

Ordinance No. 2020-59

Passed \_\_\_\_\_

ORDINANCE AMENDING SECTIONS 337.13 and 331.38, OF THE MARION CITY CODE AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by Administrators responsible for the enforcement of the existing nuisance codes there are certain provisions which are in need of necessary updates, clarifications and enhancements, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the City Code, as follows, in order to eliminate unwanted nuisances and enhance the community,

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

Section 1. § 337.13 TWO LIGHTS DISPLAYED, now reading as:

(A) At all times mentioned in § 337.02 at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) The Ohio Director of Highway Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(R.C. § 4513.14) ('70 Code, § 337.13) Penalty, see §§ 309.01 and 309.02

**SHALL BE AMENDED TO READ:**

§ 337.13 TWO HEADLIGHTS DISPLAYED.

A. At all times mentioned in § 337.02 at least two lighted headlights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) The Ohio Director of Highway Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(R.C. § 4513.14) ('70 Code, § 337.13) Penalty, see §§ 309.01 and 309.02

Section 2. § 331.38 DRIVING AND PARKING UPON SIDEWALKS, STREET LAWNS OR CURB LINES now reading as:

(A) On streets with curbs, no person shall drive, stand or park a vehicle on a sidewalk, street lawn area or curb of a street, except when entering or leaving a permanent or temporary driveway or when parked on an off-pavement parking area as herein described.

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(B) An off-pavement parking area is a paved area between the sidewalk and the curb in which vehicles may be parked perpendicular to the payment. Such area shall be of such dimensions that no part of the vehicle shall extend over the sidewalk or over the curb. In no case shall vehicles be permitted to park between the curb and sidewalk parallel to the pavement.

(C) On streets where there are no curbs, no person shall drive, stand or park a vehicle on a sidewalk, except when entering or leaving a temporary or permanent driveway.

('70 Code, § 331.38) Penalty, see §§ 309.01 and 309.02

**Shall be amended to read:**

§ 331.38 DRIVING AND PARKING UPON SIDEWALKS, STREET OR TREE LAWNS OR CURB LINES.

(A) On streets with curbs, no person shall drive, stand or park a vehicle on a sidewalk, street lawn area, or curb of a street, except when entering or leaving a permanent or temporary driveway or when parked on an off-pavement parking area as herein described.

(B) An off-pavement parking area is a paved area between the sidewalk and the curb **or roadway edge on streets without curbs** in which vehicles may be parked parrell to the pavement, **where the adjoining property owner has obtained all necessary permits and constructed same in compliance with Engineer's regulations**. Such area shall be of such dimensions that no part of the vehicle shall extend over the sidewalk, over the curb**or over the roadway edge**. In no case shall vehicles be permitted to park between the curb or edge of roadway and the sidewalk perpendicular to the pavement, other than Park Blvd..

(C) On streets where there are no curbs, no person shall drive, stand or park a vehicle on a sidewalk, **street lawn, tree lawn or within the city's right-of-way**, except when entering or leaving a temporary or permanent driveway and **except where the adjoining property owner has obtained all necessary permits and constructed an off pavement parking area same in compliance with Engineer's regulations.** **Unless the established parking area existed prior to July 1, 2020.**

**(D) Within the City right of way, no person shall park or stand a vehicle in violation of any City Code.**

('70 Code, § 331.38) Penalty, see §§ 309.01 and 309.02

Section 3 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof: given the immediate need to eliminate unwanted nuisances and enhance the community; and as such shall take effect and be in force

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Passed \_\_\_\_\_, \_\_\_\_\_

immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective on the earliest date allowed by law.

\_\_\_\_\_  
Todd Schneider  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor Scott Schertzer

ATTEST:

\_\_\_\_\_  
Tarina R. Rose  
Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_

Ordinance No. 2020-70

Passed \_\_\_\_\_

ORDINANCE MAKING AN ADDITONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020.

WHEREAS, the City of Marion has received funding under the CARES Act, and

WHEREAS, the funds are used as a reimbursement for the COVID related expenses, and

WHEREAS, the City of Marion has received an additional sum of \$416,754.81, and

WHEREAS, the City of Marion has also reimbursed various funds from the COVID Fund and said funds need to be appropriated for its intended use.

