

**ORDINANCE NO.: 20-1182**

**AMENDING AND REPEALING SELECT PORTIONS OF 311.02, 377.02, 377.04, 521.12, 713.03, 717.02, 717.04, 717.99, 721.02, 721.99, 905.03, 905.99, 909.01, 909.02, 909.99, 919.05, 1307.04, 1307.99, 1309.02, 1309.99, 1313.05, 1313.06, 1319.03, 1319.99, 1519.02, AND 1519.99 TO CREATE A COMPREHENSIVE SCHEDULE OF FEES AND RATES AND TO OTHERWISE MODERNIZE ORDINANCES**

WHEREAS, various Village Ordinances require the provision of certain fees, rates, surety bonds and/or liability insurance when making application under various sections; and

WHEREAS, from time to time, Village Council, and in some instances the Board of Public Affairs, undertakes review of these required amounts to determine if they are in need of upward or downward adjustment; and

WHEREAS, having a comprehensive schedule of fees and rates assists both Village operations and the public because the comprehensive schedule places this information in one document; and

WHEREAS, Sections 311.02, 377.02, 377.04, 521.12, 713.03, 717.02, 717.04, 717.99, 721.02, 721.99, 905.03, 905.99, 909.01, 909.02, 909.99, 919.05, 1307.04, 1307.99, 1309.02, 1309.99, 1313.05, 1313.06, 1319.03, 1319.99, 1519.02, and 1519.99 contain references to certain fees, rates, surety bonds and/or liability insurance amounts; and

WHEREAS, these sections are attached to this Ordinance as Exhibit A, repealed deletions appearing in strikethrough and amended additions appearing in underline to create the comprehensive Schedule of Rates and Fees as well as to otherwise modernize the ordinance sections where required.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO THAT:**

Section 1. Both the Village and public are best served by the creation of a comprehensive Schedule of Rates and Fees.

Section 2. Sections 311.02, 377.02, 377.04, 521.12, 713.03, 717.02, 717.04, 717.99, 721.02, 721.99, 905.03, 905.99, 909.01, 909.02, 909.99, 919.05, 1307.04, 1307.99, 1309.02, 1309.99, 1313.05, 1313.06, 1319.03, 1319.99, 1519.02, and 1519.99, as attached hereto as Exhibit A, are hereby adopted to affect the creation of a comprehensive Schedule of Rates and Fees as well as to otherwise modernize the ordinance sections where required.

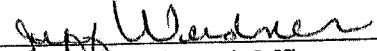
Section 3. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code §121.22 and the Rules of Council.

Section 5. This Ordinance shall become effective on November 18, 2020.


Passed in Council this 19th day of October 2020.

  
Robin Reames, Mayor

ATTEST:   
Jeff Weidner, Fiscal Officer

APPROVED:

Approved as to form this 26th day of October, 2020.

  
Lynnette Dinkler, Esq.  
Village Solicitor

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**311.02 PARADES AND ASSEMBLAGES.**

- (a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from ~~the Police Chief~~ the Village of Russells Point. No fee is required for this permit, but the applicant must comply with all requirements set forth below.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage. All applications shall be submitted to both the Mayor and Police Chief, both of whom must approve the application for the permit to be issued.

The permit may be refused or cancelled if:

- (1) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.
- (2) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.
- (3) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.
- (4) The parade would unreasonably interfere with another parade for which a permit has been issued.
- (5) The information contained in the application is found to be false, misleading, or incomplete in any material detail.
- (6) An emergency such as a fire or storm would prevent the proper conduct of the parade.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the place of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

- (b) ~~Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~ Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.

(Ord. 20-1182. Passed 10-19-20.)

