 (**first reading**) (*submitted by Erik Engle*)  
**DATE:** May 9, 2023

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### **Subject Matter/Background**

Ordinance 2023-14 amends the former assessment period from 5 and 10 years to a period of 4 years for the sidewalk and tree removal program. The City can recoup the cost of removing trees and replacing sidewalks in a timelier manner.

### **Financial Review**

Ordinance 2023-14 amends the former assessment period from 5 and 10 years to a period of 4 years for the sidewalk and tree removal program. The City can recoup the cost of removing trees and replacing sidewalks in a timelier manner.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure, and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion placing Ordinance No. 2023-14 on its first reading is in order.

[Ordinance No. 2023-14 Chapter 521.14 and 521.06 \(1\).docx](#)

[Ordinance No. 2023-14 Exhibit A Section 521.06.pdf](#)

[Ordinance No. 2023-14 Exhibit B Section 521.06.docx](#)

ORDINANCE NO. 2023-14  
Introduced by Joe Dike

AN ORDINANCE AMENDING CHAPTER 521 (HEALTH, SAFETY AND SANITATION) OF THE HURON CODIFIED ORDINANCES TO ADD A NEW SECTION 521.14 (DUTY TO MAINTAIN TREES IN TREE LAWN); REPEALING, AMENDING AND RESTATING SECTION 521.06 (DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN) OF CHAPTER 521 (HEALTH, SAFETY AND SANITATION) OF THE HURON CODIFIED ORDINANCES; AND FURTHER AMENDING CHAPTER 521 TO ADD RELATED CROSS REFERENCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio, be amended to add a new Section 521.14 (Duty to Maintain Trees in Tree Lawn), which shall read as follows:

“SECTION 521.14 DUTY TO MAINTAIN TREES IN TREE LAWN

(a) For the purpose of controlling the blight and disease of shade trees within public rights-of-way, and for planting, maintaining, trimming, removing and/or replacing shade trees in and along the streets of the City, the City Council may establish one or more districts in the City designating the boundaries thereof, and may each year thereafter, by ordinance, designate the district in which such control, planting, care, and maintenance shall be effected, setting forth an estimate of the cost and providing for the levy of a special assessment upon all the real property in the district, in the amount and in the manner provided in Section 727.01 of the Revised Code, for planting, maintaining, trimming, removing and/or replacing shade trees. The ordinance shall be adopted as other ordinances and a succinct summary of the ordinance shall be published in the manner provided in Section 731.21 of the Revised Code. Bonds and anticipatory notes may be issued in anticipation of the collection of such special assessments, under Section 133.17 of the Revised Code.

(b) Subject to the provisions of Section 521.14(a), above, each owner or occupant of any lot or land shall plant, maintain, trim, remove, and/or replace any one or more trees located within a tree lawn in front of or adjacent and contiguous to such lot or land in and along the streets of the City that are blighted, diseased, dead, or partially or fully broken or damaged, and that require planting, maintenance, trimming, removal and/or replacement, or that otherwise constitute a hazard to the public's use of the streets in front of such lot or land after due notice of a Resolution of Council ordering the planting, maintaining, trimming, removal and/or replacement of such tree(s) in a designated district in the City. Management of trees shall also conform with the provisions of Chapters 907, 1115, 1121, 1126, 1127, 1131, and 1133 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, the City shall cause the tree(s) to be planted, maintained, trimmed, removed and/or replaced. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.



(c) In the event the City enters a lien upon the tax duplicate as provided in subsections (a) and (b), above, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this Section 521.14 is guilty of a minor misdemeanor.

(ORC. 727.01; ORC 727.011; ORC 731.21; ORC 133.17)

(Ord. 2023-14. Adopted \_\_\_\_\_)"

SECTION 2. That Section 521.06 (Duty to Keep Sidewalks in Repair and Clean) of Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows: (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 3. That a new revised and restated Section 521.06 (Duty to Keep Sidewalks in Repair and Clean) of Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 4. That the following CROSS REFERENCES shall be added to Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio:

"Maintenance of trees – see Ch. 907  
Assessments for sidewalks – see 909-02, R.C. 729.01-729.0  
Duty to maintain shade trees – see R.C. 727.01, et. seq.  
Assessments for shade trees – see 909.03, R.C. 727.01, et. seq."

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 5. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

### **521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.**

(a) No owner or occupant of any lot or land abutting upon any street shall refuse, fail or neglect to construct, repair, or keep in repair and free from snow, ice or any nuisance, the sidewalks, curbs or gutters in front of such lot or land after due notice of a Resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction, or the abatement of such nuisance. (ORC 723.011). Construction shall conform with the provisions of Chapters 901, 903, 1117 and 1119 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Finance Director shall certify to the County Auditor for recording such lien in the following manner:

(1) If the amount of construction or repair is equal to or less than five thousand dollars (\$5,000.00), the amount due shall be divided into ten (10) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(2) If the amount of construction or repair is greater than five thousand dollars (\$5,000.00), the amount due shall be divided into twenty (20) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 2020-25. Passed 9-22-20.)

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of any lot or land abutting upon any street shall refuse, fail or neglect to construct, repair, or keep in repair and free from snow, ice or any nuisance, the sidewalks, curbs or gutters in front of such lot or land after due notice of a Resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction, or the abatement of such nuisance. (ORC 723.011). Construction shall conform with the provisions of Chapters 901, 903, 1117 and 1119 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof prior to July 1, 2023, the Finance Director shall certify to the County Auditor for recording such lien in the following manner:

(1) If the amount of construction or repair is equal to or less than five thousand dollars (\$5,000.00), the amount due shall be divided into ten (10) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(2) If the amount of construction or repair is greater than five thousand dollars (\$5,000.00), the amount due shall be divided into twenty (20) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(c) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof from and after July 1, 2023, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this section is guilty of a minor misdemeanor.

Ordinance No. 2023-14 adopted \_\_\_\_\_