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

Section 1. That the following appropriations and adjustment be made as follows:

COVID

Refunds and Reimbursements	275.2084.5418	\$416,754.81
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GENERAL FUND

City Hall

Land & Building Maintenance	101.1021.5411	\$ 40,000.00
Professional Services	101.1021.5402	\$ 60,000.00
Supplies	101.1021.5502	\$ 40,000.00

Airport

Insurance Premium Deductible	101.1008.5406	\$ 6,000.00
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Total General Fund	\$ 146,000.00
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FIRE FUND

Schooling	270.1002.5202	\$ 40,000.00
Overtime	270.1002.5101.03	\$ 15,000.00

Total Fire Fund	\$ 55,000.00
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CAPITAL IMPROVEMENT FUND

Capital Contingency	401.4000.5444	\$ 150,000.00
Capital (City Hall)	401.1021.5443	\$ 100,000.00

Total Capital Fund	\$ 250,000.00
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RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor Scott Schertzer

ATTEST:

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

Ordinance No. **2020-71**

Passed \_\_\_\_\_, \_\_\_\_\_

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE BELOW LISTED ACCOUNTS ENDING DECEMBER 31, 2020, TO COVER CURRENT COST AND FUTURE PAYMENTS

Whereas, the Auditor has advised that there is a need for additional appropriation for the accounts listed below

THEREFORE, BE IT ORDAINED by Council of the City of Marion, Marion County, Ohio: Section 1. The following appropriation be made

General Fund (Additional General Fund Dollars)			
101.1023.5419	Statutory	Income tax Refunds	60,000.00
Critical Infrastructure Grant			
273.2081.5479	Fire Facility		37,500.00
Capital Improvements			
401.4000.54444	Capital Contingency		25,600.00
Sanitary Sewer			
502.5010.5443	Capital Improvements	Sanitary Sewer	307,686.68
ESID			
274.2082.5451	pass through payment for brick yard		16,543.32

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

\_\_\_\_\_  
Todd Schneider  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor Scott Schertzer

ATTEST:

\_\_\_\_\_  
Tarina R. Rose  
Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_



Ordinance No. 2020-73

Passed \_\_\_\_\_, \_\_\_\_\_

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY IMPLEMENTING ALL NECESSARY TRAFFIC CONTROL DEVICES ASSOCIATED WITH TRAFFIC CALMING, PATTERNS, PARKING AND SAFETY MEASURES ON S. MAIN ST. WITHIN THE CITY, INCLUDING BUT NOT LIMITED TO THOSE CONTAINED ON EXHIBIT A ATTACHED HERETO

WHEREAS, the Traffic Commission on September 21, 2020 determined it to be necessary and in the best interests to amend the Traffic Control Map by implanting certain changes to traffic control devices associated with traffic calming, patterns, parking and safety measures on S. Main St. within the City, and

WHEREAS, the Public Works Director has provided a detailed schematic of the intended changes associated with the traffic calming implementation, which is attached as Exhibit A.

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

SECTION 1. The Council determines it to be necessary to amend the City's Traffic Control Plan/Map regarding to certain changes to traffic control devices associated with traffic calming, patterns, parking and safety measures on S. Main St. within the City. This finding of the Traffic Commission and the Council after due deliberation, based in part upon the recommendation of the City Public Works Director. Therefore, the Public Works Director and the Safety Director are directed to place the necessary traffic control devices, markings and implements upon said section of S. Main St. and N. Main St within the City of Marion, Ohio. And, thereafter, to amend the City Traffic Control Map, as amended.

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.

\_\_\_\_\_  
President of Council

Approved

\_\_\_\_\_  
Mayor Scott Schertzer

ATTEST:

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

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_

Ordinance No. **2020-74**

Passed \_\_\_\_\_

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN TO PROVIDE FOR A TEMPORARY TRAFFIC PATTERN AND CONTROL DEVICES CHANGE ASSOCIATED WITH JEFFERSON ST.