**377.02 EQUIPMENT.**

Equipment required for an unconventional vehicle to be operated within the Village Corporation Limits shall comply with the inspection requirements set forth by the Ohio Administrative Code and the Ohio Revised Code governing the equipment, inspection, certification and operation of motor vehicles and unconventional vehicles. Depending on the availability of Village resources, equipment inspection services may be offered by the Village of Russells Point Police Department and the fee for such service is set by Council in the Schedule of Rates and Fees. (Ord. 17-1148. Passed 3-20-17. Amended by Ord. 20-1180. Passed 2-18-20; Ord. 20-1182. Passed 10-19-20)

**377.04 PERMIT TO OPERATE WITHIN VILLAGE CORPORATION LIMITS.**

- (a) An owner of an unconventional vehicle must apply to the Village of Russells Point to obtain a permit to operate an unconventional vehicle within the Village Corporation Limits. The owner shall submit the following to the Village before a permit will be issued to operate an unconventional vehicle in the Village:
- (1) A completed application;
  - (2) Proof of current insurance liability coverage;

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- (3) A copy of a current valid registration for the unconventional vehicle, proving compliance with Ohio Revised Code 4511.215;
  - (4) Payment of the A permit fee of \$25.00 as set by Council in the Schedule of rates and fees. (Ord. 20-1182. Passed 10-19-20)
  - (b) A permit issued under this chapter shall be issued to the owner of the unconventional vehicle.
  - (c) Each permit shall be issued on an annual basis and begin on the first day of May of the current year the permit is issued and expire on the last day of April of the following year. An owner of an unconventional vehicle may also apply for a permit during an early registration period beginning March 1 of each year.
  - (d) No person shall alter a permit or possess a permit that has been altered.
  - (e) No person shall procure or attempt to procure a permit license by fraud, deceit, misrepresentation, or any false statement.
  - (f) The permit issued under this chapter will be issued in the form of two permit decals and shall be displayed on the inspected unconventional vehicle on the lower driver side of the front windshield and on the passenger side rear panel of the unconventional vehicle. The decals shall contain a permit number and must be kept clean and visible at all times.
- (Ord. 17-1148. Passed 3-20-17. Amended by Ord. 20-1180. Passed 2-18-20.)

#### 521.12 PROHIBITED DISCHARGE OF SEWAGE.

- (a) No person shall throw, deposit, discharge or accumulate, or permit to be thrown, deposited, discharged or accumulated, any dirt, paper, filth, sweepings, sewage, filthy water, offal, wood, manure, refuse matter, or rubbish of any kind whatsoever into or upon any public street, road, alley, or public grounds, or upon any private premises.
  - (b) No person shall discharge or permit or cause to be discharged sewage, the overflow, drainage, or contents of a sewage tank, sewage pipe or sewage system, or other offensive waste onto the surface of the ground or onto any street, road, alley, excavation, drainage ditches, watercourse, water supply, wetland, cistern, natural or artificial well, sink hole, crevice, or other opening extending into limestone, sandstone, or other rock or shale formations.
  - (c) No sewage disposal device or equipment shall be installed or maintained on property whenever a sanitary sewer is available. Whenever a sanitary sewer is made available, any existing sewer disposal device or equipment shall be abandoned, and the sewage discharged from the building to the sanitary sewer shall be through a watertight connecting sewer. No roof water, cistern overflow, interior water discharged from a sump pump, or surface overflow shall be discharged into the sanitary sewer.
  - (d) No sewage disposal device or equipment of necessity shall be installed, or the premises served thereby used for human habitation, until and unless a permit authorizing the installation and use has been duly issued by the Logan County Water Pollution Control District or the Village Code Enforcement Officer.
  - (e) Any person violating the provisions of this section is creating a public nuisance and shall forthwith remove the same on order of the Code Enforcement Officer. If the person violating the provisions of this section does not comply with the order of the Code Enforcement Officer immediately, the Village may temporarily suspend water service to the property where the nuisance is being created until the nuisance is abated. A fee of \$50.00 as set by the Board of Public Affairs by Resolution which shall be listed in the Municipal Utility Rates, Fees and Charges shall be assessed to resume water service to the property owner where the nuisance was created. Water service shall not resume until said fee is paid. (Ord. 20-1182. Passed 10-19-20)
  - (f) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. Each day on which an offense occurs or continues shall be deemed a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.
- (Ord. 16-1141. Passed 11-21-16; Ord. 20-1182. Passed 10-19-20)

