

Village of Minerva Park  
Council Meeting: May 22, 2017  
AGENDA

**Pledge of Allegiance**

**Roll Call**

**Invocation** Councilman Dobbins

**Green Cards** Council President Pauken

**Village Planning Director's Report** Eric Fischer

**Legislation**

**Resolution 2017-17 – Purchase of 2999 E. Dublin-Granville Road**  
**2<sup>nd</sup> Reading**

**Resolution 2017-18 – Financing the Purchase of 2999 E. Dublin-Granville Road**  
**1<sup>st</sup> Reading**

**Ordinance 03-2017 – Accessory Structures**  
**Tabled**

**Ordinance 04-2017 – Dumpster Screening**  
**Tabled**

**Ordinance 05-1017 – Fences**  
**Tabled**

**Ordinance 09-2017 – Dish Antennas**  
**3<sup>rd</sup> Reading**

**Ordinance 12-2017 – Weeds and Grass**  
**1<sup>st</sup> Reading**

**New Business**

**Old Business**

**Citizens' Comments**

**Adjourn**

## RESOLUTION 2017-17

### A RESOLUTION AUTHORIZING AND RATIFYING THE EXECUTION BY THE MAYOR OF A REAL ESTATE PURCHASE CONTRACT FOR THE PURCHASE OF 2999 E. DUBLIN-GRANVILLE ROAD

**WHEREAS**, Village Council is desirous of considering opportunities within the Village of Minerva Park to provide suitable facilities for the Police Division and the administrative offices for Village personnel in the most cost-effective manner; and,

**WHEREAS**, the opportunity to purchase 2999 E. Dublin-Granville Road has arisen, which facility will provide ample square footage for upgraded police facilities and suitable administrative offices, as well as additional square footage for potential lease to enterprises for job creation and income tax producing purposes; and

**WHEREAS**, a Real Estate Purchase Contract has been negotiated with the owner of 2999 E. Dublin-Granville Road and the Mayor has executed such Purchase Contract contingent upon and subject to authorization and ratification by the Village Council;

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

- Section 1.** The Mayor of the Village of Minerva Park is hereby authorized to execute the Real Estate Purchase Contract to purchase 2999 E. Dublin-Granville Road, in the form currently on file with the Clerk of Council and satisfactory to the Village Solicitor, and the execution of the Purchase Contract on January 18, 2017, by the Mayor is hereby ratified by Village Council.
- Section 2.** The Mayor, the Fiscal Officer, the Village Solicitor and other appropriate representatives of the Village of Minerva Park are hereby authorized to take such actions and execute such additional documents as are necessary and appropriate to perform the Real Estate Purchase Contract.
- Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.
- Section 4.** This resolution shall take effect and shall be in force from and after the earliest time allowed by law.

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Lynn Eisentrout, Mayor

First Reading: May 8, 2017  
Second Reading: May 22, 2017  
Third Reading: June 12, 2017  
Passed: June 12, 2017

**RESOLUTION 2017-17**  
**(continued)**

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## **Ordinance 13-2017**

**AN ORDINANCE AUTHORIZING THE VILLAGE OF MINERVA PARK, OHIO (THE 'VILLAGE') TO ISSUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,700,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF AN OFFICE BUILDING LOCATED AT 2999 EAST DUBLIN-GRANVILLE ROAD, COLUMBUS, OHIO, INCLUDING LAND AND INTERESTS IN LAND, PAYING THE COSTS OF RENOVATING AND IMPROVING THE INTERIOR AND EXTERIOR OF THE BUILDING, FURNISHING AND EQUIPPING THE SAME, INCLUDING SITE IMPROVEMENTS, LANDSCAPING AND ALL APPURTENANCES RELATING THERETO; AUTHORIZING THE NECESSARY DOCUMENTS TO SECURE THE BONDS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Fiscal Officer of the council (the "Fiscal Officer") has certified to the council of the Village of Minerva Park, Ohio (the "Council") that the estimated life of the building acquisition and improvements (the "Project") (calculated in accordance with Ohio Revised Code Section 133.20) which are to be financed with the proceeds of the bonds, hereinafter referred to, exceeds five years and the maximum maturity of the bonds is 25 years; and