WHEREAS, the Traffic Commission on September 21, 2020 determined it to be necessary and in the best interests to amend the Traffic Control Map to address seasonal congestion associated with the fall harvest and the facility located on E. Mark St., Marion, Ohio,

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

SECTION 1. The Council determines it to be necessary to amend the City's Traffic Control Plan/Map to account for seasonal congestion associated with the fall harvest and deliveries to the facility on E. Mark St., Marion, OH.. Specifically, directing the Public Works Director and Safety Director take all steps necessary to remove parking on the west side of Jefferson St. from Mark St. to Center St and alter the Stop signs at the intersection of Jefferson and Wilson Ave. consistent with the parameters approved by the Traffic Commission at its' September 21, 2020 meeting. These seasonal changes shall remain in place until the Safety Director determines there is no longer a need associated with the seasonal congestion. This Ordinance shall enable the Public Works Director and Safety Director to implement these provisions on a re-occurring annual basis based on need.

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.

\_\_\_\_\_  
President of Council

Approved

\_\_\_\_\_  
Mayor Scott Schertzer

ATTEST:

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

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_

Resolution No. 2020-34

Passed

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Whereas, this Council, in accordance with the provisions of law, has previously adopted a budget for the next succeeding fiscal year commencing January 1, 2021, and

Whereas, the Budget Commission of Marion County, Ohio has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied within the ten-mill limitation, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio that the amount and rate as determined by the Budget Commission on its certification be, and the same are hereby accepted, and

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within the ten mill limitation and without the ten mill limitation as follows:

SCHEDULE A  
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TA  
APPROVED BY THE BUDGET COMMISSION AND COUNTY AUDITOR'S  
ESTIMATED TAX RATES.

Name of Fund	Amt. to be derived from levies outside the 10 mil limitations	Amt. approved by the Budget Commission inside The 10 mill limitation	County Auditors estimate of Tax rate to be levied
General			
Police		118,819	.30
Fire		118,819	.30
Marion City SD		1,231,046	3.60
Elgin SD		938	2.60
Pleasant SD		34,753	.90
River Valley SD		18,535	2.70
Ridgedale SD		5,626	1.40
			1.55
District 44 annex		134	
District 45 annex		2,400	1.10
District 46 annex		220	.20
District 47 annex		109	.45
District 48 annex		186	.45

RECORD OF RESOLUTIONS

*Resolution No.* \_\_\_\_\_ *Passed* \_\_\_\_\_, \_\_\_\_\_

BE IT FURTHER RESOLVED that the Clerk of this Council be and she is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Section 1. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

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Todd Schneider  
President of Council

APPROVED:

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Mayor Scott Schertzer

ATTEST:

\_\_\_\_\_  
Tarina R. Rose  
Clerk of Council

Ordinance No. 2020-72

Passed \_\_\_\_\_, \_\_\_\_\_

ORDINANCE AMENDING EXISTING MARION CITY CODE SECTION 111.01 (C) ALSO KNOWN AS RULE 3.

WHEREAS, Council finds it advantageous to amend existing Marion City Code Section 111.01(C) also referred to as Council Rule 3,

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

Section 1. M.C.C. 111.01 **§ MEETINGS; PLACE AND TIME OF CONVENING, QUORUM, ORDER OF BUSINESS, READING OF JOURNAL.** now reading as:

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

SHALL BE AMENDED TO READ AS:

Section 2. M.C.C. 111.01 **§ MEETINGS; PLACE AND TIME OF CONVENING, QUORUM, ORDER OF BUSINESS, READING OF JOURNAL.**

(C) *Rule 3. Meetings - regular.* Council, following its election, shall hold its first meeting at an hour set by Council following such election and it shall organize pursuant to law. After Council has met and organized, pursuant to law, regular meetings of Council shall be held in the Council Chambers on the second and fourth Monday of each month at 6:30 p.m. unless otherwise ordered by motion, resolution or ordinance. When the day fixed for any regular meeting of Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday or on a day fixed by Council. No member of Council shall be required to remain in the Council Chambers longer than one-half hour after the regular time for calling the meeting and to which Council stands adjourned unless there is a quorum present and Council is called to order and proceeds to business.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

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

\_\_\_\_\_

Todd Schneider  
President of Council

APPROVED:

\_\_\_\_\_

Mayor Scott Schertzer

ATTEST:

\_\_\_\_\_

Tarina R. Rose  
Clerk of Council