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**713.03 LICENSE PERMIT APPLICATION AND REQUIREMENTS.**

- (a) Applications for ~~licenses~~ permits for peddlers or solicitors shall be filed with the Mayor on a form to be furnished by the Village, which shall require, at least, the following information:
- (1) The name of the applicant;
  - (2) If the applicant is an individual, a physical description of the applicant;
  - (3) The applicant's social security number or federal identification number;
  - (4) The name and address of the person by whom the applicant is employed, or for whom he is soliciting, if any, and the length of the applicant's service with such employer or person;
  - (5) If the applicant is an individual, all places of residence of the applicant and all employment during the preceding year;
  - (6) The nature and character of the goods to be sold or services to be furnished by the applicant, or the purpose for which funds are being peddled or solicited;
  - (7) The names of other municipalities in which the applicant has recently conducted peddling or solicitation activities;
  - (8) If the applicant is a recognized charitable not-for-profit organization, proof of tax exempt status.
- (b) Applicants who are individuals shall furnish a recent photograph of himself or herself not more than one year old.
- (c) Applications shall be made at least forty-eight hours before the ~~license~~ permit is issued.
- (d) If the Mayor determines, after an investigation, that the information furnished under the requirements of division (a) above is correct; that the applicant proposes to engage in lawful commercial or professional enterprise, and that neither the applicant nor the enterprise upon which the applicant proposes to engage constitute a clear and present danger to the residents of the municipality, he shall issue a ~~license~~ permit to the applicant upon payment of the license fee as set by Council in the Schedule of Rates and Fees which shall be valid for thirty (30) consecutive days.

<del>7 consecutive days</del>	\$10.00
<del>6 consecutive months</del>	\$50.00
<del>1 year</del>	\$100.00

~~—All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other licenses shall expire on the date specified in the license.~~

(Ord. 07-998. Passed 5-7-07; Ord. 20-1182. Passed 10-19-20)

**717.02 TEMPORARY BUSINESS LICENSE PERMIT; FEE AND DURATION.**

- (a) Each person, whether principal or agent, who proposes to conduct or engage in the sale of goods, wares, merchandise, property, tangible or intangible, of any nature whatsoever, and services, from a temporary place of business, within the Village, shall, before opening same and before offering sale of such goods, wares, merchandise, property and/or services, procure a ~~license~~ permit to do so from the Mayor, which application shall be made not less than fifteen days prior to the time such activity is to take place. (Ord. 841. Passed 3-6-95.)
- (b) The applicant for a temporary business license shall furnish the Mayor with the following information on forms provided by the Village:
- (1) Full name of the applicant.
  - (2) Date of birth of the applicant.
  - (3) Local address, if any.
  - (4) Permanent home address.
  - (5) A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex.
  - (6) Social security number.

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- (7) A description of the nature of the business and the location and the goods, wares, merchandise and/or services to be sold. Written consent of the premises or other duly authorized person shall be provided.
  - (8) Telephone number of the applicant.
  - (9) Number of employees.
  - (10) Date and hours of operation.
  - (11) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and punishment or penalty imposed thereof.
  - (12) Such other information as the Mayor may require.
  - (13) Police background check.
  - (14) An application made for Village Income Tax.  
(Ord. 07-997. Passed 5-5-07.)
- (c) A nonrefundable ~~license fee as set by Council in the Schedule of Rates and Fees and Rates of one hundred dollars (\$100.00)~~ shall be submitted with the application. (Ord. 841. Passed 3-6-95; Ord. 20-1182. Passed 10-19-20)
- (d) The ~~license~~ permit shall be valid for a period not to exceed thirty days from the date of issuance. No ~~license permit~~ issued hereunder shall be assigned or transferred to another person or entity.
- (e) The Mayor shall issue a ~~license~~ permit to the applicant unless he has determined:
- (1) That the applicant has made a false misleading or deceptive statement in providing the information required under Section 717.02(b) hereof; or
  - (2) That the applicant has been convicted of a felony or a misdemeanor involving moral turpitude during the five years preceding the date of application; or
  - (3) That the proposed location of the temporary business would constitute a hazard to the public health, safety and welfare.
  - (4) And the applicant complies with all other Village Ordinances
- (Ord. 07-997. Passed 5-5-07)