**WHEREAS**, it is now deemed necessary to issue and sell bonds in the principal sum of to exceed \$1,700,000, under authority of the general laws of the State of Ohio, and in particular Chapter 133 of the Ohio Revised Code, for the purpose stated in the title of this Ordinance;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:**

**Section 1.** It is hereby declared necessary to issue bonds of the Village in the principal sum of not to exceed One Million Seven Hundred Thousand Dollars (\$1,700,000), or such lesser amount as shall be determined by the Fiscal Officer and certified to this Council, which bonds shall be designated as "Village of Minerva Park Building Acquisition and Improvement Bonds, Series 2017 (General Obligation – Limited Tax)," to be issued in a manner (including tax-exempt and/or taxable) as determined by the Fiscal Officer (the "Bonds"), for the purpose described in the title of this Ordinance.

**Section 2.** The Bonds shall be issued as fully registered bonds in such denominations, but not exceeding the principal amount of Bonds maturing on any one date, shall be numbered R-1 upward, and shall be dated the date determined by the Fiscal Officer, and certified to Council, as set forth in the Certificate of Fiscal Officer provided for in Section 3 below.

**Section 3.** The Fiscal Officer is hereby authorized and directed to execute on behalf of the Village, and to forward to the Auditor of Franklin County, Ohio, a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount of the Bonds and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds are to be paid (the "Interest Payment Dates"), the purchase price for the Bonds; the maturity schedule for the Bonds, the interest rate for the Bonds (provided that the true interest cost for the Bonds shall not exceed five per centum (5.00%) per annum), the mandatory and optional redemption provisions, if any, whether the Bonds are tax-exempt and/or taxable, and such other terms not inconsistent with this

## Ordinance 13-2017

Ordinance as the Fiscal Officer shall deem appropriate in his discretion on behalf of this Council.

**Section 4.** The Bonds shall be issued with interest payable semi-annually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless otherwise determined by the Fiscal Officer.

**Section 5.** The Bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this Ordinance, and the Bonds shall be executed by the Mayor and the Fiscal Officer in their official capacities, provided that one or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on each of the Bonds, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bonds so authenticated have been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the Village. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

**Section 7.** The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. The Bonds shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of the Bonds is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on the Bonds shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on the Bonds which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to the Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date.

**Section 8.** The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds (collectively, the "Bond Registrar") or to execute on behalf of the Village a bond registrar agreement (the "Bond Registrar Agreement") with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and the Original Purchaser, pursuant to which such bank or financial

## **Ordinance 13-2017**

institution shall agree to serve as Bond Registrar for the Bonds. The terms of such Bond Registrar Agreement, if any, shall be consistent with the terms of this Ordinance. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the Village for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all Bondholders of the change in identity and new address of the Bond Registrar. So long as the Bonds remain outstanding, the Village shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bond as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name the Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on the Bond shall be made only to or upon the order of that person. Neither the Village nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

The Bonds, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for a Bond of the same form and denomination equal to the unmatured principal amount of the Bond surrendered, and bearing interest at the same rate and maturing on the same date.

The Bonds may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond in the denomination equal to the unmatured principal amount of the Bond surrendered, and bearing interest at the same rate and maturing on the same date.

The Village and the Bond Registrar shall not be required to transfer or exchange the Bond during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of redemption of the Bond, and ending at the close of business on the day of such mailing.

In all cases in which the Bond is exchanged or transferred hereunder, the Village shall cause to be executed and the Bond Registrar shall authenticate and deliver the Bond in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Village and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Village or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. The Bond issued upon any transfer or exchange shall be the valid obligations of the Village, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bond surrendered upon that transfer or exchange.

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**Section 9.** For purposes of this Ordinance, the following terms shall have the following meanings:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to the Depository or its nominee as registered owner, with the Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book-entry system, and the provisions of this section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book-entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Payment of principal of and interest on Bonds in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal of and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and this Council. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the Village. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The Mayor, Fiscal Officer, Clerk of Council, and any other officer of this Council, are each authorized to execute, acknowledge and deliver, if necessary, in the name of and on behalf of the Village, the letter agreement among the Village, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book-entry system.