#### 717.04 DEPOSIT FOR CLEANING PREMISES.

The applicant shall also deposit, before such license is issued, ~~the sum of one hundred dollars (\$100.00) to an amount as set by Council in the Schedule of Rates and Fees to~~ guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which such business is conducted are not cleaned and all merchandise, property and refuse are not removed therefrom and properly disposed of within forty-eight hours after the termination of the business, the Mayor shall immediately cause such work to be done and deduct such cost and return any balance of the deposit. The licensee shall be liable for any deficiency. (Ord. 20-1182. Passed 10-19-20)

#### 717.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. ~~be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day's continued a violation of any provision of this section chapter occurs shall be considered constitute a separate offense for purposes of this penalty provision. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.~~ (Ord. 20-1182. Passed 10-19-20)

#### 721.02 PERMIT; FEE.

- (a) No person, firm or corporation shall conduct home sales within any residential zoning district, as defined by the Village zoning regulations, in the Village, without first obtaining a permit from the Mayor; said permit shall be obtained from the Mayor or the Mayor's office; ~~a five dollar (\$5.00) fee shall be charged for each permit; and payment of the permit fee as set by Council in the Schedule of Rates and Fees and Rates shall be required for each permit.~~ (Ord. 20-1182. Passed 10-19-20)

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- (b) Only three home sale permits shall be issued for a single address in any 12-month period, and are only valid for three consecutive days, including permit fee free weekends.
  - (c) There shall be no permit fee for a garage sale permit on the following weekends:
    - (1) The weekend preceding Memorial Day, including Monday;
    - (2) Independence Day weekend which is defined as three consecutive days, one of which is Independence Day, regardless of whether or not Independence Day occurs on a weekend;
    - (3) The weekend preceding Labor Day, including Monday.
  - (d) A permit fee shall be required to conduct a home sale on a permit fee free weekend.
  - (e) A permit fee free holiday home sale permit shall count toward the limit of three yard sales annually per single address.
- (Ord. 16-1137. Passed 7-5-16.)

**721.99 PENALTY.**

~~Whoever violates or fails to comply with the provisions of this chapter shall be fined as a first offense not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) and whoever violates or fails to comply with the provisions of this regulation shall be fined for a second or later offense not more than one hundred dollars (\$100.00). (Ord. 16-1137. Passed 7-5-16.)~~ Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 20-1182. Passed 10-19-20)

**905.03 PERMIT FEE AND DEPOSIT.**

Payment of the excavation permit fee as set by Council in the Schedule of Rates and Fees ~~A permit fee shall be collected by the Mayor for the issuance of an excavation permit. The fee for each permit shall be twenty-five dollars (\$25.00).~~ The permit shall be issued upon payment of the fee and upon compliance with the following requirements:

- (a) The applicant for the permit shall state the name and address and principal place of business of the applicant, the location and approximate size of the excavation to be made, the purpose of the work and the approximate time which will be required to complete such work, including backfilling the excavation and removing all obstructions, material and debris. An extension of time may be granted by the Mayor for good and sufficient reasons.
- (b) A deposit of monies in the form of cash or certified check shall be placed with the Mayor, to insure that the street surface, curb, gutter, sidewalk or area located between the sidewalk and the curb shall be satisfactorily restored. ~~The deposit shall be as set by Council in the Schedule of Rates and Fees and Rates, a minimum of one hundred fifty dollars (\$150.00) for three square yards or less of surface to be disturbed, plus thirty dollars (\$30.00) per square yard for each additional square yard disturbed. For each lineal foot of curb or gutter to be removed or broken, a deposit of twenty-five dollars (\$25.00) per lineal foot of curb or gutter shall be required.~~ The Village shall refund the cash deposit within ten days after completion of work in a satisfactory manner. The Village may use any or all of such deposits to pay the cost of any work the Village performs to restore or maintain the public place as herein provided in the event the applicant fails to perform such work in which event the amount refunded to the permittee shall be reduced by the amount thus expended by the Village.
  - (1) Also such costs as may be incurred by the Village, either for providing adequate protective devices, maintaining a clean work area, repairing damages to Village utilities, shall be retained by the Village.
  - (2) ~~The applicant shall be permitted to establish a running account by making an initial deposit of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000) to be replenished by the applicant voluntarily or upon request by the Village. No permit shall be issued under this provision unless there is an unencumbered amount in the applicant's account sufficient to cover the~~

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~~deposit requirement on the permit applied for. The unencumbered balance in the running account may be refunded at any time at the request of the applicant.~~

- (c) The applicant shall agree to restore the disturbed area in accordance with the specifications provided herein. All costs of restoration shall be borne by the applicant.
  - (d) If deemed necessary by the mayor, the applicant may be required to provide a plat or drawing showing the location of the desired subsurface structure and a description of the work involved.
- (Ord. 611. Passed 4-2-84; Ord 20-1182. Passed 10-19-20)

#### 905.99 PENALTY.

~~Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense. Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.~~

(Ord 20-1182. Passed 10-19-20)

#### 909.01 REQUIREMENTS.

Any private entrance onto public streets constructed after the passage of this section must comply with the following written regulations.

- (a) All private drives that are to be constructed shall be the responsibility of the individual wishing said driveway.
- (b) A permit must be obtained from the ~~Building Inspector~~ Enforcement/Zoning Officer. No construction shall start unless a permit is obtained.
- (c) The ~~Building Inspector~~ Enforcement/Zoning Officer shall determine the size (diameter) of the culvert required.
- (d) No culvert shall be less than twenty feet in length. Longer length and head walls may be required if the ~~Building Inspector~~ Enforcement/Zoning Officer finds it necessary.
- (e) All culverts shall be corrugated metal pipe, reinforced concrete, or an approved type of equal strength.
- (f) Backfill for the culvert shall be stone or gravel aggregate of size No. 310.
- (g) The grade shall be on the flow line of the existing side ditch and shall slope with the natural grade of the side ditch unless otherwise directed by the ~~Building Inspector~~ Enforcement/Zoning Officer.
- (h) The owner shall be responsible for the purchase of all materials and the installation of the materials and shall pay all the costs of said materials and labor.
- (i) The ~~Building Inspector~~ Enforcement/Zoning Officer shall inspect the driveway after construction to check compliance of the above.
- (j) Payment of the permit fee as set by Council in the Schedule of Rates and Fees shall be required upon application for the permit. A ten dollars (\$10.00) fee is required upon application of a permit and if approved by Inspector at completion, five dollars (\$5.00) will be refunded.

(Ord. 494. Passed 8-29-75; Ord. 20-1182. Passed 10-19-20)

#### 909.02 LANDFILLS.

Use of private entrances onto a public street or alley within the Village for the purpose of transporting landfill materials onto private lands from and after the passage of this chapter must comply with the following written regulations:

- (a) Landfilling of private property shall be the responsibility of the owner of said property.
- (b) A permit must be obtained from the Mayor if the Mayor determines, based upon the information in a written application which shall be made for said permit, that landfill materials are planned to be placed upon private land by means of one or more trucks for a period in excess of seven days or by means of more than three truckloads, whichever is the lesser.

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- (c) The Mayor shall establish terms and conditions of the permit such that the subject private entrance(s) onto public street(s) and/or alley(s) shall be used to haul landfill materials of a type that reasonably promote the use of the subject private land for its purpose under the Zoning Ordinance in effect at the issuance of said permit.
  - (d) Based upon the information in the required application for the permit as to the planned location of the private entrance(s) to be used for landfilling purposes, the planned weight of the truck(s) hauling the landfill, and the frequency and number of truckloads of landfill, the Mayor shall establish an amount of bond and shall require written evidence that the applicant has obtained said bond before issuing the permit, said bond to be set by the Mayor in an amount sufficient to insure the complete restoration of any pavement, graveled surface, drainage, shoulder, structure, sod, or other items in or on the rights of way of the subject street(s) and/or alley(s) disturbed by the permittee.
  - (e) The owner of the subject private property shall be responsible for the costs of landfilling, the permit, and the bond required for issuance of the permit.
  - (f) Payment of the permit fee as set by Council in the Schedule of Rates and Fees shall be required upon application for the permit. A ten dollars (\$10.00) fee shall be required upon application for the permit, five dollars (\$5.00) of which shall be refunded upon satisfactory completion of hauling of the landfill according to the provisions of the permit. (Ord. 20-1182. Passed 10-19-20)
  - (g) For purposes of this section, "private entrance" means any place along the boundary of private property where actual physical access to said property is or may be made.
- (Ord. 613. Passed 4-2-84.)