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If any Depository determines not to continue to act as a Depository for the Bonds for use in a book-entry system, the Village and the Bond Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the Village and the Bond Registrar do not or are unable to do so, the Village and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then-acting Depository, shall permit withdrawal of the Bonds from the then-acting Depository, and authenticate and deliver Bond certificates in fully registered form to the successor, assign or nominee of the then-acting Depository, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Village or the Bond Registrar, of those persons requesting such issuance.

**Section 10.** There shall be and is hereby levied annually on all the taxable property in the Village, in addition to all other taxes and inside the ten mill limitation, a direct tax (the “Debt Service Levy”) for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

**Section 11.** The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Village determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Village shall appropriate such funds to the payment of the Bonds in accordance with law.

**Section 12.** The Village hereby covenants, subject and pursuant to such authority, particularly Ohio Revised Code Section 133.05(B)(7) to appropriate annually from lawfully available municipal income taxes the amounts necessary to meet the annual debt charges on the Bonds if it is determined by the Fiscal Officer that Bonds or any portion thereof are to be tax-exempt.

**Section 13.** The Bonds shall be sold at private sale to such purchaser or purchasers (referred to herein as the “Original Purchaser”) as the Fiscal Officer determines is in the best interest of the Village and certified to this Council at a purchase price of not less than 97% of the face value of the Bonds, plus interest accrued, if any, to the date of delivery of the Bonds. The Fiscal Officer is authorized and directed to execute on behalf of the Council a Bond Purchase Agreement with the Original Purchaser, if required, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this Ordinance, as the Fiscal Officer shall determine.

The proceeds from the sale of the Bonds, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest or premium received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the Village, as permitted by law.

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**Section 14.** The Council hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the tax-exempt portion of the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986, as -amended (the “Code”). The Council further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the “Regulations”).

The Fiscal Officer, or any other officer of this Council, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Council with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, or any other officer of the Council, on behalf of the Council; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Village, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Council, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Council pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Council regarding compliance by the Council with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Village to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the Village to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

**Section 15.** For the benefit of the owners and beneficial owners from time to time of the Bonds, the Village agrees, as the only obligated person with respect to the Bonds under Rule 15c2-12 prescribed by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Fiscal Officer is authorized and directed to complete, sign and deliver, in the name and on behalf of the Village, a Continuing Disclosure Certificate, if required, with such changes that are not inconsistent with this Ordinance, are not materially adverse to the Village, and

## Ordinance 13-2017

are approved by the Fiscal Officer, all of which shall be conclusively evidence by the signing of the Continuing Disclosure Certificate by the Fiscal Officer.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the Village with the Continuing Disclosure Certificate, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Village's general counsel and bond or other qualified independent special counsel selected by the Village. The Fiscal Officer, acting in the name and on behalf of the Village, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the Village of the Continuing Disclosure Certificate shall be subject to the annual appropriation of any funds that may be necessary to perform it.

**Section 16.** The law firm of Frost Brown Todd LLC is hereby appointed to serve as bond counsel to the Village in connection with the issuance of the Bonds.

**Section 17.** The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the Village to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the Village as to the facts stated therein.

**Section 18.** It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Village have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the Village are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

**Section 19.** It is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were taken in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

**Section 20.** The Fiscal Officer is hereby directed to forward a certified copy of this Ordinance and a copy of the Certificate of Fiscal Officer, as soon as each is available, to the Auditor of Franklin County, Ohio.

**Section 21.** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village and its inhabitants for the reason that the Village is entering into a contract for the purchase of an office building and it is in the best financial interest of the Village to meet the conditions and requirements necessary to complete such purchase; wherefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

## Ordinance 13-2017

First Reading:  
Second Reading:  
Third Reading:  
Passed:

### ATTESTS:

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Kim Pulley, Fiscal Officer

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Lynn Eisentrout, Mayor

### APPROVED AS TO FORM:

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Eugene L. Hollins, Solicitor

## **Ordinance 13-2017**

### CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_-2017 duly adopted by the Council of the Village of Minerva Park, Ohio on June \_\_, 2017 and that a true copy thereof was certified to the County Auditor of Franklin County, Ohio.