**909.99 PENALTY.**

~~—Whoever violates this chapter is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.~~ Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 20-1182. Passed 10-19-20)

**919.05 SCHEDULE OF FEES AND CHARGES.**

- (a) It is hereby determined necessary for the protection of public health, safety, and welfare that a system of charges for Utility service be established which justly and equitably allocates the cost of providing the services of the Utility to each residential and commercial property. The Storm Water Management Service Charges provided for in this Chapter are deemed reasonable and necessary to pay the costs of the Utility's Stormwater Management Programs for the operation, maintenance, repair and replacement of the capital facilities of the Village's Stormwater Drainage System, for the planning, design, acquisition, construction, reconstruction, improvement, and extension of capital facilities of that System, to provide for the payment of debt service on obligations incurred and anticipated to be incurred for capital facilities of that System and to maintain adequate fund reserves to provide for reasonable expected variations in the collection of Service Charges, in the cost of providing services, and in the demand for services.
- (b) There is hereby levied and imposed upon all residential and commercial properties within the Village of Russells Point a just and equitable Storm Water Management Service Charge for storm drainage service, or subsequent service, construction, reconstruction, maintenance, operation, and extension and a Storm Water Management Enterprise Fund is established for the foregoing purposes.
- (c) Fees and charges shall be collected with the monthly water bill of water users or billed alone as a storm water drainage charge for those users not charged for Village water. In the event the owner and non-owner users of a particular property are not the same, the liability for each the owner and non-owner user for the Storm Water Management Service charge attributable to that Commercial or Residential Property shall be joint and several.

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- (d) Payments for the storm water management service charge shall be made to the Village with one payment method for both the water service charge and the stormwater management service charge, provided that payments made with a monthly water bill shall be credited to the storm water management service charge first, while the remainder of the payment shall be applied to the balance due for water service.
- (e) Said charges shall be paid monthly by those liable therefore and placed in a storm water management fund to be used only for the purposes provided in this chapter.
- (f) It is hereby determined that a property in the Village is furnished service ~~approximately in proportion to the amount of the property's impervious surface, as determined by the Board of Public Affairs and by use classification as established by the Village Council to calculate charges;~~ and therefore, the Village Council hereby establishes the following property use classifications to calculate charges: ~~and rates for charges for this service:~~
- (1) Residential property \$1.00 per month;
- (2) Commercial property \$2.00 per month.
- (g) Rates set after June 1, 2016 shall be set by Resolution passed by the Board of Public Affairs and shall be listed in the Municipality Utility Rates, Fees and Charges.
- (Ord. 16-1133. Passed 4-18-16; Ord. 20-1182. Passed 10-19-20)

**1307.04 DURATION AND FEE.**

The certificate of registration shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter. ~~An annual registration fee as set by Council in the Schedule of Rates and Fees and Rates of fifty dollars (\$50.00) shall be paid with the application and each renewal application. The following registration fees shall be paid with all original applications:~~

Individuals and organizations	\$75.00
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(Ord. 20-1182. Passed 10-19-20)

**1307.99 PENALTY.**

~~Whoever violates the provisions of Section 1307.01 or 1307.04 shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense.~~ Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 20-1182. Passed 10-19-20)

**1309.02 APPLICATION FOR PERMIT; FEE.**

Upon written application signed by the owner of the structure(s) for which the application to tear down is made, the ~~Building Inspector~~ Enforcement/Zoning Officer shall issue a permit, pursuant to this chapter, for the tear down of any said structure(s) located within the Village upon payment of the permit fee as set by Council in the Schedule of Rates and Fees and Rates and submission of a completed application. ~~charge the sum of twenty dollars (\$20.00) for each said permit.~~ Said application shall specify the lot number, street number, owner of the structure(s) to be torn down, the structure(s) to be torn down, and the contractor, if any, who will tear down said structure(s). No greater fee will be charged for a permit providing for the tear down of multiple numbers of structures located on the same lot.

(Ord. 670. Passed 11-18-85; Ord. 20-1182. Passed 10-19-20)

**1309.99 PENALTY.**

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~~(a) Whoever fails to obtain a permit as required by Section 1309.01 shall be subject to a fine of no more than two hundred fifty dollars (\$250.00).~~

~~(b) Failure of the owner of the structure(s) for which a permit to tear down has been granted, pursuant to Section 1309.02, to complete said tear down and removal of said resulting debris within the thirty-day effective period of said permit or within the extension of said permit, pursuant to Section 1309.03, shall be guilty of a misdemeanor and subject to a fine of no more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or in which a violation occurs beyond the last effective date of said permit or the last effective date of said extension of said permit, whichever is later. (Ord. 670. Passed 11-18-85.)~~

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 20-1182. Passed 10-19-20)

**1313.05 APPEALS AND VARIANCES.**

**(a) Appeals Board Established.**

- (1) The Village Council of Russells Point shall appoint an Appeals Board consisting of the Board of Zoning Appeals of the Village of Russells Point. The members shall serve five (5) year terms after which time they shall be reappointed or replaced by the Russells Point Village Council. Each member shall serve until his/her successor is appointed.
- (2) The chairperson of the Board of Zoning Appeals shall be the chairperson of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Village of Russells Point Municipal Building, 433 S.R. 708, Russells Point, Ohio 43348.

**(b) Powers and Duties.**

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Enforcement/Zoning Officer or Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with subsection (d) hereof.

**(c) Appeals.** Any person affected by any notice and order, or other official action of the Enforcement/Zoning Officer or Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Enforcement/Zoning Officer or Floodplain Administrator. The payment of the filing fee as set by Council in the Schedule of Rates and Fees shall be made within thirty (30) days of the date of such notice and order, or other official action. Upon receipt of the appeal and filing fee, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal and filing fee, the Appeals Board shall fix a time within thirty (30) days for the hearing, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

~~Fee for the appeal is seventy-five dollars (\$ 75.00) in cash or a check made payable to the Village of Russells Point. (Ord. 20-1182. Passed 10-19-20)~~

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- (d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Enforcement/Zoning Officer or Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map, parcel number(s), lot number(s); description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- C. The application shall be accompanied by the payment of the Fee for the variance is as set by Council in the Schedule of Rates and Fees and Rates, one hundred fifty dollars (\$150.00) in cash or check made to the Village of Russells Point. (Ord. 20-1182. Passed 10-19-20)

(2) Notice for public hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Enforcement/Zoning Officer or Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) Public hearing.

- A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
  1. The danger that materials may be swept onto other lands to the injury of others.
  2. The danger to life and property due to flooding or erosion damage.
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  4. The importance of the services provided by the proposed facility to the community.
  5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
  6. The necessity to the facility of a waterfront location, where applicable.
  7. The compatibility of the proposed use with existing and anticipated development.
  8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variances shall only be issued upon:
  1. A showing of good and sufficient cause.
  2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations do not constitute an exceptional hardship to the applicant.
  3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary

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public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
- (4) Other conditions for variances.
  - A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (d)(3)A.1. to 11. have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
  - C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (e) Procedure at Hearings.
  - (1) All testimony shall be given under oath.
  - (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
  - (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
  - (4) The Administrator may present evidence or testimony in opposition to the appeal or variance.
  - (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
  - (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
  - (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
  - (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.
- (f) Appeals to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Logan County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.  
(Ord. 03-953. Passed 12-1-03.)