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Clerk of Council  
Village of Minerva Park, Ohio

## Ordinance 03-2017

### AN ORDINANCE TO AMEND SECTION 1272.05, OF THE CODIFIED ORDINANCES REGARDING ACCESSORY STRUCTURES

**WHEREAS**, the Council enacted Ordinance 5-2002 specifying the rules and regulations governing accessory structures which became Chapter 1272.05, Accessory Uses and Structures, in the codified ordinances of the Village of Minerva Park.; and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding accessory structures;

**NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1272.05 is hereby amended to read as follows:

#### **1272.05 ACCESSORY USES AND STRUCTURES.**

Accessory uses and structures shall be permitted in association with a principal use or structure.

- (a) Accessory Use and Structure Defined. As used in this section, "accessory use and structure" means a subordinate use or structure which is incidental to and in association with a principal use or structure.

Accessory structures used as storage sheds must be over six square feet and allow a person to walk inside, however, they may not be used to store automobiles or contain living quarters.

- (b) Location in Residential Zoning Districts. In a Residential Zoning District, as listed in Section 1238.04, unattached accessory structures shall be located to the rear of the dwelling, four feet or more from the side and rear property lines and no closer than four feet to any other structure.
- (c) Location in Other Zoning Districts. In any zoning district other than a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the development standards of the zoning district in which it is located.
- (d) Size, Height, and Configuration. The sum total of all accessory structures shall not greater than twenty-five percent of the gross floor area of the principal use structure as listed on the county auditor's website or cover more than 10 percent of the rear yard area of the residence. Maximum size shall be 200 square feet as measured on the outside of the accessory structure walls. Maximum height shall be 12 feet as measured from the natural ground to the highest point. Where an accessory structure is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface. No door openings shall be closer than 15 feet to a lot line. Accessory structures used for storage constructed of fabric or plastic tarp-like materials such as temporary garages or canopies are not allowed in any zoned property within the Village. All enclosed accessory structures must have an architectural floor built of wood, metal or concrete.
- (e) Permitting, Inspection and Acceptance. No accessory structures may be installed or constructed without first obtaining a permit. All permits expire six months after issuance and are not transferable between owners. Permit & Fee: A permit filing and a fee shall be

**Ordinance 03-2017  
(continued)**

collected in accordance with the Fee Schedule established by the Council and in force on the date the Permit Filing and Review Fee is due and payable.

If accessory structure construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit. The Code Enforcement Officer or other designee of the Mayor shall inspect the installation of an accessory structure twice: first, upon approving the proposed location indicated by staked-out corners of the accessory structure and second, at the final completion of the accessory structure.

- (f) Repair to accessory structures. Repairs must be equal to or better than the original construction in materials and workmanship as determined by the Code Enforcement Officer or other designee of the Mayor.
- (g) Variances. Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (h) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage.

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Lynn Eisentrout, Mayor

First Reading: February 13 2017  
Second Reading: February 27, 2017  
Third Reading: Tabled  
Passed:

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## Ordinance 04-2017

### AN ORDINANCE TO AMEND SECTION 1278.04, OF THE CODIFIED ORDINANCES REGARDING LANDSCAPING FOR SERVICE STRUCTURES

**WHEREAS**, the Council enacted Ordinance 5-89 specifying the rules and regulations governing landscaping for service structures which became **Chapter 1278.04, Minimum Landscape Requirements**, in the codified ordinances of the Village of Minerva Park.; and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding dumpster screening;

**NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1278.04 is hereby amended to read as follows:

(d) Dumpsters (Service Structures) Screening All dumpsters shall be screened on all sides including the gate wherever it is located. Dumpsters may be grouped together. However, screening height requirements shall be based upon the tallest of the dumpsters.

(1) Location of screening. A continuous (having 100 percent opacity) planting, hedge, or fence, which would enclose any dumpster that must be frequently moved, shall be one foot higher than the height of the enclosed dumpster, but shall not be required to exceed ten feet in height. Whenever a dumpster is located next to a building wall, a perimeter landscaping material, or a vehicular use area landscaping material, such wall or screening material may fulfill the screening requirements for that side of the dumpster if such wall or screening material is of an average height sufficient to meet the height requirement set forth in this section. Whenever dumpsters are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping.

(2) Curbs to protect screening material. Whenever screening material is placed around a dumpster which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the dumpster is moved or emptied.

(3) Permitting, Inspection and Acceptance. No dumpster screening may be installed or constructed without first obtaining a permit.

Permit & Fee: A permit filing and a fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Permit Filing and Review Fee is due and payable.

All permits expire six months after issuance and are not transferable between owners.

Use of service structures and dumpsters shall require the following:

- (1) The gate must remain closed when not being loaded or unloaded.
- (2) No trash may be placed beside or on top of the dumpster.

**Ordinance 04-2017**  
**(continued)**

(3) Dumpster enclosures may be locked or unlocked; however, all measures shall be taken to prevent unauthorized dumping or placing of trash near or against dumpster screening.

Dumpster screening installation shall be inspected by the Code Enforcement Officer or other designee of the Mayor twice: first, when the post holes have been dug or other screening material location has been laid out and second, at the completion of the screening construction. Only after the Code Enforcement officer or other designee of the Mayor has approved the completed dumpster screening will the Planning & Zoning Commission accept the screening as a permanent improvement on any lot, part of a lot or combination of lots.

(4) Repair. Repair to dumpster screening that requires the replacement of posts or greater than 50% of the screening material requires an accessory structure permit at one half the cost of a new dumpster screening permit.

(e) Variances. Variances to the fence ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in chapter.1232.01.

(f) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage.

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Lynn Eisentrout, Mayor

First Reading: February 13, 2017  
Second Reading: February 27, 2017  
Third Reading: Tabled  
Passed:

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## **Ordinance 05-2017**

### **AN ORDINANCE TO AMEND SECTION 1464.01, OF THE CODIFIED ORDINANCES REGARDING LOCATION AND HEIGHT OF FENCES AND WALLS**

**WHEREAS**, the Council enacted Ordinance 03-1993 specifying the rules and regulations governing fences and walls which became Chapter 1464, Fences and Walls, in the codified ordinances of the Village of Minerva Park.; and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified as to measuring the height of fences;

**NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1464.01 is hereby amended to read as follows:

#### **Fence Construction and Location**

- (a) No fence or wall shall be erected forward of a line 14 feet back from the immediately adjacent front building line of a dwelling or structure on any lot.
- (b) No fence or free-standing wall shall exceed seventy-two (72) inches in height, measured from the natural ground, including lattice panels. Where a fence or wall is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface.
- (c) Decorative post caps, finials, or ornamental features shall not exceed 12 inches above the top of fence panels, pickets, or walls nor be more than six (6) inches in width spaced closer than four feet on center.
- (d) Supporting posts of any fence type shall be on the side that faces the installer's dwelling.
- (e) Free-standing walls constructed of brick, concrete block, or stone must be constructed on a foundation starting 36 inches below grade and designed by a structural engineer or architect. All portions of the footing must be within the lot line.
- (f) Fences and walls may be constructed of the following materials:
  - 1. Fences: wood or wood composite or similar materials; PVC or vinyl or similar materials; aluminum, chain link or wire, or a combination of these materials.
  - 2. Walls: stone, brick, poured concrete, or block
- (g) Chain-link type fences shall not exceed forty-eight (48) inches in height and must be vinyl coated dark green, dark brown, or black.
- (h) Welded wire fencing painted black, dark green, or dark brown may be attached to the inside of a fence.
- (i) Only one style of wall or fence may be permitted per property line.
- (j) The maximum ground clearance from the natural ground to the bottom of the panel, picket or wall shall not exceed three (3) inches.
- (k) Lighting features or lighting built into a fence shall not extend above the height of the fence panel.
- (l) Artificially raising the height of the base upon which the fence is constructed by use of mounding, retaining walls or similar means shall be included within the seventy-two (72) inch maximum height restriction of fences and walls.
- (m) Sharp edges and electrically charged fence materials are not permitted.