**1313.06 ENFORCEMENT.**

- (a) Compliance Required.
  - (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1313.03(i).
  - (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (c) hereof.
  - (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (c) hereof.

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- (b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:
- (1) Be put in writing on an appropriate form;
  - (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will affect compliance with the provisions of these regulations;
  - (3) Specify a reasonable time for performance; up to thirty (30) days.
  - (4) Advise the owner, operator, or occupant of the right to appeal;
  - (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.
- (c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense and shall constitute a misdemeanor, and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. ~~Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days as provided by the laws of the Village of Russells Point. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Russells Point from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Russells Point shall prosecute any violation of these regulations in accordance with the penalties stated herein.~~
- (Ord. 03-953. Passed 12-1-03; Ord. 20-1182. Passed 10-19-20)

### 1319.03 REGISTRATION REQUIREMENTS.

For any abandoned real property located within the Village of Russells Point, any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff Sale, or accepts property as result of a government insured mortgage or loan, shall register the abandoned property with the Enforcement/Zoning Officer ~~Village Code Enforcement Officer~~ within ten days after property becomes vacant.

- (a) The foreclosing entity shall pay a registration fee as set by Council in the Schedule of Rates and Fees and Rates as part of the registration of the abandoned property. ~~of one hundred dollars (\$100.00).~~ If the foreclosing entity is a government agency, the registration fee shall be waived.
- (b) It is the responsibility of the foreclosing entity making the initial application for registration and any subsequent applications for registration to provide the following required information:
- (1) The name of the foreclosing entity.
  - (2) The direct mailing address of the foreclosing entity, excluding P.O. boxes.
  - (3) The statutory agent, address, telephone number and email address for the foreclosing entity.
  - (4) A foreclosing entity that is a corporation or an out of area foreclosing entity shall provide the name, mailing address of a local property management company (excluding P.O. boxes), telephone number and email address of the person responsible for the security, maintenance and marketing of the said property.
- (c) Registration shall remain valid for twelve months. Should the property remain vacant upon expiration of the initial registration, the foreclosing entity shall complete another application to register the property as an abandoned property and pay an additional registration fee as set by Council in the Schedule of Rates and Fees and Rates, fifty dollars (\$50.00) registration fee.
- (d) Any person, firm, partnership, co-partnership, association, fiduciary, beneficiary, lender, corporation or any legal entity that has registered a property under this chapter must report any change in registration information required by this chapter, within ten days of the change.

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- (e) If an abandoned property is identified and found not to be registered with the Enforcement/Zoning Officer Village of Russell's Point, orders will be issued to the foreclosing entity giving ten days to register with the Village Code Enforcement/Zoning Officer.
- (f) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees. (Ord. 12-1074. Passed 7-2-12.) (Ord. 20-1182. Passed 10-19-20)

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~~—Violation of the provisions of this Chapter shall constitute a minor misdemeanor. Any person who violates this Chapter shall upon conviction thereof be fined not more than one hundred fifty dollars (\$150.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 12-1074. Passed 7-2-12.)~~ Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 20-1182. Passed 10-19-20)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.**

- (a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

- (b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

- (c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee as set by Council in the Schedule of Rates and Fees and ~~Rates of twenty-five dollars (\$25.00)~~ plus any necessary costs incurred related to investigating ~~of investigation of~~ the applicant and ~~of inspecting~~ the premises on which the exhibition will be conducted.

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Each exhibitor shall provide an indemnity bond in at least the amount as set by Council in the Schedule of Rates and Fees and Rates of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least the amount as set by Council in the Schedule of Rates and Fees ~~and Rates one million dollars (\$1,000,000)~~ for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The ~~Legislative Authority~~ Village Council may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection, to be decided on a case by case basis based upon the findings and recommendations of the Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police chief or other similar chief law enforcement officer, or a designee of such Police chief or similar Chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.
- (e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)
- (Ord. 20-1182. Passed 10-19-20)

#### 1519.99 PENALTY.

~~Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))~~ Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and fined in accordance with Section 501.99 of the General Offenses Code. Each day a violation of this section occurs shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter. (Ord. 20-1182. Passed 10-19-20)