**Ordinance 05-2017**  
**(continued)**

**Permitting, Inspecting, and Acceptance**

- (a) No fence may be installed or constructed without first obtaining a permit.
- (b) Applicants shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land.
- (c) All permits expire six months after issuance and are not transferable between owners.
- (d) Permit & Fee: A permit filing and a fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Permit Filing and Review Fee is due and payable.
- (e) If fence construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit.
- (f) Fence installation shall be inspected by the Code Enforcement Officer or other designated Village official, twice: First when the post holes have been dug, second at the completion of the fence construction. Only after the Code Enforcement officer has approved the completed fence will the Planning & Zoning Commission accept the fence as a permanent improvement on any lot, part of a lot or combination of lots.
- (g) Repair to fences that require the replacement posts, or greater than 50% of fencing material must obtain a fence permit at one half the cost of a new fence permit.
- (h) Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (i) Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage.

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Lynn Eisentrout, Mayor

First Reading: February 13, 2017  
Second Reading: February 27, 2017  
Third Reading: Tabled  
Passed:

**Ordinance 05-2017  
(continued)**

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## Ordinance 09-2017

### AN ORDINANCE TO AMEND SECTION 1274.06, OF THE CODIFIED ORDINANCES REGARDING DISH ANTENNAS

**WHEREAS**, the codified ordinances of Minerva Park includes a section specifying the rules and regulations governing dish antennas (Chapter 1274.06, Dish Antennas); and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding dish antennas;

**NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 1274.06 is hereby amended to read as follows:

- (a) **Intent.** This Ordinance seeks to reduce the visual impact of dish antennas and prevent dish antennas from blocking fire lanes and utility easements.
- (b) Within residential districts, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites:
  - (1). Ground mounted satellite antennas must meet the following provisions:
    - (A.) Not exceed one in number at any one address.
    - (B.) Be located behind the front building line or front facade whichever is further from the street Right-of-Way and not exceed six feet in height.
    - (C.) Be no closer than four feet to the rear or side property line.
    - (D.) Be no closer than one foot to any easement.
    - (E.) Have all associated wiring buried below grade.
    - (F.) Utilize a support structure consisting of one galvanized or aluminum pipe mounted in 8" in diameter and 24" deep or larger concrete footing.
    - (G.) Be capable of withstanding a wind force of up to seventy miles per hour without the use of supporting guy wires.
    - (H.) Must be removed when no longer being used.
  - (2) Roof or wall mounted satellite antennas must meet the following provisions:
    - (A.) Not exceed one in number at any one address.
    - (B.) Such stations or antennas shall be mounted directly on the roof or wall of the house and shall not be mounted on appurtenances such as chimneys, towers, spires, utility poles, or trees.
    - (C.) Shall not extend over seven feet above the ridge line of the house.
    - (D.) All associated wiring must not be visible from the ground.
    - (E.) Be capable of withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.
- (c) A dish antenna, when installed in any Commercial or Industrial Zoning Districts must receive a permit originated by and approved by the Planning & Zoning Commission shall:
  - (1) meet the requirements of the residential zoned installation with the following exceptions:
    - (A.) Dish antenna size shall not exceed five feet in diameter.

**Ordinance 09-2017**  
**(continued)**

- (B.) The top of the antenna shall not extend ten feet above grade or surrounding roof surface.
- (C.) Shall meet the residential requirements of an antenna installation if it is installed within twenty-five feet of residentially zoned property.

(d) A zoning variance for the installation of dish antennas shall be required if the installation does not meet all of the requirements of the zoned property.

- (e). Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First Reading: April 24, 2017  
Second Reading: May 8, 2017  
Third Reading: May 22, 2017  
Passed: May 22, 2017

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Lynn Eisentrout, Mayor

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## Ordinance 12-2017

### AN ORDINANCE TO AMEND SECTION 665, OF THE CODIFIED ORDINANCES REGARDING WEEDS AND GRASS

**WHEREAS**, the codified ordinances of Minerva Park includes a section specifying the rules and regulations governing weeds and grass (Chapter 665, Weeds and Grass); and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding dish antennas;

**NOW, THEREFORE**, be it ordained by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

**Section 1.** Section 665 is hereby amended to read as follows:

#### **665.01 CUTTING OF WEEDS AND GRASS REQUIRED.**

The owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality shall maintain the premises and exterior property free from weeds or plant growth including grass in excess of six (6) inches. All noxious weeds are prohibited.

(1) Noxious weeds defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac; any and all additional noxious weeds on the Ohio noxious weed list maintained by the US Department of Agriculture Natural Resource Conservation Service.

(2) Plant growth defined. All grasses, annual plants, and vegetation, other than trees or shrubs. This term does not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

#### **665.02 TRIMMING OF TREES AND SHRUBS REQUIRED.**

The owner, lessee, agent, tenant or other such person having charge or care of any lot or parcel of land fronting on any street, alley, avenue or public grounds in the Municipality, in which shade trees are planted and growing, shall trim or cause to be trimmed, all shade trees or shrubbery in front of the respective lots or lands when so ordered or directed by the Village Administrator. All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and twelve feet above the surface of the street or roadway. The branches of all trees in front and along lots or lands near which public lamps are placed shall be trimmed so as not to obstruct the free passage of light from the lamps to the street and sidewalks.

#### **665.03 REMOVAL OF DANGEROUS TREES.**

The Village Administrator is hereby authorized to remove trees within the limits of the Municipal streets that have been determined to be dangerous to the public.

#### **665.04 PLANTING OF TREES AND SHRUBS REGULATED.**

No owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality shall plant or cause to be planted any tree, bush or shrub in or upon any street, alley, right of way or any other land owned by the Municipality.

**Ordinance 12-2017**  
**(continued)**

**665.05 NOTICE TO CUT, TRIM OR REMOVE.**

(a) When determined through inspection by the Village Mayor/Administrator or his/her designee, that weeds, grass or other undesirable vegetation exceeding the height specified in Section [665.01](#) or that trees or shrubs exceeding the clear height specified in Section [665.02](#) or that the accumulation of dead, fallen or cut tree branches, limbs or trimmings as specified in Section [665.09](#) exist upon any land within the corporate limits of the Municipality, the Village Administrator shall cause notice to be served to the owner, lessee, agent, tenant or other such person having charge or care of such land to abate the violation. Such notice shall include the following:

(1) An order to cut or destroy the weeds, grass or vegetation or trim such trees or shrubs or remove such fallen limbs, branches or trimmings within two days of being noticed to do so.

(2) A statement that the Village of Minerva Park or designated contractor will complete the work requested after the second day, the cost of which shall be a lien on the real property where the violation was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to remedy the violation as required by such notice shall be deemed an implied consent for the Village to abate or remove such violation. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the Village.

(b) Written notice shall be served by any of the following methods:

(1) Handing the notice to some person of suitable age and discretion residing or employed therein;

(2) Delivering notice by the United States First Class mail to any of the owners, lessees, tenants or other persons or entities having charge or care of land and posting the notice by affixing it to the front of the building in clear view from the street or affixing it to a free-standing post or stake in clear view from the street, service being effective upon posting;

(c) Publishing the notice once in a local newspaper of general circulation.

**665.06 FAILURE TO COMPLY; REMEDY OF MUNICIPALITY.**

(a) In the event the owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality does not comply with the order to cut or destroy the weeds, grass or undesirable vegetation or trim the trees or shrubs within the time limit specified in Section [665.05](#) after a proper notice to abate the violation has been issued by the Village Mayor/Administrator, the Village Mayor/Administrator shall cause such undesirable vegetation to be cut and destroyed or trees or shrubs to be trimmed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. This remedy is in addition to the penalty provided in Section [665.99](#). The Village of Minerva Park shall not be responsible for damage done to the premises under the authorization provided in herein.

(b) If the owner, lessee, agent, tenant or other such person having charge of such lots or land fails or refuses to cut or destroy the weeds, grass or undesirable vegetation or trim the trees or shrubs and it becomes necessary for the Village of Minerva Park to abate the violation more than one time during any calendar year, the Village Mayor/Administrator may abate subsequent violations without the necessity of further notice.

**665.07 FEES CHARGED BY MUNICIPALITY.**

(a) Upon completion of abatement of the violation, the Village Mayor/Administrator shall invoice the owner for all such work performed at a liquidated cost of \$125 per on-site man-hour including all equipment, equipment maintenance, supplies, and overhead costs, with a minimum charge of \$300. If a contractor performs the work, the Village Mayor/Administrator will invoice the owner for the costs of such cutting and removal shall be immediately due and payable to the Municipality provided, however, that the administrative fee shall not exceed \$500.00. The cost and administrative fee shall be assessed against the lot or land.

(b) Notice of such assessment shall be given to the owner of the lot of land charged therewith, and the

## **Ordinance 12-2017 (continued)**

occupant by mailing such notice to the address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises. All assessments not paid within ten days after such mailing and posting, after approval by the Village Mayor/Administrator, shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

### **665.08 PAYMENT OF FEES.**

The owner shall pay such fees as are charged in accordance with Section [605.07](#) to the Finance Director within thirty days after receipt of such statement of costs to avoid further cost or penalty. If the fee is not paid when due, the Finance Director shall certify to the County Auditor the proceedings taken under this chapter, together with a statement of the charges for such services as listed in Section [605.07](#) and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry and shall be collected as other taxes and returned to the General Fund as provided by Ohio R.C. 731.54.

### **665.09 REMOVAL OF FALLEN BRANCHES, LIMBS, ETC.**

No owner, agent, lessee, tenant or other having charge of property within the Municipality, shall cause, or allow to cause, the accumulation of dead, fallen or cut tree branches, limbs or trimmings on such lands as to constitute a public nuisance or hazard or which may be considered dangerous to the public as determined through inspection by the Village Administrator or his/her designee.

### **665.10 CUTTING OF WEEDS AND GRASSES IN ADJACENT RIGHTS-OF-WAY.**

(a) No person owning, having charge of or being in possession of land within the Village shall fail to keep the adjacent right-of-way between his/her property and the curb, or edge of street or alley where there is no curb, free from all weeds.

(1) Noxious Weeds Defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac.

(2) Weeds Defined. All grasses, annual plants, and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

(b) No person owning, having charge of or being in possession of land within this Village shall fail to keep the adjacent right-of-way between such property and the curb, or edge of the street or alley where there is no curb, by allowing grass and weeds to grow to a height in excess of 6" or to mature their seeds thereon pursuant to Section [665.01](#) of the Codified Ordinances.

(c) The Village Administrator or his/her designee is hereby granted authority to notify the property owner in writing who is in violation of subsection (a) or (b) of this section to cut such weeds or grass and if such weeds or grass have not been cut within seven (7) calendar days of the date of mailing such notice the Village Administrator or his/her designee may cause the weeds to be removed. The cost of such maintenance shall be reported to Council and upon Council's approval shall be returned to the Finance Director who will forward the charges to the Franklin County Auditor for inclusion upon the tax duplicate for collection, all in accordance with Ohio R.C. 731.51 et seq.

(d) Whoever violates this section is guilty of a minor misdemeanor. Each calendar day that a violation of this section is repeated or continued shall constitute a separate offense.

### **665.11 GRASS CLIPPINGS ON PUBLIC SIDEWALKS AND PUBLIC STREETS.**

(a) No grass clippings or foliage shall be deposited onto public sidewalks or public streets. Grass clippings or foliage are to be removed from the public street and/or public sidewalk immediately

**Ordinance 12-2017**  
**(continued)**

following mowing or trimming.

(b) Grass clippings or foliage shall not be dumped or washed into municipal storm drains or into the municipal storm sewer system.

(c) The property owner shall be responsible for ensuring all tenants, vendors, or third parties comply with this Section.

**665.99 PENALTY.**

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense. If the violator has been previously convicted of or pleaded guilty to a violation of this Chapter, the violator shall be guilty of a fourth degree misdemeanor upon conviction. Sentencing shall be in accordance with Section 698 of the Codified Ordinances. A separate offense shall be deemed committed each day on which a violation occurs or continues.

(b) Organizations shall be held criminally liable pursuant to Section 606.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First Reading: May 22, 2017  
Second Reading: June 12, 2017  
Third Reading: June 26, 2017  
Passed: June 26, 2017

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Lynn Eisentrout, Mayor

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor