City Hall, 209 S. Main Street
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www.marysvilleohio.org

MARYSVILLE CITY COUNCIL AGENDA
April 28, 2025 at 7:00 P.M.
Council Chambers – 209 S. Main Street – 2nd Floor

This meeting is available to watch live or archived by clicking here

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INVOCATION:

ROLL CALL:

APPROVAL OF MINUTES: April 7, 2025 City Council and Planning Commission Work Session Meeting Minutes. April 14, 2025 City Council Meeting Minutes.

PROCLAMATION:

APPOINTMENT:

ADMINISTRATIVE REPORT:

REPORT OF CLERK OF COUNCIL:

PLANNING COMMISSION REPORT:

DESIGN REVIEW BOARD REPORT:

HEARING OF CITIZENS:

ORDINANCES:

Ord. A	3rd Reading Vote	TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE PLANNED UNIT DEVELOPMENT ZONING FOR THE MARYSVILLE NORTH PLANNED UNIT DEVELOPMENT
		Administration:

Council:

Ord. B 3rd Reading Vote — TO AMEND THE CODE OF ORDINANCES, CITY OF MARYSVILLE, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES MARYSVILLE CITY CODE SECTIONS 513.03, 513.04, 513.05, 513.06, 513.07, 513.08, 513.12, 525.05, 533.01, 533.03, 533.04, 537.02, 537.021, 537.14, 537.16, 545.01, 545.07; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Administration:

Council:

Ord. C 3rd Reading Vote — TO AMEND THE CODE OF ORDINANCES, CITY OF MARYSVILLE, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC MARYSVILLE CITY CODE SECTIONS 303.01, 303.10, 331.39, 331.40, 333.01, 333.07, 335.04, 335.072, 335.074, 337.26, 343.01; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Administration:

Council:

Ord. D 2nd Reading Public Hearing — TO AMEND SECTION 741.02 (A) CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED, OF CHAPTER 741 MARIJUANA, OF THE CITY OF MARYSVILLE CODIFIED ORDINANCES

Administration:

Citizens:

Council:

COMMENTS OF THE CITY MANAGER AND COUNCIL PERSONS AND GENERAL DISCUSSION:

ADJOURN:

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CITY COUNCIL and PLANNING COMMISSION
WORK SESSION MEETING MINUTES
Monday, April 7, 2025 – 6:00 p.m.
Police & Court Facility, 1250 W. Fifth Street, Marysville

Anytime from 4:00 p.m. – 5:30 p.m. at 117 W. 6th Street, Marysville, Ohio, there was the opportunity for City Council, Planning Commission Members and the public to view the work that has been completed to date regarding the City of Marysville Vision Plan. This aided in the dialogue that occurred during the Council Work Session that began at 6:00 p.m.

The meeting was called to order by Vice President Hunter at 6:00 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Vice President Hunter.

INVOCATION: The invocation was given by Vice President Hunter.

CITY COUNCIL MEMBERS PRESENT: Donald Boerger, Henk Berbee, Mark Reams, Zack Bordner, Scott Hunter, Steven Wolfe and Julie Kramer.

PLANNING COMMISSION MEMBERS PRESENT: Michael Nickoson, Robert Stillion, Lesley Verbus, Paige Laub, Bret Ingle and Chad Wolniewicz. Matt Fisher excused.

CITY ADMINISTRATION PRESENT: *City Manager* Terry Emery, *Law Director* Tim Aslaner, *Finance Director* Brad Lutz, *Police Captain* Chad Seeberg, *Fire Chief* Nate Burns, *City Engineer* Kyle Hoyng, *Human Resources Director* Tara Maine, *Planning and Development Manager* Ashley Gaver and *Clerk of Council* McKenzie Proudfoot.

ADDITIONAL PERSONS PRESENT: *Marysville Journal Tribune* Mike Williamson, Bob Bailey, Ann Aquillo, Marissa Kirkendall, Carmine Russo and Ed Mickelson.

PROCLAMATION: President Boerger read the following Proclamation:

April 2025 Ohio Native Plant Month in the City of Marysville

Whereas: Native plants are as old as our country, and indigenous species have evolved and occur naturally in a particular region, ecosystem, and habitat; and

Whereas: There are more than 17,000 native plant species in the United States, which include trees, shrubs, vines, grasses and wildflowers; and

Whereas: Native plants help prevent flooding, drought, and erosion and can help restore damaged ecosystems; and

Whereas: Native plants provide shelter, as well as nectar, pollen and seeds that serve as food for native butterflies, insects, birds and other wildlife in ways that non-native plants cannot; and

Whereas: More than 200 of the native plant species in the United States are estimated to have been lost since the early 19th century; and

Whereas: Habitat loss, development, extreme climate change, and invasive species have contributed to the decline of native plants in the United States; and

Whereas: Native plants are essential components of resilient ecosystems and our natural heritage.

NOW, THEREFORE, I, Donald Boerger, President of Council of the City of Marysville, Ohio do hereby proclaim April 2025 as **Ohio Native Plant Month**, in the City of Marysville.

FINANCE COMMITTEE REPORT: Councilman Bordner said that during the March 24th Finance Committee Meeting, the February Financials were reviewed and approved. At the next meeting we will have one quarter complete and we will as a result, be able to begin to see trends.

PUBLIC SAFETY/SERVICE COMMITTEE REPORT: Councilman Hunter said there was not a Public Safety/Service Committee Meeting in March, and the next meeting is scheduled for April 14th at 7:00 p.m.

AGENDA ITEMS:

- **Strategic Plan Updates:** Manager Emery provided a presentation as shown in Exhibit A. Subcommittee members as listed in Exhibit A also engaged in the presentation by explaining what their subcommittee has been working on. Manager Emery said in the near future, a detailed document with additional information regarding the objectives as outlined in Exhibit A, will be provided as well. We will continuously work on the objectives to achieve goals. Another update will be provided to City Council during the Work Session in August. Commissioner Stillion said he thinks that the language regarding "small town feel" needs to be rebranded. Marysville hasn't been small for a long time and will continue to grow. Something along the line of "growth that respects our roots" may be more appropriate. President Boerger said other communities, such as Delaware, Worthington and Grandview have achieved this growth while still feeling small in their downtown areas. Marysville could as well, but the City's zoning needs to be changed in order to achieve it. Manager Emery said this topic will be discussed further with the next agenda item. Councilman Bordner said for Goal #5, Create an environment to attract young people and families, he wants to ensure that the senior community doesn't feel left out. That is not the intent. With development coming on the east side, housing for people who want to be snow birds will be created, as an example. Councilwoman Kramer elaborated on the point made by Commissioner Stillion, when people think of small

towns, they think small, which can be confusing when we have another goal that speaks to growth. Additionally, she said the point made by Councilman Bordner regarding attracting young families is true, we want to be appealing to all generations. These are good points to consider further.

- **Vision Plan Updates – Discovery Phase Results:** President Boerger said we should all be excited about the work being completed. The Vision Plan will help shape development in the future for the best possible outcomes for our community in the long run. It is imperative that we change our zoning to fit the vision of our City. Carmine Russo of REALM Collaborative and Ed Mickelson of MickelsonStudio, provided a presentation as shown in Exhibit B. Councilman Bordner said connectivity and walkability are important. He asked the presenters where they see the City's biggest areas of opportunity so far. Mr. Russo said the City's parks. While there is a great parks system, they are all very similar in what they offer. Being able to offer different amenities may be an important consideration. Councilman Bordner agreed and said it is challenging to find activities for children in Marysville in the winter. Councilman Hunter said it became apparent in 2023, and members of Council stated at the time, that is was time to update the Comprehensive Plan because so much had changed since 2017, when the Comprehensive Plan was developed. Moving forward, having the Vision Plan will hopefully give us more direction. Councilwoman Kramer expressed caution when we say we need to create our identity, it is more so about discovering our identity. She asked the presenters if they have seen anything emerge yet in the work they have done so far regarding Marysville's identity. Mr. Mickelson spoke to Honda, Scotts Miracle Grow and the City's agricultural background. He said he agrees that the City's identity should be something that is uncovered and articulated. Mr. Russo said many in our industry are getting away from place making, we have the place, but it is how we enhance what we have and not forget about where we once were. Commissioner Stillion said he would like to be presented with all of the documentation that has been created so far by REALM and MickelsonStudio. Mr. Mickelson said yes, they can make that happen.

- **Review of Council and Law Director Compensation:** Director Maine reviewed information regarding City Council compensation as shown in Exhibit C. City Council compensation is required to be reviewed every two years according to City Charter Section 2.04. Councilman Bordner said he didn't run for City Council for the money, he ran for the opportunity to serve the community. He agrees with meeting the OPERS minimum earnable salary level per month to earn full service credit under the retirement plan. While at the same time, he is conscious of being fiscally responsible, and would as a result, be in favor of Option 2 as outlined in Exhibit C. Councilman Reams said he agrees with pursuing Option 2 because it is less of an increase at once and in turn, less costly. President Boerger said the demand for Council Members to do more will only continue. It costs about $10,000 to run for public office and there needs to be an appeal for people to run. Director Lutz said these are small dollar amounts in the difference between options 1 and 2. Having a one and done pay increase may be easier to do in the long run, as reflected in Option 1. Also, the compensation City Council Members receive could be looked at as an obligation. Instead of a City Council Member wondering if they should go to a meeting, if they are being fairly compensated, they may be more likely to attend because the taxpayers are paying them to be there. It creates a reason for citizens to be able to hold City Council Members accountable for doing their job. Councilman Hunter said he is neutral and would be fine with either option. Councilman Bordner said we are working with taxpayer money, and we need to be conscious of what we are doing with tax payer dollars. He said he ran on fiscal responsibility and as the Finance Committee Chairman, it behooves us to be fiscally responsible for the taxpayers. Director Aslaner said from what he is hearing, Option 2 will be presented in the form of an Ordinance in May. Director Maine said the Ordinance will need to be approved prior to the end of June, to allow for the referendum period to pass prior to the August filing deadline for the November election cycle.

Next, Director Maine reviewed information regarding the Law Director compensation as shown in Exhibit D. Law Director compensation is required to be reviewed every four years according to City Charter Section 2.04. Councilman Bordner said when comparing with Law Directors that are appointed and/or contracted, to the City of Marysville, where the position is elected, full-time and eligible for benefits, it is important to consider the total compensation package, not just the annual salary. Director Maine said there is also a large benefit to having an on-site Law Director, versus an off-site one that is appointed/contacted. When that is taken into consideration as well, a true direct comparison becomes increasingly challenging. Councilman Berbee said the last couple of budget cycles, the City has spent more on outside legal expertise. Additionally, he said there is a large difference between the public and private sector as well. When worked out hourly, what the City Law Director makes is considerably less than what someone would be charged for rendering legal services from the private sector. Councilman Hunter said for the recommendation as outlined in Exhibit D, he views 2026 as a catch up year. For 2027 – 2029, he asked if 4% is realistic for what the City may see. Director Maine said yes. The State is actually looking at 5% through those years. She said she has collaborated with Director Lutz who agrees with the recommendation as well. Councilman Bordner said the catch up year makes sense, however, 3%, instead of 4% for the subsequent years, may be more reasonable given inflation over the last 15 years, outside of Covid. Director Lutz said it is important to consider that there were several years where the Law Director lagged behind. Cost of living increases (COLAs) are not strictly based on inflation. It is also about making sure we staying in line with salary surveys in order to not get in a situation where a position needs to be increased by 15 to 20K in one year because it has fallen so far behind. Given his years of service, the Law Director has fallen behind the other executive positions. Additionally, the position has a level of education and licensure that no one else in the City has. Councilman Reams said what worries him is that we have zero ability to adjust the compensation once it is set. If the compensation falls behind, it is bad luck for the person in the role. It is worth listening to the experts and going with the recommendation as provided, especially given this has a minimal risk. Councilman Bordner said we are getting tremendous value for dollars being spent, but if/when Director Aslaner chooses to not run again, we do not know who will be in the position in the future. Director Lutz said we pay attorney fees, any attorney doing work at a firm is likely being paid more than the Law Director in the City of Marysville. If we are going to get quality we want if/when Director Aslaner retires, we need to ensure the position pays well. In the case of someone new in the role, it is even more about attracting someone that we want. There was general dialogue and the recommendation as shown in Exhibit D will be presented in the form of an Ordinance in May. The Ordinance will need to be approved prior to the end of June, to allow for the referendum period to pass prior to the August filing deadline for the November election cycle.

THE POTENTIAL TO ADJOURN TO EXECUTIVE SESSION TO CONSIDER INFORMATION RELATED TO NEGOTIATIONS WITH OTHER POLITICAL SUBDIVISIONS REGARDING PUBLIC INFRASTRUCTURE IMPROVEMENTS: At 8:21 p.m., Councilman Hunter moved to adjourn to Executive Session to consider information related to negotiations with other political subdivisions regarding public infrastructure improvements, Councilman Wolfe seconded, and the question put, stood:

Ms. Kramer YES;	Mr. Bordner YES;	Mr. Wolfe YES;	Mr. Berbee YES;
Mr. Boerger YES;	Mr. Hunter YES;	Mr. Reams YES.	

Vote 7-0; Motion carried.

At 8:52 p.m., Council adjourned to Open Session.

ADJOURN: There being no further business to bring before Council, Councilman Hunter moved to adjourn the meeting. Affirmative voice vote in favor was unanimous. The meeting adjourned at 8:52 p.m.

EXHIBIT A

Strategic Plan Updates

Council Work Session
April 7, 2025

Strategic Plan Goals

- Continue the City's tradition of partnership between City Council and staff in the strategic planning process
- Provide leadership to the community through strategic planning resulting in priority goals
- Provide organizational alignment with the City's Vision, Mission, Values, and priority goals

Goal #1 - Maintain and Enhance Quality Safety Services

Subcommittee Members:

- Nate Burns, Fire Chief
- Tony Brooks, Police Chief

Mission Statement:

To maintain and enhance the quality of safety services in our city by ensuring that all public safety agencies operate at the highest standards of efficiency, effectiveness, and accountability.

The following objectives were created based on this mission statement:

- **Objective 1**: Invest in Modern Equipment, Technology, and Facilities
- **Objective 2**: Address Staff Retention and Recruitment Needs
- **Objective 3**: Strengthen Collaboration Between Safety Agencies
- **Objective 4**: Continually Improve Community Outreach and Education
- **Objective 5**: Promote Safety and Wellness

Goal #2 - Maintain Quality Infrastructure

Subcommittee Members:

- Kyle Hoyng, City Engineer
- Jeremy Hoyt, Public Service Director
- Brian Mullaney, Transportation and Mobility Engineer
- Ron Todd, Facilities Manager
- Chad Ritzler, Senior Project Engineer
- Trevor Wolfe, Information Technology Director

Mission Statement:

We are committed to planning, maintaining, improving, and innovating high-quality infrastructure to enhance the quality of life for all residents, support economic growth, and build a resilient city that meets the current and future needs of our residents and businesses.

The following objectives were created based on this mission statement:

- **Objective 1**: Proactive Infrastructure Preservation
- **Objective 2**: Enhance the Quality and Efficiency of Utility Services
- **Objective 3**: Create Safe, Efficient, and Connected Transportation Networks
- **Objective 4**: Proactively Manage Infrastructure Funding and Financial Policies
- **Objective 5**: Ensure Safe, Efficient, and Sustainable City Buildings

Goal #3 – Economic Growth

Subcommittee Members:

- Ashley Gaver, Planning and Development Manager
- Brad Lutz, Finance Director
- Eric Phillips, Economic Development Administrator
- Jeremy Hoyt, Public Service Director
- Kyle Hoyng, City Engineer

Mission Statement:

Enhance the City's economic vitality by fostering sustainable economic growth through retaining and expanding local businesses, attracting new investments and companies, and creating diverse job opportunities for all residents.

The following objectives were created based on this mission statement:

- **Objective 1**: Drive Sustainable Economic Growth through Business Development and Investment
- **Objective 2**: Expand and Diversify Job Opportunities for All Residents

Goal #4 – Complete the Visioning and Comprehensive Plans and Maintain Small Town Feel

Subcommittee Members:

- Ashley Gaver, Planning and Development Manager
- Donald Boerger, City Council Representative
- Inge Witt, Economic Development Administrator
- Kyle Hoyng, City Engineer
- Terry Emery, City Manager

Mission Statement:

To develop and implement a comprehensive land use plan to create a well-planned, resilient, and inclusive community that meets current needs and prepares us for future opportunities and challenges, while preserving and enhancing the city's small-town character, fostering a strong sense of community, protecting local heritage, and promoting a welcoming and friendly atmosphere.

The following objectives were created based on this mission statement:

- **Objective 1:** Complete the Vision Plan
  - Phase 1 (Discovery): COMPLETE
  - Phase 2 (Visioning): Begin in May
- **Objective 2:** Complete the Comprehensive Plan
  - Evaluate following completion of the Vision Plan

Goal #5 – Create an Environment to Attract Young People and Families

Subcommittee Members:

- Alexis Hill, Recreation and Events Manager
- Ashley Gaver, Planning and Development Manager
- Brandon Moore, Parks and Recreation Superintendent
- Inge Witt, Economic Development Administrator
- Jeremy Hoyt, Public Service Director
- Kyle Hoyng, City Engineer

Mission Statement:

To create a dynamic and welcoming environment that attracts young people and families by offering diverse recreational, housing, educational, and economic opportunities, while supporting their long-term growth and ability to stay in the community for the long term.

The following objectives were created based on this mission statement:

- **Objective 1:** Strategically develop Uptown into a vibrant and inclusive space
- **Objective 2**: Create a diverse and accessible housing market in Marysville through innovative zoning and creative housing solutions
- **Objective 3:** Build a welcoming and thriving community for young people and families in Marysville through enhanced recreational amenities and programming
- **Objective 4:** Strengthen community support for local schools and youth programs
- **Objective 5:** Strategically develop Marysville as a destination for unique experiences tailored to the interests of young families and individuals


CITY OF
marysville



Prospect Ave E, Cleveland, Ohio

EXHIBIT B

Ed Mickelson, FASLA, PLA

MICKELSONSTUDIO

Urban Design & Landscape Architecture
with a global perspective.

Carmine Russo Jr., ASLA, PLA, LEED AP BD+C
Marissa Kirkendall

REALM
COLLABORATIVE

A collaborative design practice redefining
our connection to public space.

We are community placemakers!

Vision Planning

The City of Marysville stands at a pivotal moment of growth and opportunity, making it more important than ever to preserve and enhance the quality of life for its residents.

The Charge:

Working through a Community Design lens, we will assist the City of Marysville in creating a Vision which addresses city identity as well as the city's design future. We will focus on the design of infrastructure, neighborhoods and new development, establishing expectations for elevating the quality of environments and ultimately the quality of life for the benefit of Marysville residents and visitors.

The Goal:

Working with community leaders and city staff, we desire to put Marysville "on the map" by establishing its reputation as a city with a bold, unique identity, notable high-quality environments and an attitude of innovation which will translate into exceptional quality of life.

VISION

“A great community is built on a bold vision, shared dreams and unwavering commitment.” - Unknown

Bold Vision:

A community needs a clear and ambitious goal to strive for, something that inspires and motivates its members.

Shared Dreams:

A sense of common purpose and aspirations, where individuals connect and collaborate towards a collective vision, is crucial.

Unwavering Commitment:

Building a strong community requires ongoing dedication and effort from all members, ensuring that the vision and shared dreams are realized.

Marysville Community Vision

Agenda:

1. Who we are
2. Vision Intent
3. Where we've been
4. Where we're going



My Marysville Story:

- Marysville community member from 1998-2018
- Allen Center Road residence + Mill Valley residence
- Chad Flowers 2016 invitation to Design Review Board
- Children went to Marysville High School…swimmers
- 2018 move to London's Choctaw Lake…still in Marysville
- Three children & spouses work at businesses on 5th Street in the Uptown…McCarthy & Cox Retirement and Estate Specialists, Houston Block Studios and Monarch Roofing Co.
- Marysville Grace Church involvement since 2004

Who we are

MICKELSONSTUDIO

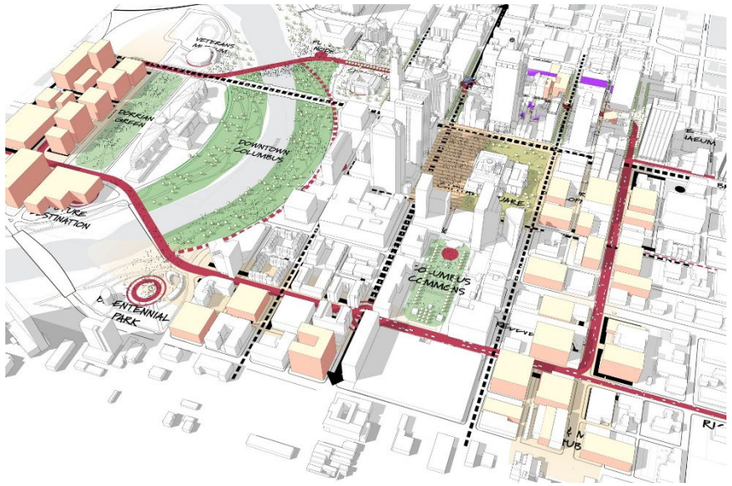
- **48-year career with top-tier international design firms**
- **Firm-wide leader in Landscape Architecture and Urban Design**
- **60 Design Awards and Competition Wins**
- **US, Asia, Middle East and Europe reach**
- **Collaborator, problem solver, strategist, artist, educator and environmental steward**

Who we are

REALM COLLABORATIVE

Firm Overview:

- Purpose driven Design Studio with an emphasis on maximizing the potential of public space for people
- Licensed Landscape Architects, 7 States Regionally
- Firm Leadership, over 60-years of combined experience in planning, landscape architecture & urban design



Uncover Opportunities



Build Consensus



Create Enduring Places

Vision Intent

What is a community vision and why is it important?



"...I like to think about a Vision in that way...small but effective and powerful."

– William "Bill" Johnson, FASLA

WITHOUT VISION

Here are some key dangers:

1. Lack of Direction

Without a shared vision, efforts may be scattered, leading to inefficiencies and missed opportunities for meaningful progress.

2. Inconsistent Development Patterns

Different stakeholders (government, business, residents) may pursue conflicting goals, resulting in fragmented or uneven growth patterns.

3. Economic Decline

A lack of sound planning can lead to job losses to adjacent communities, failing infrastructure, and declining investment making the community less attractive to new business opportunity and residents.

WITHOUT VISION

Here are some key dangers:

4. Environmental Degradation

There can be a tendency to overdevelop certain areas of a community, leading to loss of green space, increased traffic and pollution harming both the environment and residents' quality of life.

5. Loss of Community Identity

A strong vision helps to build a sense of belonging and pride for a city. Without it, a community may struggle to maintain its cultural and historical character.

6. Reactionary Decision Making

Instead of proactively addressing challenges, communities without a design vision often find themselves creating to "crisis" moments, which can be costly and an ineffective way to make planning decisions.

Vision Intent

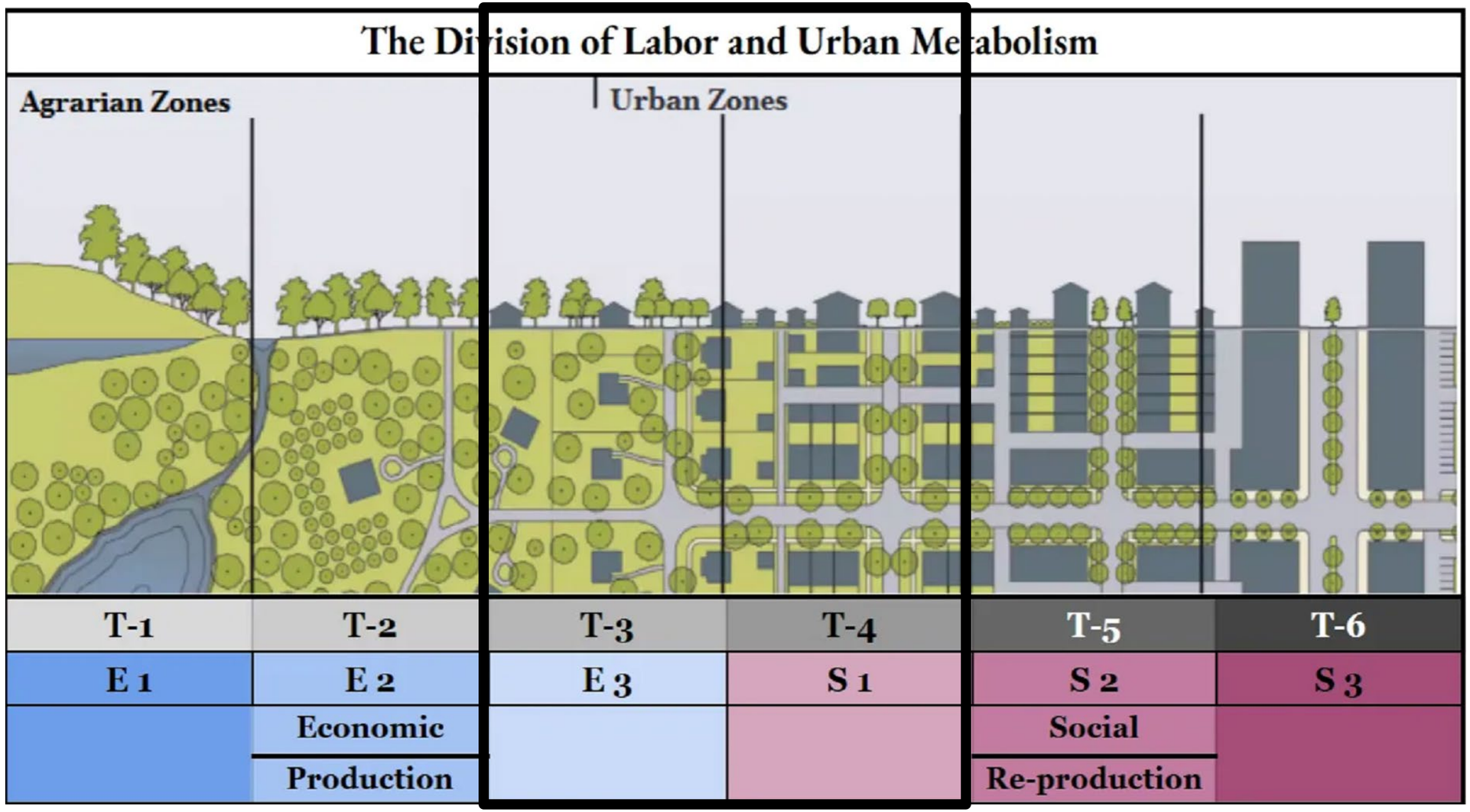
What does a thoughtful vision plan lead to?



MICKELSONSTUDIO REALM COLLABORATIVE

Vision Intent

Missing Middle



Credit: CNU Congress for the New Urbanism https://www.cnu.org/

A Shared Vision

Build consensus around shared ideas with the community:

1. Economic Development
2. Private Development
3. Corporate Partners
4. Residents
5. Organizations
6. Business Community



MICKELSONSTUDIO REALM COLLABORATIVE

Vision Intent



ADVANCED MANUFACTURING

Union County has blended its agricultural heritage with its cutting-edge manufacturing. Home to over 70 automotive companies along the US-33 corridor, Union County has become the Midwest's Automotive Powerhouse. Today, Honda has invested millions into local communities. A strong focus on education and training ensures a skilled workforce that can drive continued innovation in the region.



AGRICULTURAL

Union County's agricultural history, fertile soil, and strong R&D infrastructure have positioned it as a key location for agribusiness and agricultural research. With over 217,000 acres in agricultural production and 997 farms, the county supports a thriving economy, employing around 1,165 people. The agricultural force is also seen in the region's prominent livestock production.



AUTOMOTIVE AND SMART TECH

Union County, is at the forefront of smart mobility technology. The 33 Smart Mobility Corridor serves as the nation's leader in smart transportation research and deployment. $500 million invested in infrastructure, featuring connected transportation, CAV testing, traffic management, and pedestrian safety. The region is also developing an Automotive and Mobility Innovation Center to further advance *smart* mobility technologies.



FOREIGN DIRECT INVESTMENTS

Union County is a key destination for foreign and Japanese-owned direct investments. They account for 20.3% of the county's jobs, investing nearly $8 billion over 40 years. The community strengthens its relations through initiatives like the Friendship City Program and student exchange programs. These strong international relationships enhance the region's workforce by fostering more diverse industries.



SMALL BUSINESS

Small businesses drive innovation, create jobs, and offer unique products and services to Union county. The Union County Economic Development supports these businesses by providing resources and mentorship, helping them navigate growth and regulations. With a focus on entrepreneurship, the county offers office spaces and a supportive community to help small businesses thrive.

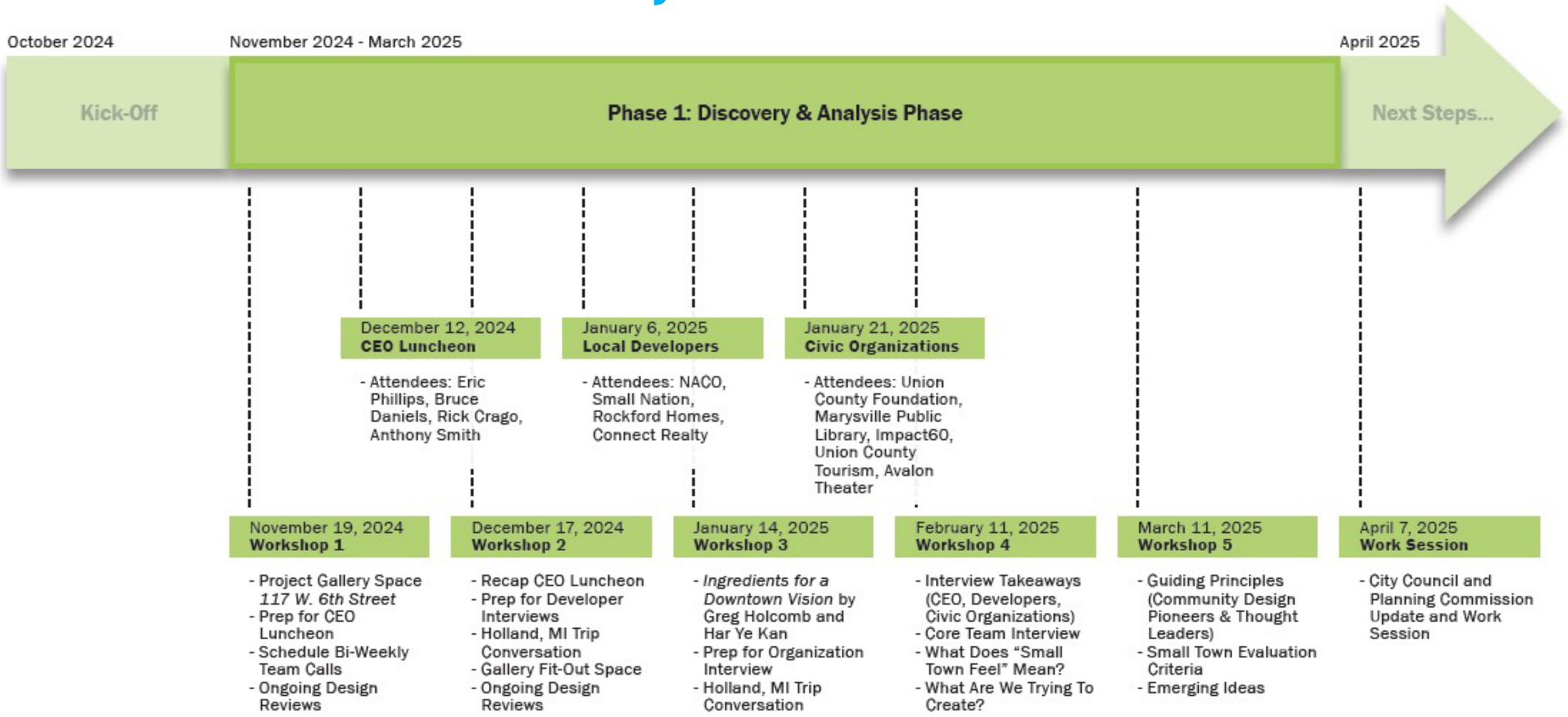


RESEARCH AND DEVELOPMENT

Research and Development drives technological advancements and supports manufacturing growth. Companies like Honda, Nestlé, and Scotts Miracle-Gro contribute to the growing R&D cluster. By encouraging co-location of manufacturing and R&D, the region aims to advance manufacturing through entrepreneurship, workforce development, and investment.

Where we've been

Discovery Phase: The Process

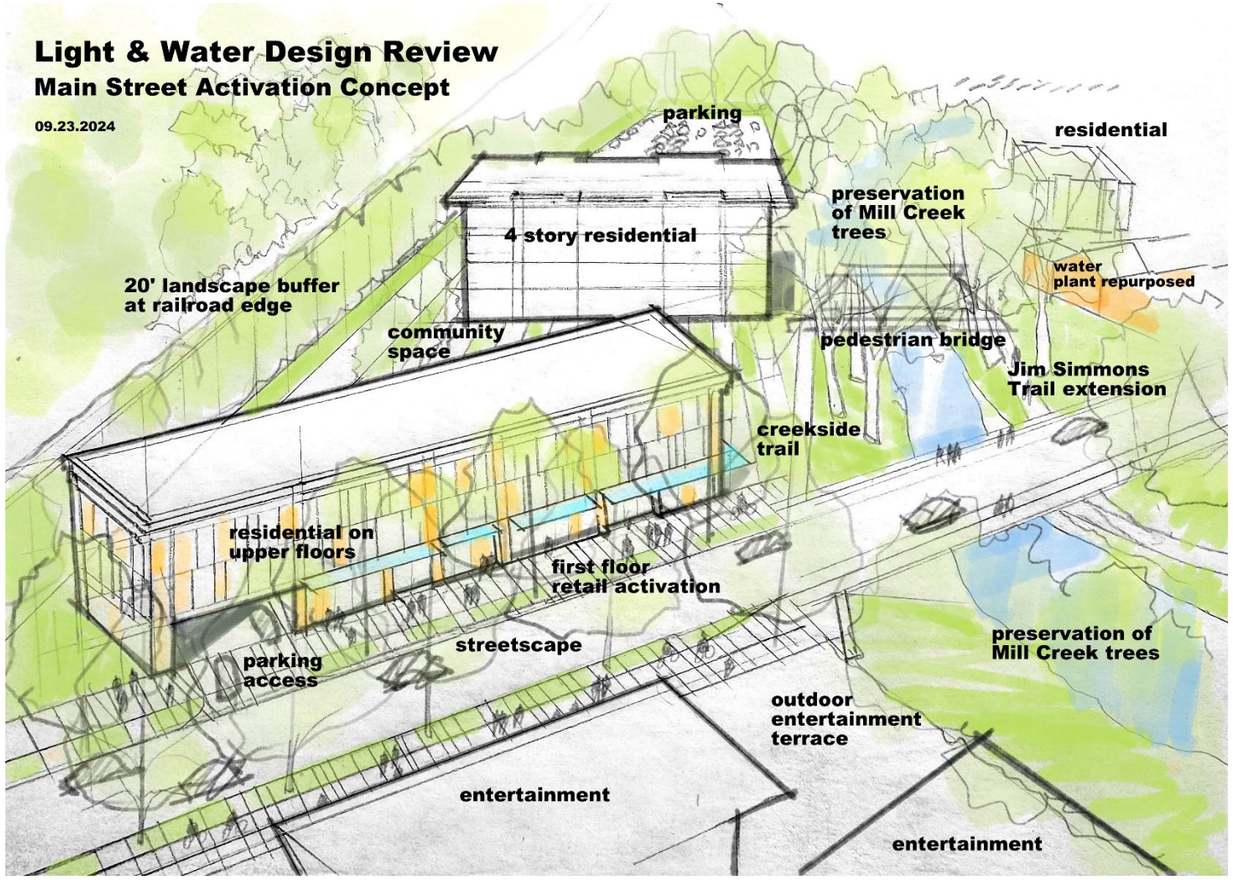


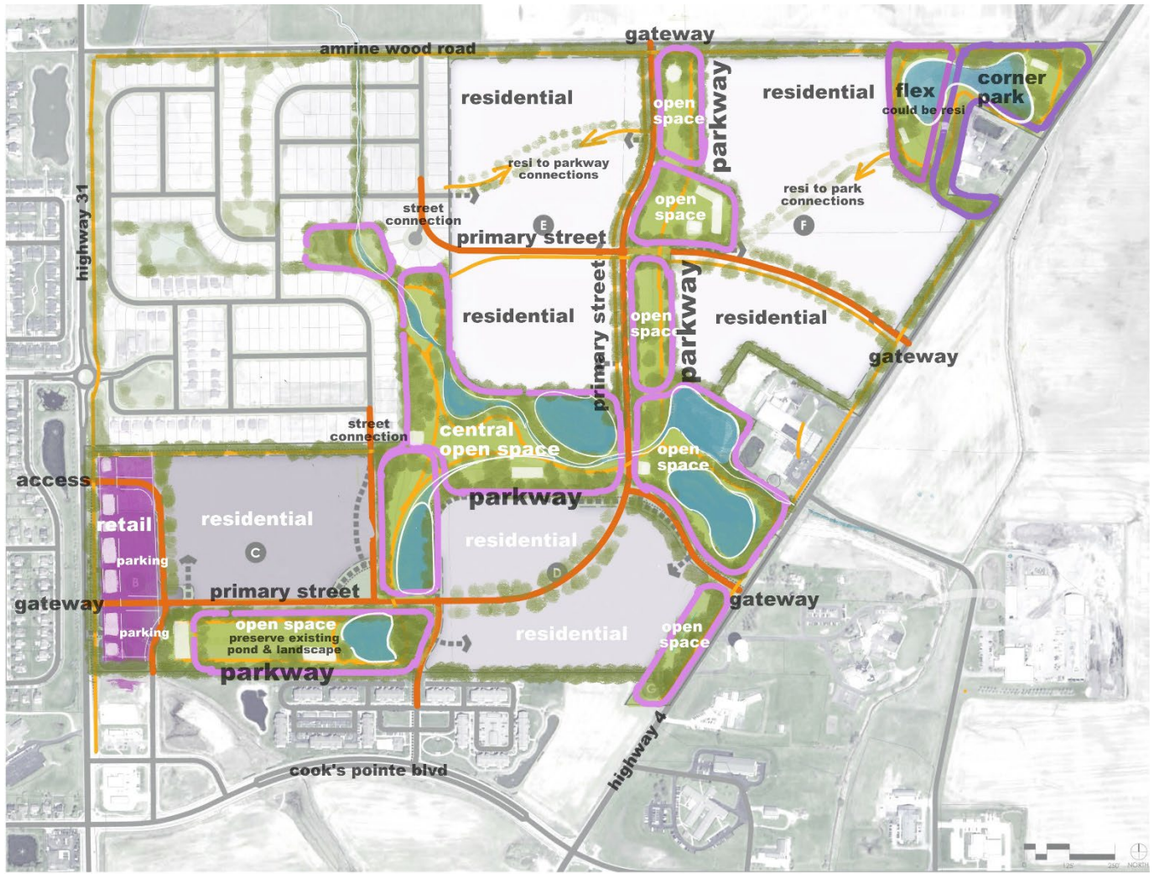


Where we've been

Where we've been

Design Consultant: Project Reviews

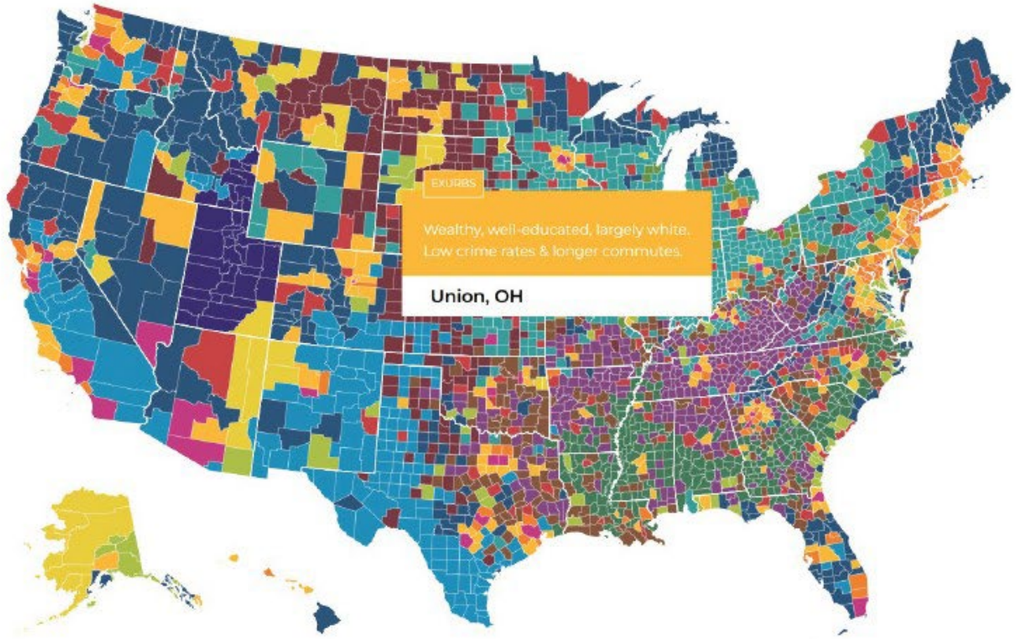




Exurban Communities

AMERICAN COMMUNITIES BY COUNTY

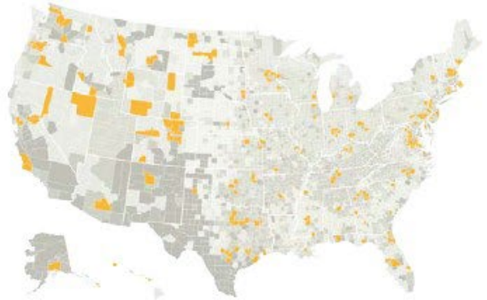
Using various census data and research, *The American Communities Project* divides the United States into 15 unique types of communities by county borders. Research such as cultural, socioeconomic and political changes dictate each county's community type.



LEGEND

- EXURBS
- MIDDLE SUBURBS
- URBAN SUBURBS
- BIG CITIES
- EVANGELICAL HUBS
- COLLEGE TOWNS
- GRAYING AMERICA
- RURAL MIDDLE AMERICA
- WORKING CLASS COUNTRY

www.americancommunities.org/#map



EXURBAN COMMUNITIES IN AMERICA

These 196 counties generally lie on the fringe of major metro areas, in the space between suburban and rural America - with some more densely settled places and some sparser areas.



OHIO COUNTY DESIGNATIONS

Five Ohio counties fall within exurban conditions. Delaware, Fairfield and Union County are defined by the Columbus Metropolitan Area while Butler and Warren Counties are defined by the Cincinnati Metropolitan Area.

DRAFT

MICKELSONSTUDIO REALM COLLABORATIVE

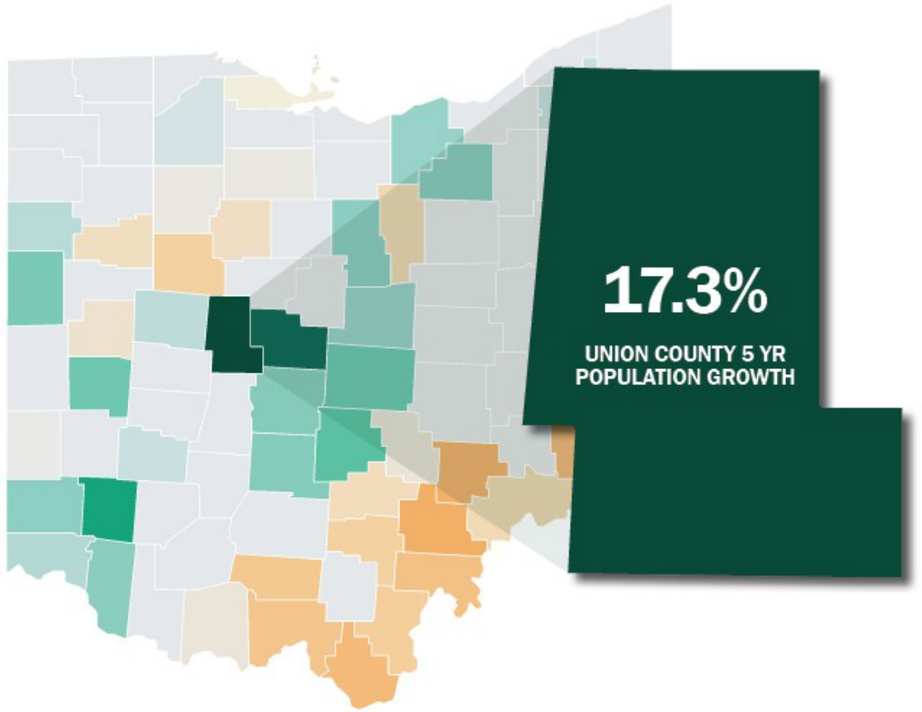
Union County

Fastest Growing County in Ohio

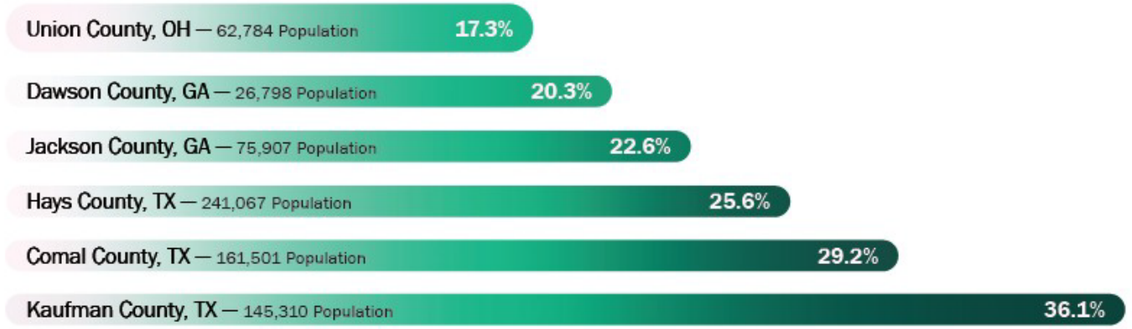
Over a five-year period, Union County experienced the highest population growth of any county in Ohio, with an increase of 17.3%. Delaware County had the second-highest growth during the same period, at 12.3%. In 2024, Union County saw a 3.81% increase in population compared to 2023, while Ohio's overall population grew by only 0.2%.

While there is no universally ideal growth rate, excessive population growth can place significant strain on a community's infrastructure and its ability to adapt sustainability. For example, Texas, home to four of the ten fastest-growing counties in the U.S., is beginning to experience challenges such as overcrowded school districts, traffic congestion, and disparities in economic and healthcare access. Conversely, a rapid population decline can lead to issues like falling property values, labor shortages, and fiscal challenges.

Union County has been fortunate to experience growth at a manageable pace, avoiding these issues. This increase in population not only presents opportunities for future development but also ensures that growth remains sustainable and realistic for the county's long-term planning and prosperity.



RAPID 5 YR POPULATION GROWTH VS. UNION COUNTY, OHIO



www.axios.com/local/columbus/2025/01/15/central-ohio-leads-statewide-population-growth

www.usnews.com/news/healthiest-communities/slideshows/fastest-growing-counties-in-america?onepage

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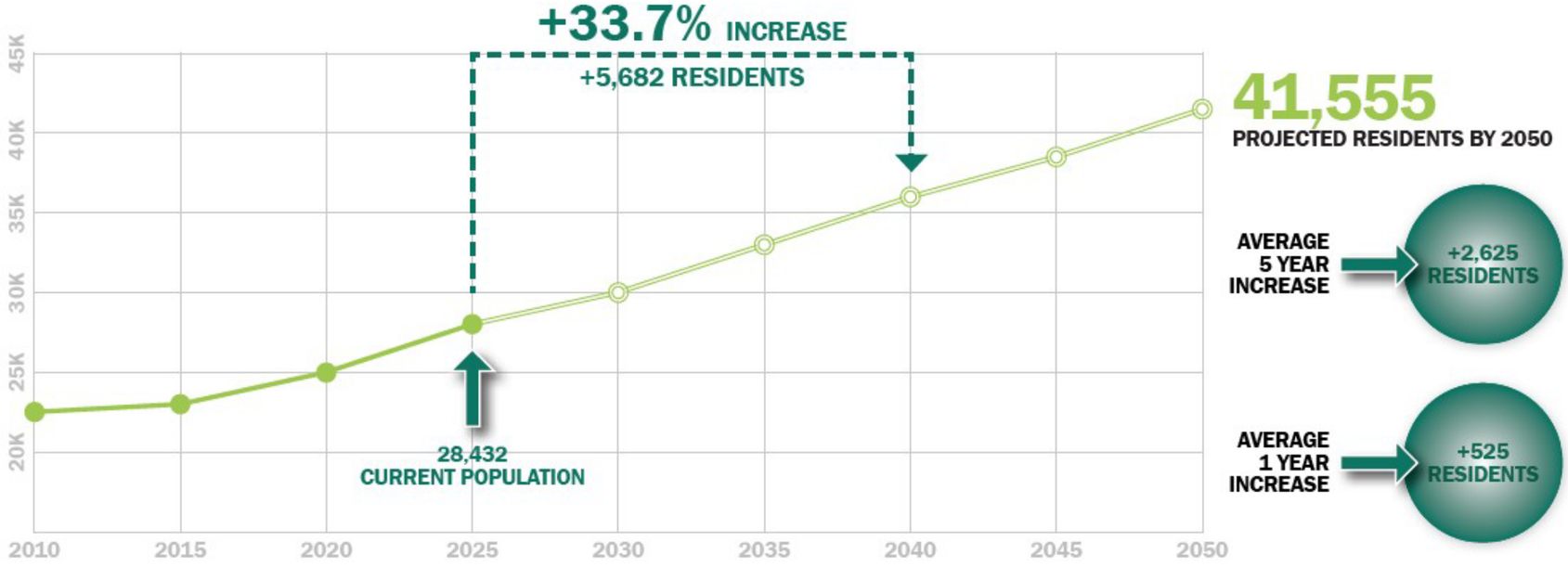
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Population Growth

Between 2018 and 2040, Union County's population is expected to increase by 33.7%.

The growth in Union County positions it as a key player in the region's economic and social development. As the population continues to rise, the county will face increased demand for services, schools, and amenities, making strategic planning crucial to ensure this growth is managed effectively while preserving the area's high quality of life. Although a 33.7% increase in population may seem fast, it equates to a manageable annual growth rate of about 1.5%, allowing time for thoughtful planning and development to meet future needs without overwhelming existing resources.

Union County stands out as one of the few counties in Ohio experiencing population growth, offering unique opportunities for both businesses and residents. While many areas across the state face stagnant or declining populations, Union County's growth presents a promising outlook for economic development, job creation, and a strengthened community. This influx of new residents brings fresh talent, new businesses, and increased demand for housing and services, all of which contribute to a vibrant, thriving local economy. With careful planning, Union County can capitalize on this momentum, ensuring sustainable growth and continued prosperity for years to come.



MARYSVILLE, OHIO EXPECTED POPULATION GROWTH

www.growunioncountyohio.com/demographics

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Where we've been

Community Development Strengths:

1. **Planning Efforts**
2. **Economic Development**
3. **Community Events & Programs**
4. **New Development Initiatives:**

- Avalon Theater
- Alley Improvements
- Street Tree Plantings



Avalon Theater, Uptown

Where we've been

Community Development Challenges:

1. Establishing a Strong Development Vision
2. Balancing Economic Dev., Planning and Design
3. Quality of Life Improvement
4. Development Pressure
5. Creating a City Identity



Lack of Civic Identity, Dela[illegible]ve

Where we've been

Discovery Phase: Case Study



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EMERGING TOPICS

Identifying key areas for conversation and study going into the "Crafting the Vision" phase…

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Where we're going

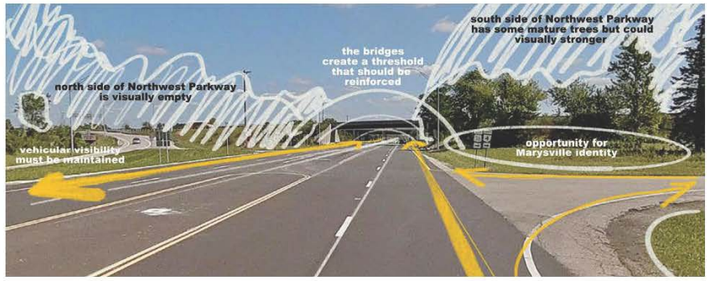
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EMERGING IDEAS

Prioritize Gateways Into the City

The first impression of State Route 33 should be amazing, with thoughtfully designed landscapes, identity structures, signage, and lighting that reflect the community's pride and excellence.

EXISTING CONDITIONS + ANALYSIS



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Where we're going

4

EMERGING IDEAS

Retain the Small Town Feel

Community discussions highlighted a desire to maintain and enhance the small-town feel. Future phases should focus on translating this into design and programming civic spaces.

EXISTING CONDITIONS + ANALYSIS



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Where we're going

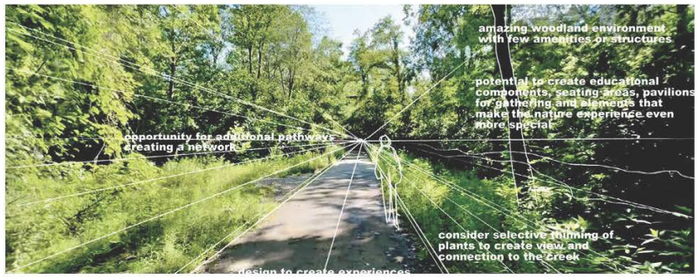
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EMERGING IDEAS

Establish the Mill Creek Corridor as an Asset

Mill Creek is a valuable greenway corridor with potential to connect neighborhoods, provide recreation, and serve as a nature education center, integrating with village mixed-use development.

EXISTING CONDITIONS + ANALYSIS



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Where we're going

11

EMERGING IDEAS

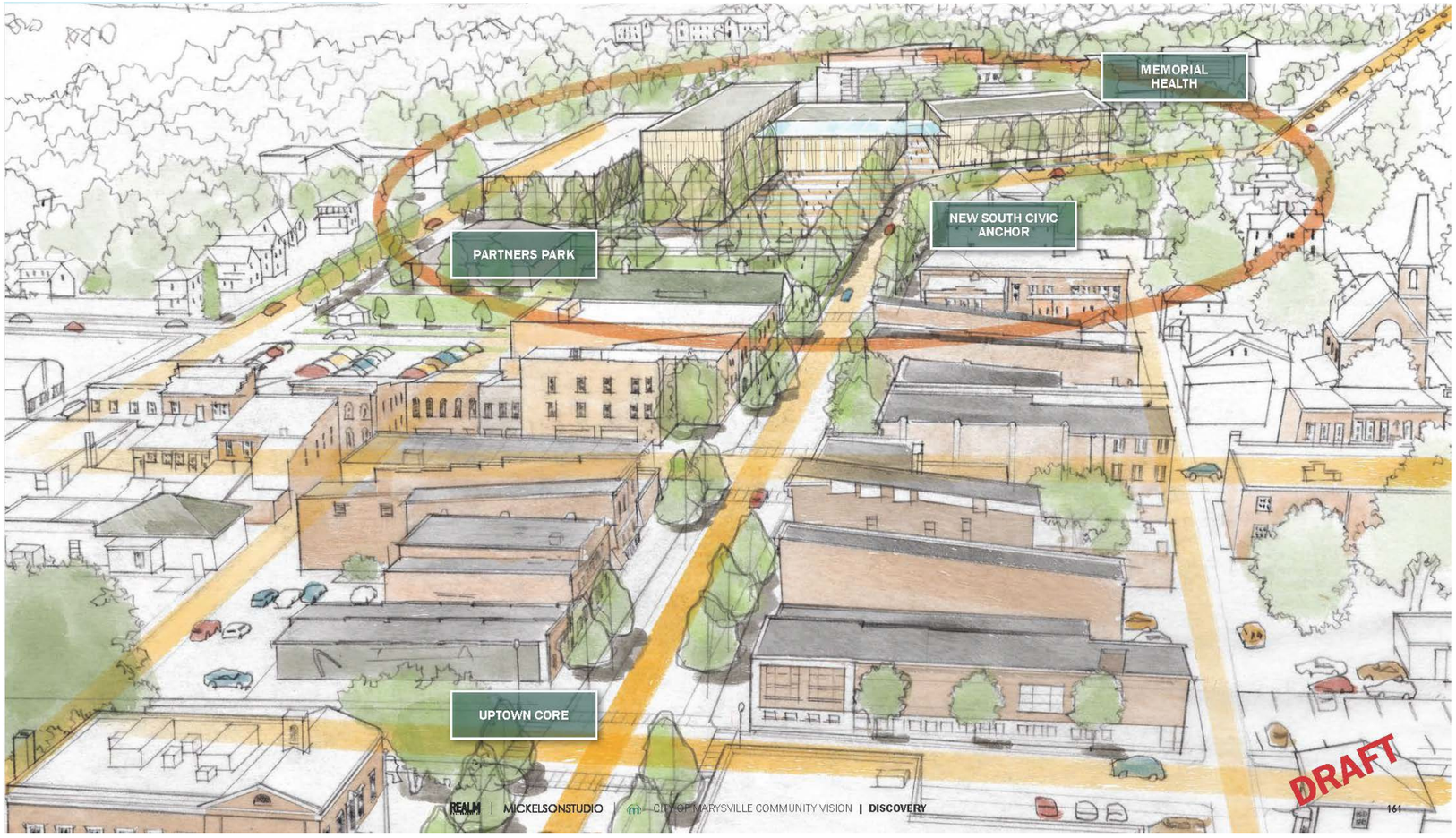
Expand the Civic Realm

Discussions on future civic venues, anticipating community needs, involving local corporations, and strategically locating facilities to enhance the city's quality of life.

EXISTING CONDITIONS + ANALYSIS



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Where we're going

Four Ingredients for Success:

Creating a "visual" community design

- *Establishing a framework + guiding principles to guide decisions*

Developing new community engagement and planning processes

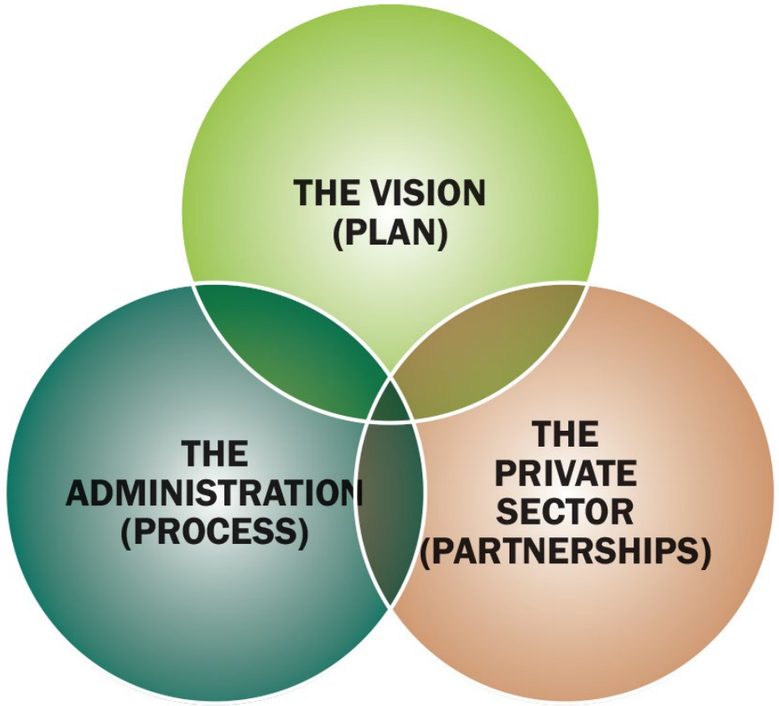
- *Improving decision-making leading to cohesive, higher quality development*

Attracting private sector partners for the long-term

- *Providing visionary leadership, engagement and investment*

Taking the long-term view

- *With the big picture always in mind, making decisions based on "fit"*



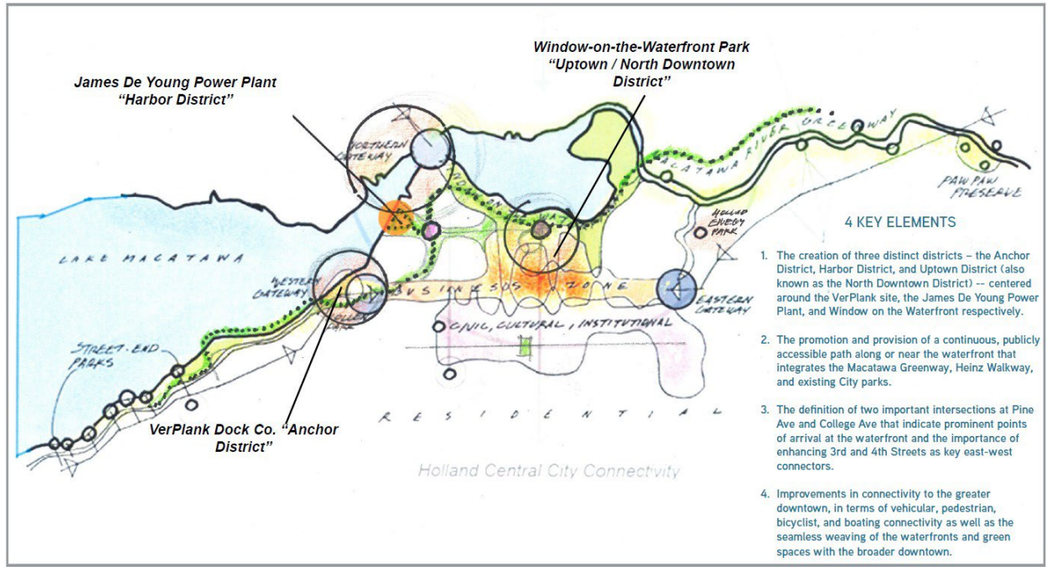
COMMUNITY ENGAGEMENT

This is not our vision…it is the community's vision!

Where we're going

Case Study:
Holland, Michigan Trip

1. 35 Year Vision Plan
2. $750m+ in Economic Investment
3. Community Events & Programs
4. Strong Tourism Economy
5. Strong Public / Private Relationship





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Where we're going

Creating a community framework and guiding principles

We will set the direction and expectation for community development

1. **Establish the Vision**
2. **Develop Guiding Principles**
3. **Draft a Framework Plan**
4. **Establish Design Recommendations**
5. **Explore new Pre-Design Processes to ensure High Quality Development Outcomes**





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Where we're going

The Journey Ahead – Laying the Foundation

In just 9-months we will build the path toward long-term outcomes, guiding the next 20-30 years of growth!

9-Month Process



1 Discovery

- 1A Process Design Kickoff — Process Design & Kick-off
- 1B Analysis & Key Findings — Analysis & Key Findings
- 1C Summary Brief — Summary Brief

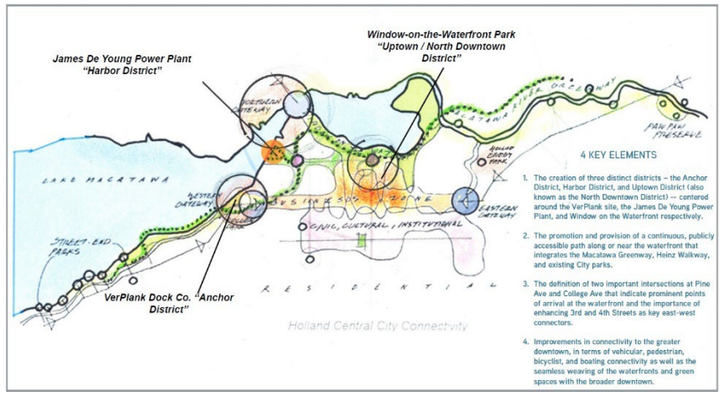
2 Visioning

- 2A Vision Statement — Vision Statement & Guiding Principles
- 2B Framework Planning — Framework Planning
- 2C Vision Brief — Vision Brief

3 Focus Areas

- 3A Focus Areas — Focus Area Design Studies
- 3B Vision Plan — Final Vision Plan

20-30 Year Vision





LISTEN TO UNDERSTAND

“By listening, a community vision becomes a reflection of its people, culture and potential. It transforms from a top-down directive into a shared movement that truly resonates with those it seeks to serve.” – MickelsonStudio / REALM

MICKELSONSTUDIO REALM COLLABORATIVE

EXHIBIT C

City Council Salary Increase – HR Review
March 2025

Introduction: Per the Rules of Council and Ordinances 025-2023 and 35-19, Council shall formally review their compensation every two years to ensure that any future adjustments to compensation are warranted. This review is scheduled for this year. Whenever possible, setting wages should be accomplished as a consistent and methodical process. In support of that review, Human Resources (HR) provides the below data, options and recommendation for City Council consideration.

Comparable Salary Data:

1. Marysville Wage & Salary Study: Per City Policy 415 - *Wage & Salary Rates*, HR conducts a wage & salary study at least every four years. Policy details the selection of comparable cities driven by factors that includes population, similar services, similar income tax rates, median family income, number of households, county seat, and square miles. HR conducted this survey in 2024. (Council results are listed to the right on an annual basis.) The 2024 Marysville salary level for City Council members fell behind the average for the other 14 cities by $881.03.

2024 City of Marysville Wage and Workforce Survey			
City	**Low**	**High**	**Average**
Avon	$1,200.00	$1,200.00	$1,200.00
Avon Lake	$12,000.04	$12,000.04	$12,000.04
Centerville	$17,101.10	$17,101.10	$17,101.10
Green	$8,000.00	$8,000.00	$8,000.00
Maple Heights	$15,000.00	$15,000.00	$15,000.00
Marysville	$8,784.00	$8,784.00	$8,784.00
Medina	$9,180.00	$13,776.00	
Pickerington	$8,000.00	$8,657.28	
Riverside	$4,000.00	$8,000.00	
Sandusky	$8,657.28	$8,657.28	$8,657.28
Shaker Heights	$10,440.00	$10,440.00	$10,440.00
Troy	$8,382.00	$8,400.00	
Wooster	$8,500.00	$9,500.00	$8,500.00
Xenia	$4,950.00	$4,950.00	$4,950.00
Zanesville	$11,682.94	$11,682.94	$11,682.94
Overall:	**$9,058.49**	**$9,743.24**	**$9,665.03**
Marysville Difference	**$274.49**	**$959.24**	**$881.03**

Note: *that Marysville Council wages went to $9,048 in 2025. We do not know if any other comparable cities have raised wages in 2025.*

2. Mid-Ohio Regional Planning Commission (MORPC): MORPC conducts an annual salary survey comprising of data from their member governments. We are an active participant. We do not generally use the MORPC data, because the selection comparable factors identified in Policy 415 (detailed above) are not directly considered by MORPC for their resulting data. The 2024 survey consisted of data from 36-member governments. We deleted villages and townships in our review. The 2024 MORPC survey results to the right shows that the City is slightly ahead on Low benchmark at $493, slightly below on the High at $91, and $4,333 under the "Average." The Average is extremely skewed by the City of Columbus annual average at $78,083. This is $65,000 above the average.

2024 MORPC Survey			
City	**Low**	**High**	**Average**
Canal Winchester	$6,592	$7,251	
Columbus			$78,083
Delaware			$10,712
Dublin	$11,250	$11,250	$11,250
Gahanna	$9,600	$9,600	$9,600
Grandview Heights	$8,657	$8,657	$8,657
Grove City	$11,000		$11,000
Groveport	$6,000		$6,000
Hilliard			$14,876
Marysville	$8,784.00	$8,784.00	$8,784.00
Mount Vernon			$9,379
New Albany			$12,935
Pataskala	$5,000	$8,000	$6,500
Powell	$8,657		$8,657
Reynoldsburg	$8,657	$8,657	$8,657
Sunbury	$8,800	$8,800	$8,800
Upper Arlington			$8,914
Westerville			$12,000
Whitehall	$6,500		$6,500
Worthington			$7,920
Overall:	**$8,291**	**$8,875**	**$13,117**
Marysville Diff/Diff	**$493**	**$91**	**$4,333**

Note: *Both tables highlighted by light blue are entities aligned with the Ohio Public Employee Retirement System (OPERS) minimum annual wage for a full year of service credit. The City of Marysville as also considered this factor in years prior.*

Ohio Public Employee Retirement System (OPERS): OPERS establishes a minimum earnable salary level per month for any public employee to earn full service credit under the retirement plan. To receive the full-service credit an employee must meet the minimum salary level established for each month in that year. The below table shows that Marysville has used this minimum salary level approach in recent years (with some rounding up). City of Marysville Council Members obtained full OPERS service credit for the years 2022-2025.

History of Marysville Monthly vs. OPERS Full Service Credit 2017-2025									
Year	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**
OPERS	$630	$660	$660	$673.08	$684.86	$696.84	$709.03	$721.44	$734.07
Marysville	$600	$600	$600	$660	$660	$697.50	$710	$732	$754

A change made by OPERS in 2019 provided incremental increases in the minimum service credit levels by 1.75% each year starting 1/1/2020 through 12/31/2029. Future years follows:

Projected Near Future Monthly				
Year	**2026**	**2027**	**2028**	**2029**
OPERS	$746.91	$759.99	$773.29	$786.82

Note: Marysville's current $754 wage provides full service credit for 2026, but falls short by about $6 in 2027.

Marysville Cost of Living Adjustment (COLA): A large number of both private and public employers utilizes an annual COLA to help employee wages keep pace with inflation. The COLA is a percentage increase applied to the annual or hourly wage. The City historically utilizes application of a COLA to all full-time employees each calendar year. This is based on the fact that inflation effects all employees. We have generally used the COLA outcome derived from the most recent Collective Bargaining Agreement (CBA) negotiation process with the unions to set the City standard. This CBA process is completed every 3 years.

Year	2018	2019	2020	2021	2022	2023	2024	2025	Total
Police %	2.5'ish	3	2.75	2.75	2.27	3	4.5	4	22.27
Fire %	2.5	2.5	2.75	2.75	2.25	3	3	4	22.75
City %	2.5	2.5	2.25	2.75	2.75	3	3	4	22.75
Council %	O	0	10	0	5.7	1.8	3	3	23.5

Notes on COLA:

- *The City uses COLA for full-time wage adjustments, not part-time. City Council is considered a part-time position.*
- *We have generally not taken a COLA approach for setting Council wages.*
- *We are about to enter into negotiations in 2025 first with the IAFF Fire Union then FOP/OLC Police Union. We do not know the COLA outcome for 2026- 2028.*
- *The above numbers are not "exact," as there has been a recent history of CBA agreements with various percentages of COLA adjustments made across varying classifications (Sergeant, Police Officer, Lieutenant, Firefighter, etc.) and also across various steps (correlating to years in service here in Marysville). Thus, making it difficult to reduce the entire annual COLA to one specific percentage.*

Recommendations: Starting in 2019, Council took a more proactive and systematic approach to reviewing and setting Council wages. Wages have been reviewed every two years starting with Ordinance 35-19. HR has provided our review in support of that process.

1. OPERS Minimum Salary/Full Service Credit: Past HR reviews have provided options that were based on OPERS minimum service credit and COLA based. We will explore both again, but this review suggests we move away from the COLA approach as Council is considered part-time. Additionally, every 3-years we find ourselves not

knowing the result of the CBA processes and thus do not have a clear projected COLA to use as a reference point for the next few years. This review also shows we are now four years (2022-2025) into the approach of using OPERS minimum wage for full service credit to set Council wages. We round up to whole dollar amounts to make this process simple and to ensure that we maintain the full-service credit. We find that in both our own wage survey and in MORPC survey that this same use of OPERS minimum wage is the only discernable approach that other communities utilize. Therefore, the recommendation for setting Council wages is to simply continue using this approach in accordance with the following table:

Recommended 2026-2027 Council Wages (Option 1)		
Year	**2026**	**2027**
Marysville Council Monthly Wage	$800	800
Marysville Council Annual Wage	$9,600	$9,600
Resulting % of Change	6%	0%
OPERS Monthly Minimum/Service	$746.91	$759.99

There are two considerations HR provides for the recommendation of this option.

(1) *Fiscal Responsibility*: Most public entities are driven by the goal to be fiscally responsible regarding all expenditures. Current and past City Council Members have often expressed this concern in setting their own wages. We have heard Council Members even state that they would be a Council member for free. The bare minimum, full-service credit approach, addresses this concern.

(2) *Recruitment Incentive Concerns*: The wages assigned to any position sets a value that can help with recruitment. The more value the organization places on the position, usually results in better recruitment numbers. We can state that we had the highest number of citizens (21) apply for the last open Council seat than ever (some 200% more than the last process). The last election also resulted in a high number of candidates. Using past experience to guide future planning, HR firmly believes we do not need to increase Council wages for recruitment (future elections) concerns.

2. <u>COLA</u>: Our in-house wage survey shows that our Council lags the annual average by $881.03. This is about 10% less. If we project a reasonable 3% COLA for each of the next two years, it results in the figures below and is still not above the comparable average from 2024. It is still also significantly lower than the MORPC average. The below option is reasonable.

Recommended 2026-2027 Council Wages (Option 2)			
Year	**Current**	**2026**	**2027**
Marysville Council Monthly Wage	$754	$777	$800
Marysville Council Annual Wage	$9,048	$9,320	$9,600
Resulting % of Change	n/a	3%	3%
OPERS Monthly Minimum/Service	$734.07	$746.91	$759.99

***<u>Note: Council President</u>**: It would be recommended to support the continuing practice of compensating the President of Council 25% more than the current Council salary.*

-Human Resources

Law Director Salary Increase for 2026-2029 – HR Review
March 2025

Introduction: In accordance with City Charter and most recently implemented as detailed in Ordinance 019-2021, City Council must review and set the salary of the elected position of Law Director for each upcoming term. The next term begins January 1, 2026 and ends December 31, 2029. Whenever possible, setting wages should be accomplished as a consistent and methodical process. Human Resources (HR) has traditionally reviewed the Law Director compensation, conducted salary surveys and provided input regarding this process. Based on our review, data and surveys, HR is proposing the below recommendation for City Council consideration to help set the Law Director salary for the years 2026-2029.

History: HR has provided this same process assistance to Council for approximately 15 years. In 2013, HR conducted our first-ever review of the Law Director salary and presented options to Council. Below the history is outlined:

- Term 2014-2017: City Council, using that HR review, passed Ordinance 31-13 for the 2013 election to take the position full-time and to set the annual salary for the term of elected official that reflected a flat increase of $2,000 each year 2014 through 2017.
- Term 2018-2021: This process continued with the $2,000 flat increase each year and provided the position an 8.5% wage increase in 2018 to account for the City eliminating the practice of paying the same 8.5% as part of the employee's share into the pension fund. The wage was increased by 8.5%, but the incumbent was responsible for a pretax payment of 8.5% into the OPERS system (a dollar-for-dollar crosswalk).
- Current Term 2022-2025: The most recent HR recommendation provided was dated April 15, 2021 (available from HR). It provided three wage adjustment options. The first was a prior-practice based continuation of the $2,000 annual flat increase. The second was to begin treating this full-time Law Director position as all other full-time positions and provide an annual Cost of Living Adjustment (COLA) adjustment. The third option was the HR "option of choice." It advocated for the use of the COLA, but to also provide a look-back analysis of past city-wide COLAs versus the prior-practice Law Director $2,000 annual flat increase and add in a "COLA vs Flat Rate Adjustment" to the projected normal COLA for year 2022. We then "projected" a 2.5% COLA for years 2023-2025. The below tables reflect this history of the actual wages for the Law Director.

Year	2014	2015	2016	2017	2018*	2019	2020	2021
Wage	$98,000	$100,000	$102,000	$104,000	$115,000	$117,000	$119,000	$121,000
% Increase	-	2.04%	2%	1.96%	10.57%	1.74%	1.7%	1.68%

*Pension Pick-up eliminated/transfer to wages.

Year	2022**	2023***	2024***	2025***
Wage	$127,274	$130,456	$133,717	$137,060
% Increase	4.93%	2.5%	2.5%	2.5%

**COLA vs Flat Rate Adjustment
***Projected COLA approach

Comparable Salary Data:

1. Marysville Wage & Salary Study: Per City Policy 415 - *Wage & Salary Rates*, HR conducts a wage & salary study at least every four years. Policy details the selection of comparable cities driven by factors including: population, similar services, similar income tax rates, median family income, number of households, county seat, and square miles. HR conducted this survey in 2024. When reviewing this data further, specifically related to the Law Director position, a significant number of other factors and variables can impact compensation. We had five (5) of the entities respond that they do not employ a Law

Director. There were four (4) entities that responded the Law Director was part-time (abbreviated this with (PT) in the table). We had just three (3) entities respond that the position was elected (abbreviated with (E) in the table). We suspect (based on website review) that there are more, but they did not note this in their response. There were five (5) entities that noted a "Low" and "High" for the position. This often means the position is not elected and the city applies a basic range to the position as it would for all salary or exempt positions. Marysville is an elected position with a set salary. Marysville's salary for the Law Director is $7,959 below the high-end average of $141,676. The City of Green's part-time position and Zanesville's part-time (and elected) positions significantly skews the average "Actual." Without Green and Zanesville, the average jumps up to $126,273. Marysville compared to the overall average shows we are above average by $15,782, but it drops significant to $8,643 without Green and Zanesville. Some key points to make:

2024 Marysville Wage/Workforce Survey			
City	**Low**	**High**	**Actual**
Avon (PT)			$127,200
Avon Lake			$105,060
Bowling Green	$97,177	$124,072	$109,803
Green (PT) (E)			$61,904
Maple Heights	$92,996	$124,987	$124,993
Marysville (E)			$133,717
Medina (PT)			$121,550
Perrysburg	$83,200	$145,600	$124,800
Riverside			$130,000
Sandusky	$49,656	$132,504	$130,000
Shaker Heights	$129,440	$181,217	$142,119
Wooster			$126,568
Xenia			$139,464
Zanesville (E)(PT)			$73,914
Overall Average	**$90,494**	**$141,676**	**$117,935**
Elected Average			**$89,845**
Marysville Difference	**+$43,223**	**- $7,959**	**+$15,782**
Marysville Difference – Average *(Without PT Green and PT/E Zanesville*			**+$8,643**

- *Prosecutor Function*: Note that many of these Law Directors are not performing prosecutor duties. For example, Avon compensates a part-time Law Director $127,200, but also employees a City Prosecutor. Avon Lake also employees a separate prosecutor. Many of the Law Directors in our survey are not a county seat municipality and do not have a prosecutor function at all.
- *Reduced-Elected-Rate*: The fact is that we see that many elected positions in external comparable data often have lower salaries. Candidates that run for office do so by choice. It is often linked to a desire to serve the public. This creates an "elected-reduced-wage" that holds true throughout Ohio and for Law Directors.
- *Private Practice*: We also do not take into consideration the fact that many cities allow the Law Director to have a private practice.
- *Job Specifics*: We finally note that calling many of these entities to conduct a deeper dive into the job details, resulted in a number of the entities stating the Law Director does not have a job description and operates with a significant amount of autonomy.

Bottom-line, the average "High" end of $141,676, suggests we should consider increasing our set wage, especially considering the number of years our incumbent has served (longevity and experience).

2. Mid-Ohio Regional Planning Commission (MORPC): MORPC conducts an annual salary survey comprising of data from their member governments. We are an active participant. We do not generally use the MORPC data because the selection comparable factors identified in Policy 415 (detailed above) are not remotely considered by MORPC for their resulting data. In 2024, MORPC's survey only requested information for "Assistant City Attorney." We recommended to their survey staff to include City Attorney/Law Director in the future. HR, therefore, conducted our own focused survey of entities in the Central Ohio HR email group.

Central Ohio Public HR Network (2025)			
City	**PT/FT**	**Elected/Appt/Firm**	**Annual/Retainer**
Delaware	FT	Appointed	$160,160
Dublin	N/A	Appointed/Contracted	$249,000
Gahanna	FT	Elected (+ private practice)	$80,765
Grove City	N/A	Appointed/Contracted	$336,000
Hilliard	N/A	Appointed/Contracted	$234,000
Lancaster	FT	Appointed	$127,692
Mount Vernon	FT	Elected	$118,100
Pickerington	N/A	Appointed/Contracted	$210,000
Reynoldsburg	FT	Elected	$126,517
Upper Arlington	FT	Appointed/Contracted	$209,684
Westerville	N/A	Contacted by Council	-
Worthington	FT	Appointed	$150,530
		Overall Average:	$182,041 ($44,981 above us)
		Overall Appointed Average:	$209,684 ($72,624 above us)
		Overall Elected Average:	$108,461 ($28,599 below us)
		Overall Just Contract:	$247,737 ($110,677 above us)

Notes: This data also shows a reduced-elected-rate of $73,580 (40%) below the Overall Average. It also establishes that when entities utilize contracted firms instead of a single appointed official, they pay $38,053 (21%) more than the Overall Appointed Average. The difference between the Marysville Law Director 2025 salary of $137,060 and each of the averages, is show in parentheses after each figure.

Position	Salary
City Manager	$154,180
Director of Public Service	$147,826
Law Director	$137,061
Police Chief	$135,140
Finance Director	$131,978
City Engineer	$131,310
Fire Chief	$130,563
Human Resource Director	$114,741
IT Director	$114,400

Internal Wage Comparison: To the right is a comparison of the internal wages of Law Director with other key executive management staff. Keep in mind the "elected-reduced-wage" that holds true throughout Ohio. Our situation is no different. HR would suggest there is some room to increase the Law Director wages slightly upward and close to the Public Service Director. This adjustment could be justified based on several factors, including the increasing complexity of legal responsibilities, the need to attract and retain qualified legal talent, and the comparison of compensation levels.

Recommendation: Benefit and wage management should be done with consistency whenever possible. It is a corner stone of fairness. As noted, the last paper HR completed on this subject was dated April 15, 2021 and set the wages for the current term (2022-2025). That approach resulted in the position being $7,959 under the 2024 Wage Survey "High" end average of $141,676. That same survey shows our position was $15,782 above the "Actual," but that difference dropped to $8,643 when deleting the heavy skew-effect from Green and Zanesville. The past approach appears to have set in place a rather sound prior practice. That practice had good results. It would be HR's recommendation to use that same approach for the next four-year Law Director wage projection by applying the following two steps:

1. COLA Look Back Adjustment: The below shows a COLA look back comparing the COLA projections for the Law Director for 2022-2025 against the actual COLA for all city employees and establishes a "COLA Adjustment" to be applied in 2026. This is a 2.25% catch-up (adjustment) to bring the full-time Law Director up to even with the COLA provided to all city full-time employees. This COLA Adjustment addresses the Internal Wage Comparison observation that we increase Law Director towards the Public Service Director wages.

Year	2022	2023	2024	2025
Law Director Wage	$127,274	$130,456	$133,717	$137,060
Law Director COLA % Increase	2.75%	2.5%	2.5%	2.5%
City-wide COLA % Increase	2.75%	2.75%	3%	4%
Running Cumulative Total	-	-.25%	-.75%	-2.25

2. Project Future year COLA: This step is far less precise than the above look back adjustment. It would be HR's position that we look at our last COLA projections for the current four-year term and the results (lagged by 2.25%) and also consider the current increases to CPI and inflation. Our recommendation would be a 4% COLA projected for each year of this next term.

The final recommendation for the next four-year term is detailed below.

Year	2026	2027	2028	2029
Law Director COLA	6.25%	4%	4%	4%
Law Director Salary	$145,626	$151,451	$157,509	$163,809

Note: The Charter Review Board (CRB) is currenting meeting to potentially make recommendations for changes to the Charter to be brought before the voters in November. Like previous Boards, this current Board is "considering" the possibility to changing the elected Law Director position to appointed. We note if it comes to fruition or voted in the affirmative, it would not affect the next term, which starts 1/1/2030. If this was realized, we note that this change could cause a substantial increase in the annual salary for the Law Director position either by appointment and/or increase in contracted services.

-Human Resources

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MARYSVILLE CITY COUNCIL MEETING MINUTES
April 14, 2025 at 7:00 P.M.
Council Chambers – 209 S. Main Street – 2nd Floor

This meeting is available to watch live or archived by clicking here

President Boerger called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by President Boerger.

INVOCATION: The invocation was given by President Boerger.

CITY COUNCIL MEMBERS PRESENT: Donald Boerger, Henk Berbee, Steven Wolfe, Mark Reams, Scott Hunter, Zack Bordner and Julie Kramer.

CITY ADMINISTRATION PRESENT: *City Manager* Terry Emery, *Law Director* Tim Aslaner, *Finance Director* Brad Lutz, *Police Captain* Chad Seeberg, *Fire Chief* Nate Burns, *City Engineer* Kyle Hoyng, *Director of Economic Development* Eric Phillips and *Clerk of Council* McKenzie Proudfoot.

ADDITIONAL PERSONS PRESENT: *Marysville Journal Tribune* Mike Williamson, Tamisha Matus, Diane Allen, Bart Barok, Richard McAllister, Bob Berbee, Darrison Cook, Bob Bailey, Dick Smith, Karen Eylon, Amy Potter-Grimm, Jason Orcena, Heather Montgomery, Nieca Nowels, Dan Fitzgerald, Chloe Green, Frank Liu, Jade Lantz, Dave Cook, Gail Jenkins, Lena Hammond, Bob Hammond, Carlton Dean, Matt and Bob Sements.

APPROVAL OF MINUTES: Councilman Berbee moved to approve the March 24, 2025 City Council Meeting Minutes as presented; voice vote in favor was unanimous.

PROCLAMATION: President Boerger read the following Proclamation which was presented to Diane Allen, Marysville Schools Superintendent and Dick Smith, Marysville School Board Member:

Support Marysville Schools Day – May 6, 2025

Whereas: The City of Marysville and the Marysville Exempted Village School District have come together to promote education as a top priority, and considers it the best means to achieve strong future leaders and more productive citizens; and

Whereas: We believe that quality education requires the partnership of schools, parents, businesses, government and the community; and

Whereas: We believe that quality education leads to a path of economic stability and needs to be supported by adequate resources; and

Whereas: The City of Marysville Exempted Village School District is committed to excellence by providing a quality educational system to its students; and

Whereas: The Marysville School District directly impacts the quality of life in our community; excellent schools lead to strong communities; and

Whereas: It is important for the City of Marysville to support the proposed levy on the May 6th ballot for the future of our children and our community;

NOW, THEREFORE, I, Donald Boerger, President of Council of the City of Marysville, Ohio do hereby proclaim May 6, 2025 as **Support Marysville Schools Day**, in the City of Marysville.

Councilman Berbee moved for the Proclamation to be added to the minutes; voice vote in favor was unanimous.

Superintendent Allen and Board Member Smith thanked the City for the Proclamation and for the continued efforts to work collaboratively, it benefits both the City, the Schools and the community when this occurs.

ADMINISTRATIVE REPORT: Manager Emery provided the following updates:

- The City's Arbor Day event will take place on April 25th at Scott Family Park at 10:00 a.m.
- Friday Nights Uptown: Rock the Block will occur on May 16th from 6:00 p.m. – 10:00 p.m. Music by will be presented by McGuffey Lane; the event is sponsored by Monarch Roofing Company.
- 2025 Season Pool Passes: Municipal Pool season passes are available for purchase at a 15% discount, now through April 30th. Pool passes may be purchased online via RecDesk or in-person at the City Maintenance & Operations Center, 455 N. Maple Street on Mondays, Wednesdays and Thursdays, from 10:00 a.m. – 2:00 p.m. The pool opens for the season on Saturday, May 24th.
- The City of Marysville Rain Barrel sale is now open. Thanks to Rain Water Solutions, the 50-gallon barrels are available at a discounted price of $78. Rain barrels must be pre-purchased online by April 16th and distribution will occur on Saturday, April 26th from 9:00 a.m. – 11:00 a.m. at the Maintenance & Operations Center, 455 N. Maple Street.
- Prescription Drug Take Back Day: Marysville Police Department will be participating with Walmart in Drug Take Back Day on April 26th from 10:00 a.m. – 2:00 p.m.
- Shred, Recycle and Donation Day: Saturday, April 26th from 9:00 a.m. – 12 Noon. The free event is open to residents and non-residents. Personal documents will be securely transported by File 13 and shredded at UCO Industries. All electronics that plug into the wall or take batteries will be accepted, including computers, cameras, servers, VCR's, cell phones, keyboards, battery backup systems, scanners, printers, and fax machines. CRT/Tube-style monitors and TVs will not be accepted. Second Chances Thrift Store will accept up to six bags or boxes of items in "like new" or "giftable" condition, including clothes, shoes, accessories, jewelry, small appliances, housewares, kitchen items, home decor, toys and games. Oversized items and donations should be taken to the UCO Industries Donation Center, 16900 Square Drive,

Marysville.

Engineer Hoyng provided the following updates from Maintenance and Operations:

- Streets: City Crews continue working on catch basin replacements ahead of the Paving Program on Mill Road and Quail Hollow. Additionally, they are performing trench repairs on East 4th Street and addressing large potholes on US 33.
- Parks: City Crews continue to work at Scott Family Park, including prairie and tree plantings, and City-wide mowing and landscaping. Restrooms at City Parks are anticipated to be open to the public next week.
- Water: City Crews continue to install services on Parkway Drive and Grand Avenue. The docks have been installed at the reservoir, which remains "topped off." The City's contractor plans on wrapping up their work at Filter #7 next week.
- Wastewater: City Crews managed high flows due to last week's rain event. Additionally, they managed an overnight power outage in Jerome Township, which affected three pump stations.

President Boerger asked for an update regarding the ditch work being completed along Delaware Avenue near Waffle House. Engineer Hoyng said it is part of the sanitary project that is being completed. This is a City of Marysville project being completed by a contractor. The contractor will be coming back to complete grading and seeding work. Additionally, President Boerger asked if the City mows the curb around the area of the YMCA. If so, the City needs to ensure there is a bucket and a picker on the mower when the work is being completed. Councilman Berbee asked if the possibility of reducing the speed limit on Cherry Street, north of the railroad, from 35 mph to 25 mph could be reviewed. He has had a few residents reach out to him with concerns regarding the speed of traffic in the area. Engineer Hoyng said a speed study can be conducted by the City and depending on the results, that may be an option.

REPORT OF CLERK OF COUNCIL: None.

REPORT OF ECONOMIC DEVELOPMENT: Director Phillips introduced Tamisha Matus, Program Manager with the Union County Health Department, along with students from the Ohio State University, who have been working on a project in Union County. Their project was explained through a presentation as shown in Exhibit A.

Then, there was a second presentation from Karen Eylon, Director of Union County Tourism, who provided an update as shown in Exhibit B.

Councilman Hunter said in the 20 years that he has worked at a large employer in Union County, he has observed in recent years that those who travel to Marysville for work are choosing to stay in Marysville, versus Dublin, which used to be the case. They are choosing to stay in Marysville because it is more convenient and Marysville now offers more in terms of places to eat, and things to do outside of work, than it used to. Councilwoman Kramer said she has friends and acquaintances who live in the Columbus area that are now choosing to come to Marysville and Union County as a destination because of the variety of things to do that we offer. She has also volunteered for the Marysville Showchior Showcase, which brings in show choir groups from different places. People come back year after year, even once their kids have graduated, to attend the event and to stay in Marysville because they enjoy coming to our community. She thanked Ms. Eylon for the work she and her team have done, and continue to do. Councilman Berbee asked questions about marketing efforts which were explained by Ms. Eylon.

President Boerger said the Marysville Southeast New Community Authority Board opening closed today. Councilman Berbee said six applications for the Board were received. Interviews will be conducted and the plan is to make appointments to the Board, there will be three, at the City Council Meeting on April 28th.

PARKS AND RECREATION COMMISSION REPORT: Councilman Wolfe stated that during the March 18, 2025 Parks and Recreation Commission Meeting, an update from Pros Consulting regarding the Parks and Recreation Master Plan Update was provided, along with a review of the Policy for Naming Public Property. Various updates from city staff were also provided, including changing Parks projects as the weather warms up. The next meeting is scheduled for April 15th at City Hall at 6:00 p.m. President Boerger said with the Parks and Recreation Master Plan, it is important that not all parks be considered in one bucket, parks are used differently based on their amenities. It is important to keep that in mind. Parks are about the protection of open space.

HEARING OF CITIZENS: Amy Potter-Grimm, representing the "SMART" Coalition, Supporting Marysville Amending Referendums and TIFs, said their group has worked tirelessly to get the shortfalls in the current City of Marysville Charter addressed. Their group is behind the two citizen initiated Charter amendments which will be presented to voters on May 6th. She explained the two potential amendments to the Charter, amending Section 4.02 and enacting Section 12.10. Approval of amending Section 4.02 would change the referendum period for any zoning or annexation change from 30 days to 60 days. Additionally, zoning and annexation ordinances would not be able to be passed by an emergency. Approval of enacting Section 12.10 would prohibit the creation of any tax increment financing (TIF) districts for dwelling units, (to include apartments) without prior approval of the School District within the territory. She said there has been misrepresentation of the residential moratorium that City Council is currently under, given apartments are classified as commercial, not residential, properties according to the State. We are not anti-growth, but growth should not be at the expense of the taxpayers, the schools and other services that rely on tax revenue. She encouraged citizens to vote in favor of the Charter amendments to ensure Marysville is a place we all want to call home.

Bob Sements thanked the City for the Proclamation in support of the Marysville School Levy and asked where the City was when the previous two levy attempts failed. Additionally, he said hopefully City Council is on Board with the two proposed Charter amendments. He found it interesting that City Council Members had questions for the previous speakers, but none for Ms. Potter-Grimm. These Charter amendments would set in place the rules for years to come, even when City Council Members change. He asked everyone to give consideration to the proposed Charter amendments.

President Boerger said the Hearing of Citizens is not designed to be a back-and-forth between City Council and citizens. Additionally, he said Marysville residents cannot afford the increase, which is why they vote no for levies. He said he knows how to slow down growth, it is with design standards, and he is going to do everything he can to enact them. If people do not vote in favor of the School levy, you're not going to have a community to vote for, or a City Council that cares enough to serve. You can look at communities that don't have good Schools and sadly, those communities have residents that are leaving to come live in Marysville and then they go to Facebook and say they don't want to pay more to live here. He is going to continue to work on design standards, open space, and job growth to ensure we are bringing a group of residents here that will support jobs, schools, infrastructure, etc.

Gail Jenkins said she spoke to the OSU students when they were done with their presentation to ensure they knew about the planned trails for Marysville East. She said she wants to ensure developers are held accountable to what they say they will do, and acknowledged the students did know about the planned trails for Marysville East. Additionally, she said Superintendent Allen was gracious this evening, she doesn't think that Superintendent Allen has been treated very well by the City, and she hopes that the City and the Schools can continue to work together to make a great community.

ORDINANCES:

Ord. A 3rd Reading Vote — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A ZONING CODE AMENDMENT TO PART ELEVEN – ZONING CODE, SECTION 1121.13 – MANUFACTURING/INNOVATION DISTRICT AND THE APPENDIX – GLOSSARY OF TERMS REGARDING BIOMEDICAL WASTE STERILIZATION FACILITIES (AUTOCLAVING ONLY)

Administration: None.

Council: Councilman Berbee asked Carlton Dean of Sterile Waste Solutions, the applicant, a series of questions regarding their business. Councilman Berbee asked who creates the license for their business to operate. Mr. Dean said the Ohio EPA and the Federal EPA. Additionally, we have licensure from the Department of Transportation. We are always open to inspections, they are always random, never pre-scheduled. If this Ordinance is approved, we will begin the process of creating a 200 page plan to be submitted to the Ohio and Federal EPA, which will take about six months. The plan will be specific to the site in Marysville that outlines plans for fire, ems, maintenance logs, contingency plans, etc. We will not be able to operate until this plan is approved. Councilman Berbee spoke to different kinds of waste, all of which require types of incineration, which is separate from the autoclaving process. He asked what happens when a few years down the road, business is going well and they want to take on other types of waste. Additionally, he asked what would happen if the business is sold to another company. Mr. Dean said the changes to the business would be in terms of the scale, we would potentially do more autoclaving, we would not be interested in switching or adding another type of regulated waste. He said there are only four hazardous waste companies in the United States that operate in nine locations. This is a highly regulated field. The possibility of our small business taking on incineration is slim-to-none. Councilman Berbee said Innovation Park has not lived up to its goals and adding bio medical waste does not fit the desires of the Park. To him, approving this would be a slap in the face, it degrades the Park tremendously. Councilman Reams clarified that this business is not looking to locate in Innovation Park, it is looking to locate across the street. Engineer Hoyng said this Zoning change is for the Manufacturing/ Innovation District, which encompasses Innovation Park. Further, Councilman Reams said this Zoning change is also for a Conditional Use, the previous request was for a Permitted Use. Future applicants would not be automatically allowed, and would need to be approved on a case-by-case basis. Mr. Dean said their company received grant funds to locate in Union County. We have to create 10 jobs in five years. We have created six jobs in six months with an average salary over $73,000. Every driver makes at least $29.00. Additionally, there has to be a business like ours that supports all of the bio-tech companies. He said they are the only partner for waste for the Ohio Life

Sciences, which supports companies like Amgen, the bio science companies that you would want to come to Marysville. Someone has to properly treat the waste that would occur. Companies like Honda and Scotts can also benefit from our services. Additionally, in terms of innovation, they created a pilot program for Ohio Health in Marion with their polypropylene, often called blue wrap, that was previously being sent to the landfill. It is used to wrap sterile medical equipment. Over the course of one year, they gathered seven tons of blue wrap that was sterile and created the first sterile blue wrap recycling program for Ohio Health. In July, when their fiscal year starts, we will proceed with the rest of the Ohio Health system. We have also been working with the Ohio Hospital Association, and they want us to start engaging in this process with Ohio State and Nationwide Children's as well. Councilman Bordner said he doesn't think this discussion has been about fit for Innovation Park. The concern when this failed in the fall was in regard to risk. Since then, we have been educated, done our homework and we have answers. We understand the process. He said, in his opinion, the risk to residents has been nullified. This is essentially taking non-hazardous waste, steam bathing it and taking it elsewhere. Autoclaving is currently happening with the local health system, just on a smaller scale. Our job is to ensure public safety, economic vitality and create opportunity for those that we serve. This is an opportunity for Marysville to diversify its economic portfolio. Councilwoman Kramer said this is a highly regulated field looking to operate in a controlled environment. Innovation, when it comes to treating waste, will continue to be an important topic. None of the waste being treated will stay in the area and her understanding is that this business will serve local needs. The Manufacturing/ Innovation District has multiple permitted and conditional uses, which seem in-line with what is being presented tonight.

Councilman Bordner moved to pass the legislation and the question put, stood:

Mr. Bordner YES;	Mr. Wolfe YES;	Mr. Berbee NO;	Mr. Boerger NO;
Mr. Hunter YES;	Mr. Reams NO;	Ms. Kramer YES.	

Vote 4-3; Motion carried for the passage of Ordinance 014-2025.

Ord. B 2nd Reading Public Hearing — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE PLANNED UNIT DEVELOPMENT ZONING FOR THE MARYSVILLE NORTH PLANNED UNIT DEVELOPMENT

Administration: None.

Citizens: None.

Council: Councilman Wolfe thanked the developer, Bart Barok for attending the open house meeting with residents of Ward 1 he scheduled to provide the opportunity to speak and ask questions. He said if anyone has questions regarding this development, to reach out to himself or Mr. Barok. President Boerger said he reached out to residents who live in Scott Farms and is willing to do the same. Additionally, President Boerger

said if there is a possibility to extend the right hand turn lane from Friendship Kitchen to Route 31, that should be taken into consideration.

To be back for Third Reading, Vote, on April 28, 2025.

Ord. C 2nd Reading Public Hearing

TO AMEND THE CODE OF ORDINANCES, CITY OF MARYSVILLE, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES MARYSVILLE CITY CODE SECTIONS 513.03, 513.04, 513.05, 513.06, 513.07, 513.08, 513.12, 525.05, 533.01, 533.03, 533.04, 537.02, 537.021, 537.14, 537.16, 545.01, 545.07; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Administration: None.

Citizens: None.

Council: None.

To be back for Third Reading, Vote, on April 28, 2025.

Ord. D 2nd Reading Public Hearing

TO AMEND THE CODE OF ORDINANCES, CITY OF MARYSVILLE, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC MARYSVILLE CITY CODE SECTIONS 303.01, 303.10, 331.39, 331.40, 333.01, 333.07, 335.04, 335.072, 335.074, 337.26, 343.01; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Administration: None.

Citizens: None.

Council: None.

To be back for Third Reading, Vote, on April 28, 2025.

Ord. E 1st Reading Introduction

TO AMEND SECTION 741.02 (A) CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED, OF CHAPTER 741 MARIJUANA, OF THE CITY OF MARYSVILLE CODIFIED ORDINANCES

Administration: Director Aslaner said the original Ordinance passed when the medical marijuana issue came before the State. At the time, we prohibited cultivation, processing and retail dispensing of medical marijuana. Since recreational marijuana became legal, we zoned recreational and medical marijuana for cultivation and processing, and we need to update Chapter 741 to comply with those Zoning regulations. This Ordinance does that.

Council: None.

To be back for Second Reading, Public Hearing, on April 28, 2025.

COMMENTS OF THE CITY MANAGER AND COUNCIL PERSONS AND GENERAL DISCUSSION:

Manager Emery said he appreciates the work being done by the OSU students and the leadership of Ms. Matus regarding trail development in Union County. Additionally, he thanked Ms. Eylon for the work she does for Union County Tourism. Her work is top notch and it is always good to see the activities and projects they are involved in.

Councilwoman Kramer said in regard to the tourism presentation, there are a lot of things going on in the area that she hasn't done yet, and needs to. Additionally, from a regional perspective, this coming week is World Heritage Week, there are many local UNESCO Heritage Sites. The more we can do to support each other regionally is wonderful.

Councilman Reams had no further comments for the evening.

Councilman Hunter thanked everyone for their participation: the OSU students, Ms. Eylon and the citizens who spoke under citizen comments. He said he has been asked by residents if he approves or disapproves of the Charter amendments. He said from his point of view, it is not his place to argue against a decision of the elected body, whether or not he agrees with the decision. With the change of the referendum period from 30 to 60 days, he can see pros and cons. A pro being more time to assemble and petition. A con could be certain development may target surrounding townships or other areas with a shorter referendum window. Does he think Marysville will be fine either way, yes. Regarding TIFs and annexations, City Council has already engaged with the Schools in projects that involve apartments, such as the Silos project. He said he disagrees that the moratorium has been misrepresented. We have never said there is a moratorium on commercial TIFs, which apartments are classified as. He said he would love to talk to anyone who feels differently. Further, to comments made by a lack of action in 2023 when the School levy failed, most of this Council was not in place at that time. Additionally, he said he made comments in November of 2024 in support of the Marysville School levy. Personally, he said he agrees with the School levy.

Councilman Bordner said he appreciates the sentiment and shares the same.

Councilman Wolfe said he also agrees with the comments made by Councilman Hunter. Additionally, early voting has begun and election day is May 6th. He wished everyone a Happy Easter. If anyone is looking for a place to go on Easter, they can join him at Rock City Church.

Councilman Berbee said he had someone thank him for the recent updates to the traffic signals that increase efficiency along 5th street. If there is no cross traffic, the lights on 5th Street stay green instead of automatically changing. This is an improvement for the efficiency on travelers on our roadways. Additionally, he said he went to the Worthington Mall. He was impressed to see a store, that is similar to the Union Station in Marysville, and the creativity of people to sell their products.

President Boerger expressed how important it is for the School levy to pass. We live in a time where social media is used as the news and we are seeing a continuous decline of true journalism. Real news with truthful

information is scarce and hard to find. Often times, we are now living in silos and isolation. The greatest thing we can do for people is to educate them. We forget that our ancestors had to fight and die for the right to get an education, which was at one time, reserved for the wealthy. A better life starts with education. Education has always been, and will continue to be, the greatest gift we can give our children and future generations. Freedom of press and speech is what an education did for us. He said he hopes the School levy will pass and that we will continue to see brighter days in Marysville. If not, all that has been accomplished will be our downfall. He wished everyone a Happy Easter.

ADJOURN: There being no further business to bring before Council, Councilman Hunter moved to adjourn the meeting. Affirmative voice vote in favor was unanimous. The meeting adjourned at 9:01 p.m.

EXHIBIT A



Union County Trail & Greenway Master Plan Presentation

April 14, 2025

Knowlton — School



Introduction

Project Overview

Who Are We?

THE OHIO STATE UNIVERSITY

KNOWLTON SCHOOL
ARCHITECTURE
LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING

James Condo
- GIS Lead of Southern Group

Taylor Franco
- Team Co-Lead

Chloe Green
- Public Engagement Coordinator

Jade Lantz
- Co-Editor

Frank Liu
- GIS Lead of the Central Group

Tyler Phelps
- GIS Lead of Northern Group

Seal Russell
- Team Co-Lead

Michael Smith
- Co-Editor

Finn Wojnar
- Graphic Designer

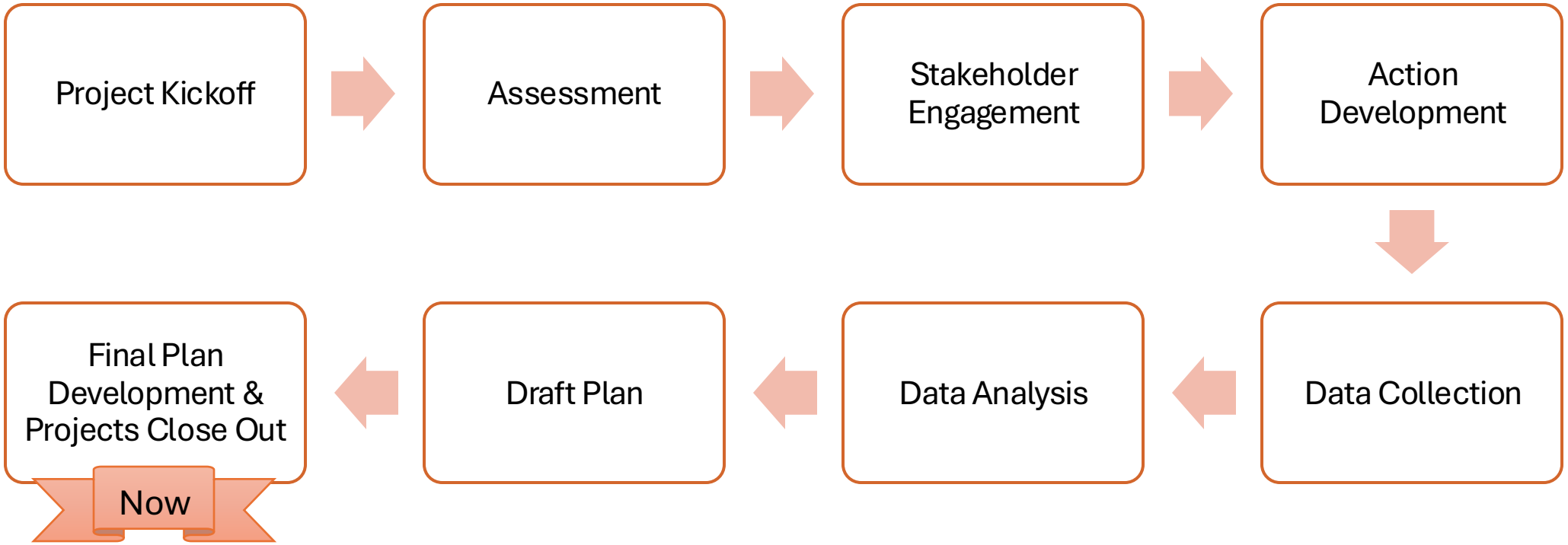
Kim Burton
- Professor

Why Are We Here?

The Union County Health Department has partnered with the City and Regional Planning Studio to develop an updated trail and master greenway plan for Union County.

The plan will result in educational materials, public engagement materials, best practices, recommended trails and related features, recommended actions, performance measures, and a final report.

The Planning Process



Public Engagement



- **Survey** – Developed and distributed after the initial stakeholder meeting
- **Stakeholder Interviews**– Conducted semi-structured interviews more than 20 Union County stakeholders
- **SWOT analysis** – Identified strengths, weaknesses, opportunities, and threats related to trail development.
- **Greenway/Trail Goals and Needs Questionnaire** – Defined priorities and essential requirements for the trail system.
- **Travel Generators & Barriers Mapping** – Analyzed factors influencing trail accessibility and movement.

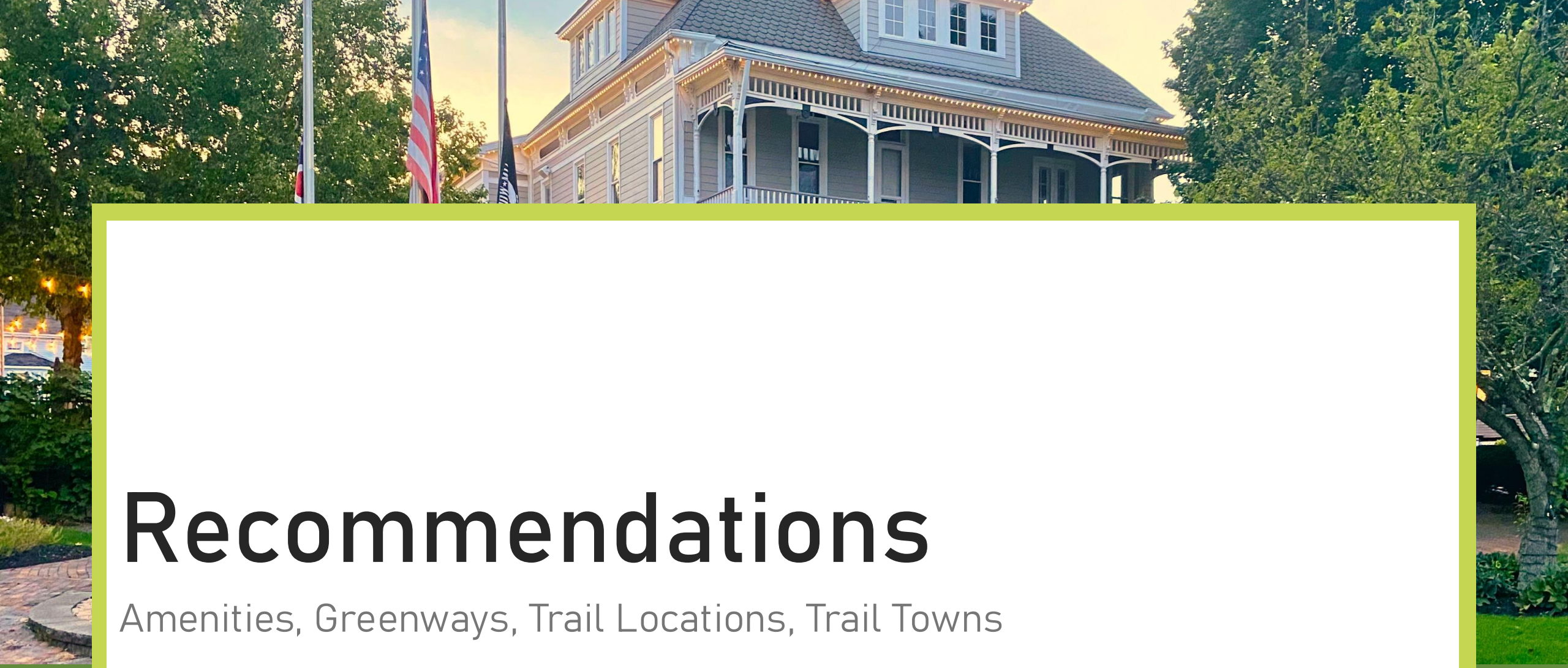


Identified Goals



- **Boost economic impact** – Plan amenities along trails, such as restaurants and shops, to attract visitors.
- **Improve accessibility** – Add benches, restrooms, and other facilities to enhance usability.
- **Ensure environmental compatibility** – Design trails to fit naturally within agricultural, residential, and other landscapes.
- **Strengthen connectivity** – Link trails to the Columbus bikeway and 3C trail network for greater regional access.
- **Leverage local assets** – Utilize county resources, tourism draws, and native ecosystems to maximize benefits.
- **Encourage grassroots advocacy** – Support community-driven efforts in trail development rather than relying solely on local government.





Recommendations

Amenities, Greenways, Trail Locations, Trail Towns













Trail Amenities

- Wayfinding
- Trash receptacles
- Water Stations
- Bike repair stations
- Benches
- Lighting
- Emergency call boxes
- Bicycle parking
- Trailheads

Greenway Recommendations



Mill Creek and Big Darby Creek

- Strengthen protections for these waterways to preserve them for future generations
- Protections could be modeled after the regulations preserving Big Darby as it flows through Franklin County

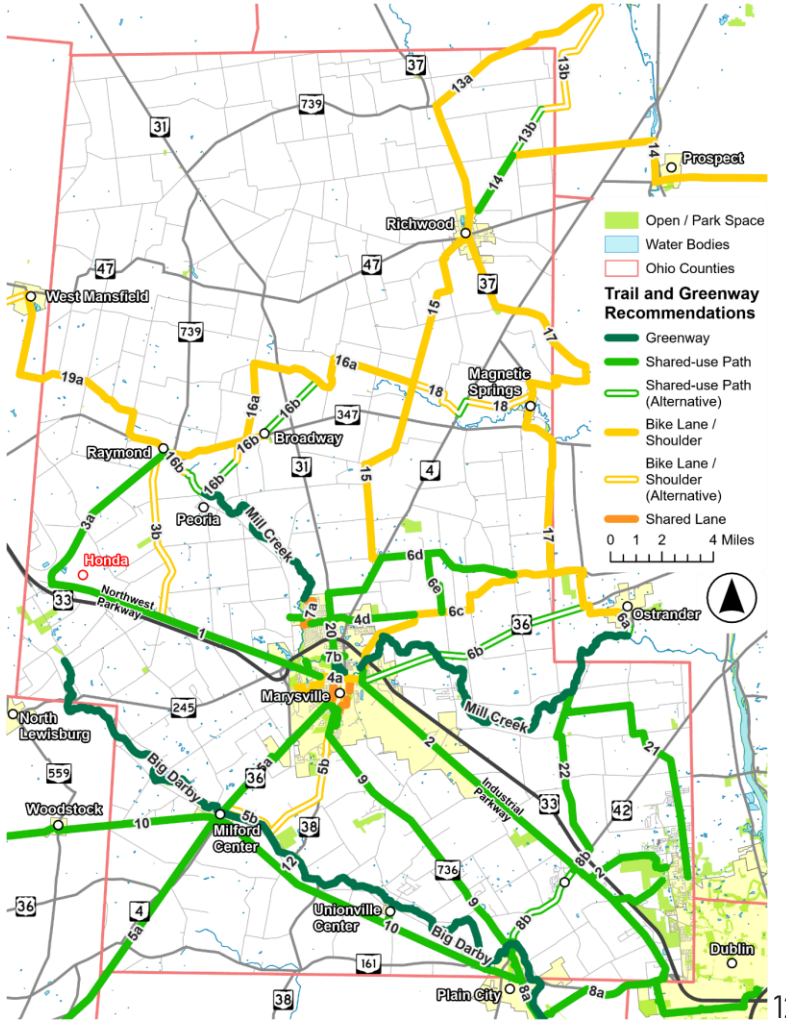
Trail Town Recommendations

- **Definition**: Communities that support trail users with services, promote trails to residents, and embrace trails as resources to protect and celebrate
- **Key Elements of Effective Trail Towns**:
  - Regional branding with cohesive logos and signage
  - Clear wayfinding system (decision, confirmation, turn, and off-trail signs)
  - Business collaborations providing trail user amenities and supplies
  - Economic development focused on trail tourism needs (lodging, camping, bike shops)
  - Well-maintained infrastructure with shade, seating, and gathering areas
  - Art, culture, and recreation features to create interest and engagement
- **Union County Candidates**:
  - North: Richwood, Magnetic Springs, Broadway
  - Central: Marysville
  - South: Plain City, Milford Center



Trail Locations Overview

- Connections between major population centers
- Connectivity between North, Central, and South Portions of the County
- Trail types are divided between greenway, shared use path, bike lane/shoulder, or shared lane.
- This plan proposes inter-county connections



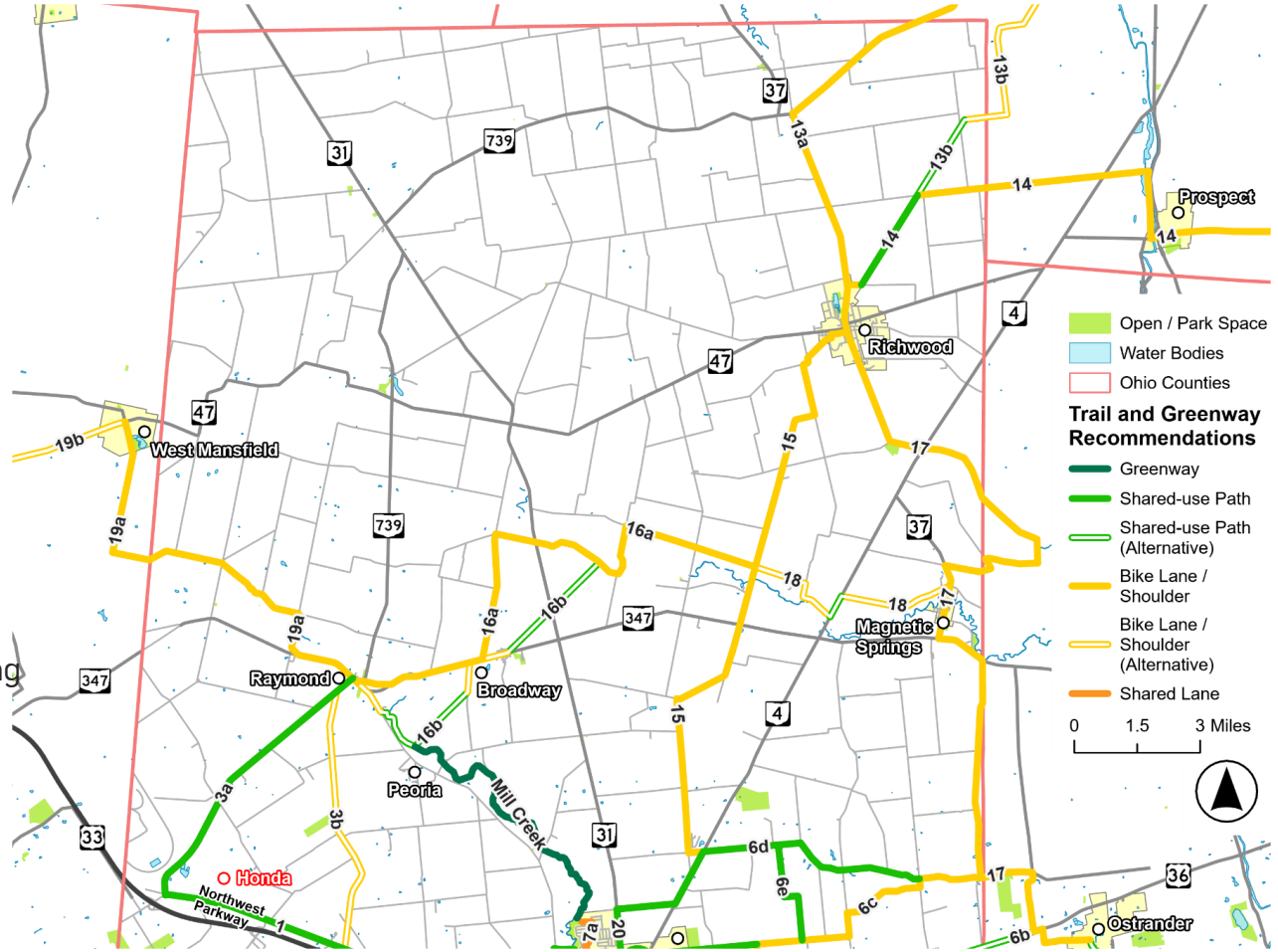
North Union County Trail Locations

Richwood Connections

- **Marion**: Route 13a via Essex/Green Camp; Route 13b alternative with shared-use rail trail
- **Prospect/Waldo**: Route 14 using former railway, county roads, and State Bike Route 39
- **Marysville**: Route 15 via county roads; Route 20 connects to northern Marysville
- **Raymond/Broadway/Peoria**: Route 16a via county roads; Route 16b alternative along scenic rail line
- **Magnetic Springs/Ostrander**: Route 17 minimizes State Route 4 crossings for safety

Additional Connectors

- **Magnetic Springs-Marysville**: Route 18 with protected path along State Route 4
- **Raymond-West Mansfield**: Route 19a via low-traffic roads; potential Route 19b extension to Bellefontaine



Central Union County Trail Locations

Major Connections

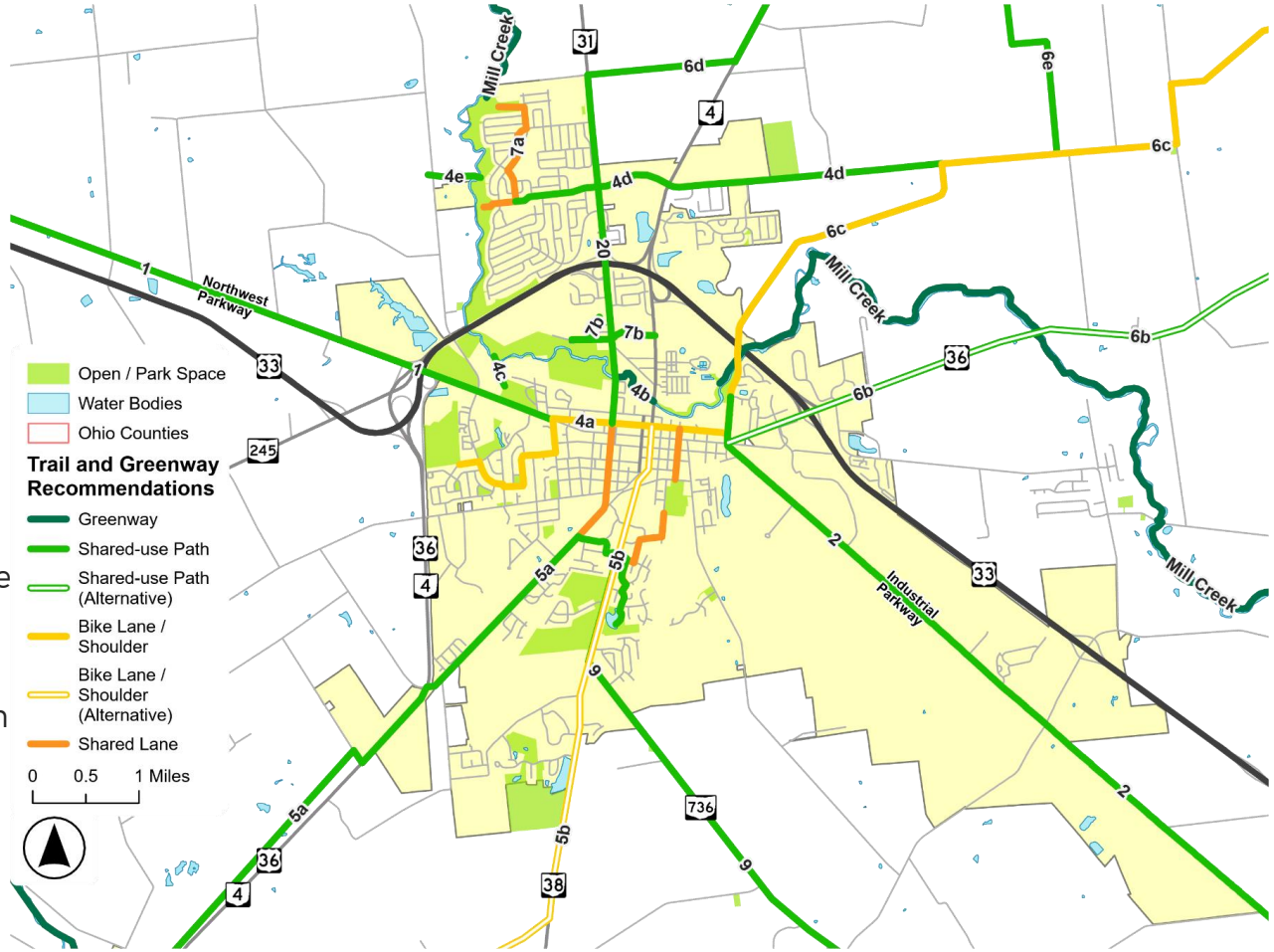
- Marysville-Honda: Route 1 - Separated path along 5th Ave/NW Parkway (Innovation Route)
- Marysville-Dublin: Route 2 - Off-road trail along Industrial Parkway connecting Jerome Village and Glacier Metro Park
- Raymond-Honda: Routes 3a/3b - Option along roads (3a) or utilizing abandoned rail line (3b)

Local Networks

- Parks Connector: Routes 4a-4e linking Marysville parks via strategic bike lanes, paths, and bridges
- Marysville-Milford Center: Routes 5a/5b following Big Darby Creek or utility line ROW
- Marysville-Ostrander: Multiple options (6a-6e) utilizing Mill Cre Greenway, US-36, or rural road connections

School Connections

- Elementary schools served by Parks Connector routes and Jim Simmons Memorial Trail
- High schools connected via Amrine Mill Road to existing trail network



South Union County Trail Locations

Major Corridors

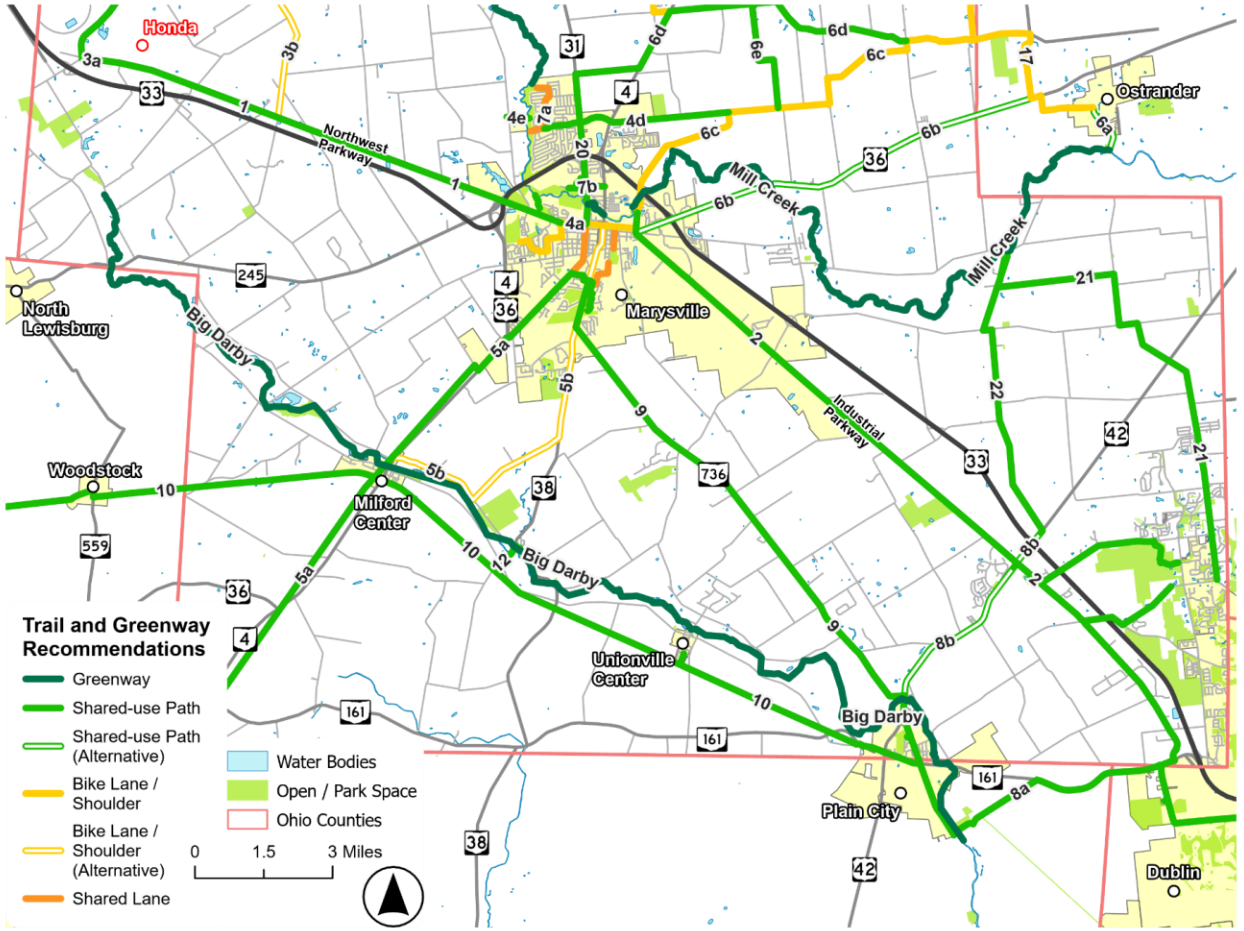
- **Dublin-Marysville**: Route 2 - Shared-use path along Industrial Parkway (high priority corridor)
- **Dublin-Plain City**: Route 8a via SR 161 or Route 8b via SR 42 to New California
- **Marysville-Plain City**: Route 9 direct connection or alternative via Milford Center

Regional Connections

- **Milford Center Hub**: Route 5a connects to Marysville via utility ROW; potential extensions to Mechanicsburg
- **Plain City-Milford Center**: Route 10 via road or Route 11 using former rail ROW
- **Milford Center-Urbana**: Route 10 connects to Simon Kenton Trail network via former rail ROW

Additional Connectors

- **Mill Creek Greenway**: Routes 21 & 22 connect Dublin and New California to Mill Creek and Thompson Covered Bridge





Wrapping Up

Next Steps

OSU Students

- Conduct close-out meeting with Union County Health Department
- Package final materials for Union County Health Department
  - Final Report
  - Educational Materials
  - Video of presentation

Community Members

- Publicize final plan
  - Make available on website along with final presentation
- Work with stakeholders, municipalities, and officials to determine next steps for implementation

UNION COUNTY
TOURISM

EXHIBIT B

Union County Tourism Update

Marysville City Council

April 14, 2025

NATURALLY CRAFTED SINCE 1820 IN UNION COUNTY

UNION COUNTY
TOURISM

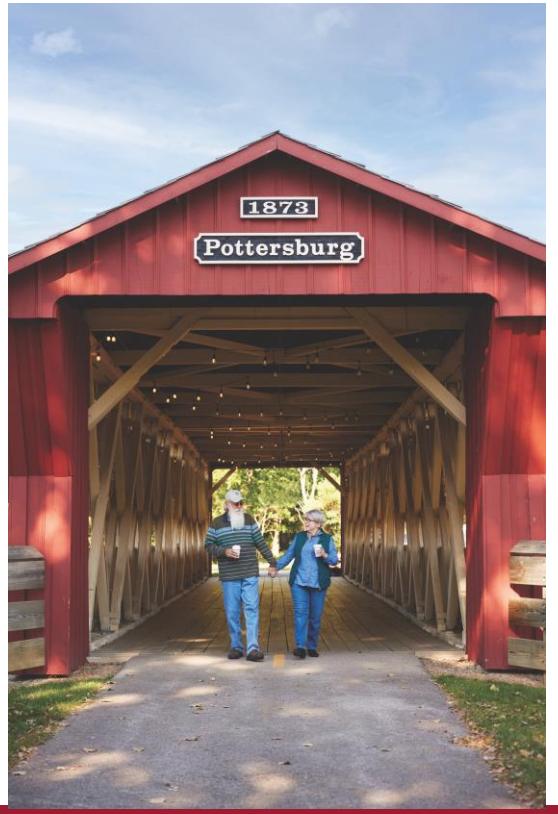
2024 Highlights



Travel Matters

Travel Industry Impact in Union County in 2023:

- Direct Visitor Spending: $159.7M (+36% from 2021)
- Total Economic Impact: $265.7M (+31% from 2021)
- Tourism Generated $32.8M in tax revenues (+21% from 2021)
- Tourism Supported Jobs: 1,996 (+8% from 2021)
- Tax Revenues Saved Each Household: $744 (+16% from 2021)



Lodging Historic Overview

Year	Average Occupancy	Average Daily Rate
2019	64.7%	$95.40
2020	40%	$81.18
2021	55.2%	$84.85
2022	63.7%	$95.46
2023	67.9%	$100
2024	68.9%	$105.68

Short-term Rentals

- Listings: 51
- ADR: $145
- Occupancy: 37.82%
- Priority = Change Ordinances



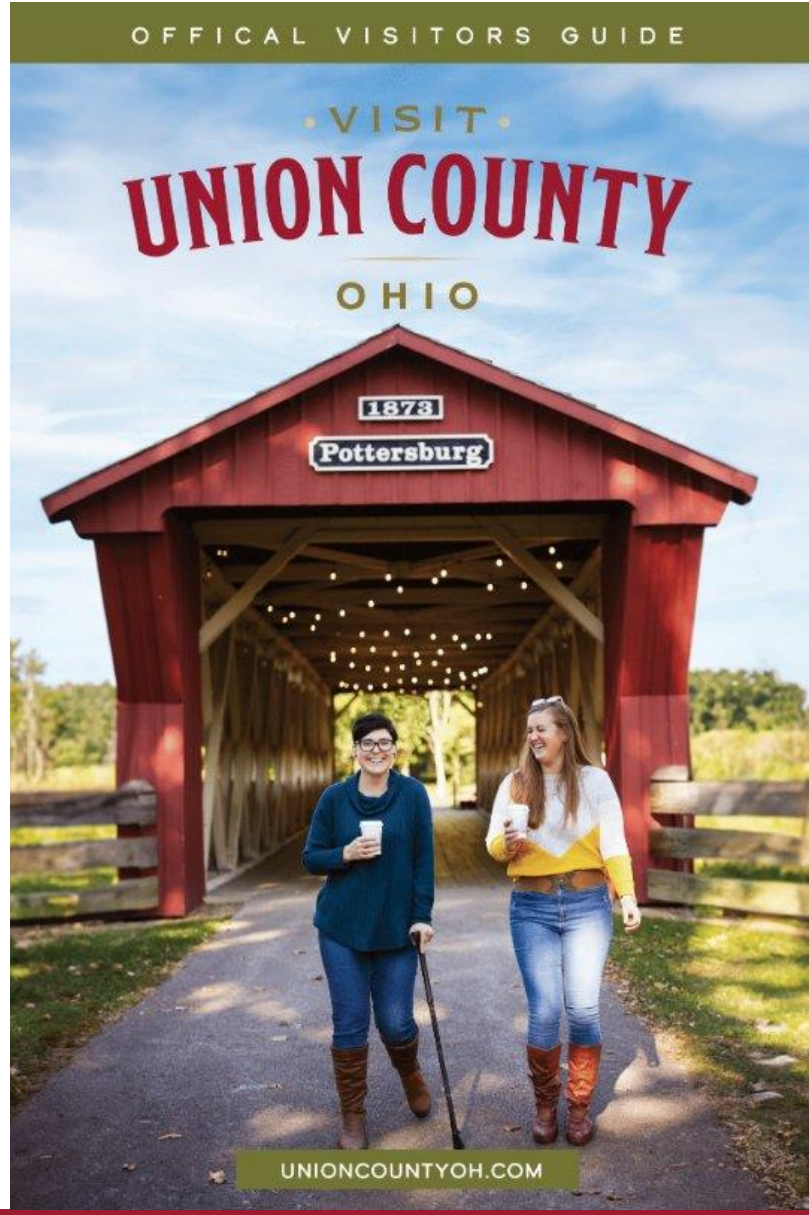
Marketing Highlights

UnionCountyOH.com

- Unique Users: 57k
- Page Views: 157,830
- Citation of Excellence

Marketing Materials & Campaigns

- *Union County Visitors Guide*
- Covered Bridge Trail
- Naturally Crafted Trail
- Japanese Trail Cards
- Uptown Marysville Map
- Five Different e-Newsletters
- Blog
- Postcards
- Deals Card



Social Media

- Followers: 14,937 (across five accounts)
- VUC Instagram Reach: 261.1k (+ 57.5% YOY)
- VUC Facebook Reach: 175.3k

Advertising

- *Ohio Travel Guide*
- *Ohio Has IT! Group Travel Guide*

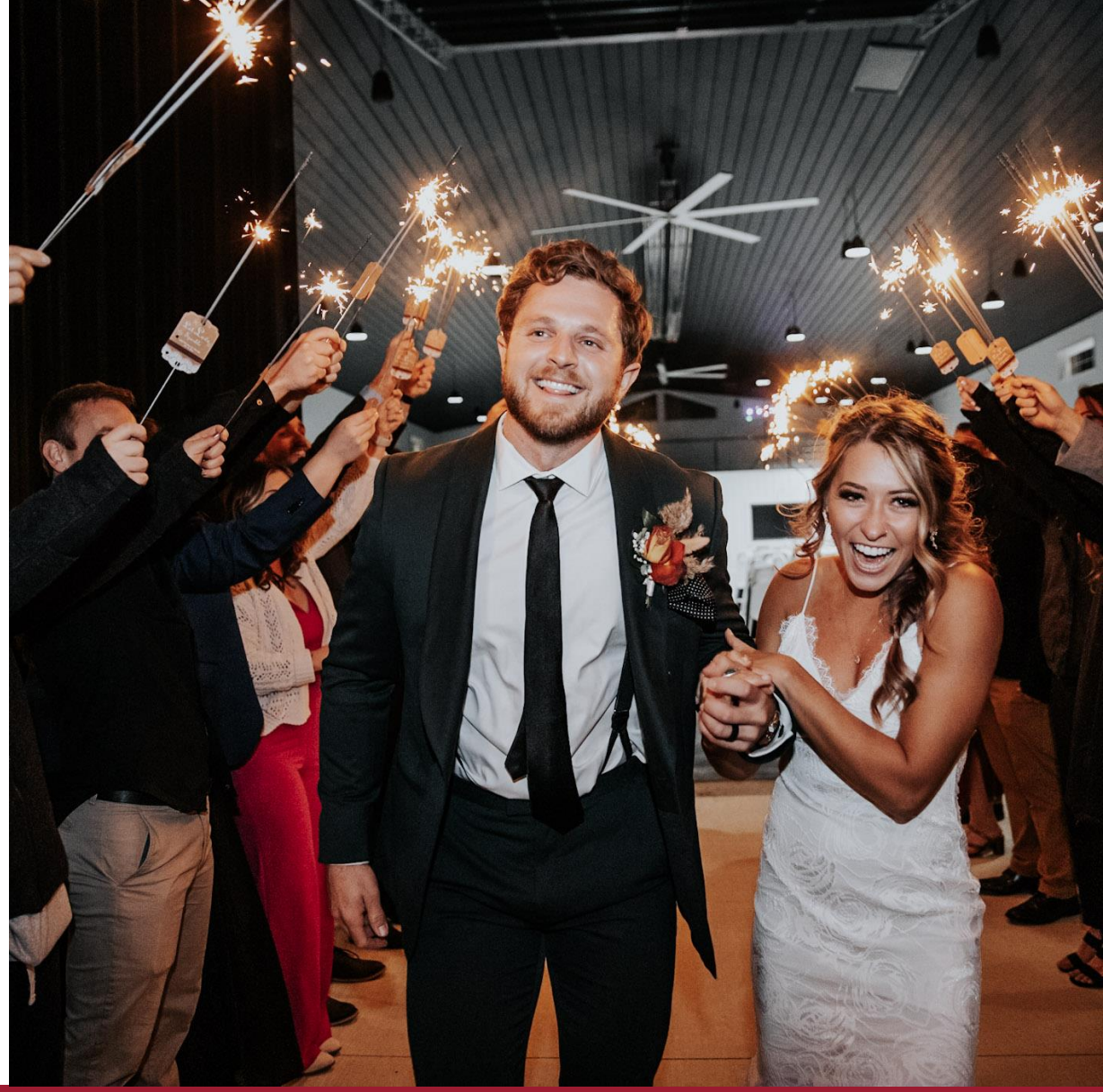
TourismOhio Co-op Program

Facebook and Instagram Ads

- Impressions: 982,7184
- CTR: 1.44% (industry average is .90%)

Paid Search

- Impressions: 7.6k
- CTR: 17.58% (industry average is 4.10%)



Group Tour Market

- Tours hosted in 2024:14
- 2024 Direct Economic Impact: $ 27,341+
- Attended Heartland Travel Showcase
- Tours booked for 2025: 11
- Developed Three New Experiences & Holiday Itineraries
- National Presence and Leads with Ohio Has IT!



UNION COUNTY
TOURISM

Experiential & Special Events



Dine on a Covered Bridge Events

- Hosted 10 events
- 30+ local businesses supported
- Direct Local Impact: $62,670+
- Guests from 7 States and 125 cities
- 91% would recommend this event to others
- 15k website visitors

The Dine on a Covered Bridge events were featured in *Ohio Magazine, Columbus on the Cheap, Columbus Navigator, and Only in Your State.*

Eclipse

- Highest Ranked Page on Ohio.org
- ABC6 Live Broadcast in Union County
- Peak Hotel Occupancy

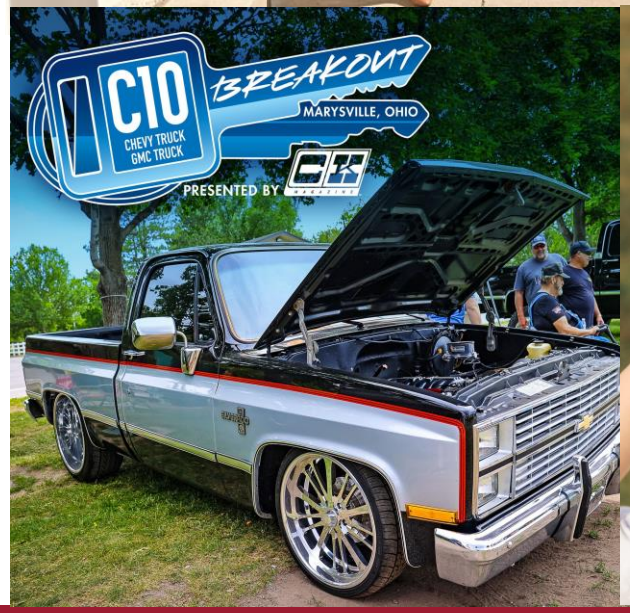
Covered Bridge Trail & Naturally Crafted Adventure Trail

- 469 free pass sign-ups
- 740 check-ins
- Visitors from 17 States and the Province of Ontario

National C10 Breakout

- Attendance: 2.9k visitors
- Registrants: 300 trucks
- Future Outlook
  - Union County Fairgrounds to Host
  - Controlled Growth with 500 Trucks in 2025, More in Future







USA BMX Buckeye Nationals

- First National Event
- Attendance: 8.3k Visitors
- 665 Athletes: 665 from 32 states and 3 countries
- Estimated Room Nights:1,862 with Average Occupancy: 79%-100%
- USA BMX Received Overwhelmingly Positive Feedback
- Working to Secure Future Consecutive Events



UNION COUNTY
TOURISM

Union Station 1820 – Welcome Center

- YTD Visitation: 7,299
- YTD Sales: $59,500
- Total of 68 vendors (+21% YOY)
- Holiday Facebook Advertising Campaign
- E-newsletter open rate: 51%



UNION COUNTY TOURISM

Partner & Destination Development

Tourism Grant Program Supported

- All Ohio Balloon Fest
- Greater Columbus Dahlia Show
- Marysville Choral Boosters
- Miami Valley Steam Threshers
- Milford Center Labor Day Festival
- OAC Cheer and OAC Grade School District
- Pedal with Pete Central Ohio Bike Ride
- Richwood Farmers Market
- Sounds of the Avalon
- Union County Foundation Covered Bridge Cycling Tour



Main Street Marysville Support

FestiFair Arts & Crafts Festival

- Expanded Arts & Cultural Offering
- Attendance:12.2k (+ 3.1k YOY)
- Vendors: 225
- Increased Funding via OAC Grant and Sponsorships

Scarysville & Christmas Walk

- Focused growth and record attendance



UNION COUNTY TOURISM

UNION COUNTY
TOURISM

2025 Business Plan Highlights



Strategic Highlights

- Brand Development through Storytelling
- Association/Small Meetings Market
- Route Development & Connectivity
- Digital Audit
- Partner Support with Destination Uplift
- Short-term Rental Legislation
- Wayfinding Signage Fabrication & Installation
- America 250-Ohio



Brand Development

- Naturally Crafted Storytelling
- Naturally Crafted Microsite
- Naturally Crafted Videos for Social Media
- Continuity with Marketing Materials



Happenstance Brewing Project

What sparked the idea for Happenstance?
I've been in the craft beer industry since 2012, working in wholesale, retail, and brewing. Over the years, I received job offers from different breweries but decided not to do it until my business partner, Ice, kept picking my brain about the industry. He would ask things like, "How much would it cost to hire a brewer?" or "What would it take to start a brewery?". After these conversations, I started thinking, why not just do this for myself, with him working with me. We already had a strong working relationship, so I approached him and his wife about creating Happenstance.

What do you love about the brewery and what fuels your passion?
Honestly, I love everything about it—the physicality of brewing, the heat, the smell, even the hard work like cleaning tanks. Brewing is a labor of love, and I missed that when I was focused on operations and just creating recipes. Whenever someone was on vacation, I'd jump at the chance to get back into it, clean a tank, or make kegs. It's those hands-on moments that keep me passionate.

What's the inside scoop or a fun fact about your products?
I love the amount of feedback we get from our founders, club members, customers, and staff. One fun fact is that many of our beer ideas come straight from these conversations. For example, one of my staff members suggested a Rainbow Sherbet Sour, and I thought, "Challenge accepted!" While I could easily stick to traditional styles, I enjoy taking risks and experimenting. If a batch doesn't turn out right, I have no problem dumping it and trying again.
What is your brewing process?
Everything is brewed in-house using a traditional process. I introduce the grain with hot water, boil it, hop, add hops, then transfer it to the fermenters. Depending on the beer, I'll add fresh ingredients like orange peels or coffee. Once it's ready, I keg it, put it on draft, and use our canning line to package it.

Microsite to Showcase Depth of Brand

- Meet the Makers, Crafters, Brewers, and Bakers
- Engaging Imagery
- Celebrating Locally Sourced
- Must Try/What the Locals Love
- Where to Buy



Routing and Tour Development

- Develop Tourism Bicycling Routes
- Offer Varied Themes, Itineraries, Distances, and Levels
- Showcase on Website
- Incorporate Maps and *Ride with GPS*



Wayfinding Signage Update

- Wayfinding Signage Master Plan Complete
- ODOT Review and Modifications Complete
- ODOT Right-of-Way Solutions
- RFP Approach
- Maintenance Strategy
- Municipal Agreements
- Fabrication & Installation RFP
- Agency Selection



Celebrating History, Heritage, and Innovation!

NATURALLY CRAFTED
·SINCE 1820·
IN UNION COUNTY·OHIO



UNION COUNTY
TOURISM

Thank you for your support!

Questions?

Karen Eylon
Union County Tourism
keylon@unioncounty.org
(937) 642-6279

UNION COUNTY TOURISM

ORDINANCE _____

TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE PLANNED UNIT DEVELOPMENT ZONING FOR THE MARYSVILLE NORTH PLANNED UNIT DEVELOPMENT

WHEREAS, on March 4, 2025, the City Planning Commission reviewed an application for a Planned Unit Development (PUD) zoning for the Marysville North PUD, as set forth in Appendix A of Exhibit A, incorporated herein; and

WHEREAS, the Planning Commission recommended approval of the amendment as set forth in Exhibit A; and

WHEREAS, upon receiving this recommendation from the Planning Commission, City Council shall consider Planning Commission's recommendation and hold a public hearing on the aforementioned zoning amendment with publication in a newspaper of general circulation with at least seven (7) days' notice of said hearing; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. City Council agrees with the recommendation from Planning Commission and hereby approves the application of a Planned Unit Development (PUD) zoning for the Marysville North PUD as set forth in Appendix A of Exhibit A.

SECTION II. The Clerk of Council shall cause the Planning and Zoning Code of the Codified Ordinances to be amended accordingly.

1st Reading: March 24, 2025

2nd Reading: April 14, 2025

3rd Reading: _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

RESOLUTION _____

TO APPROVE A PLANNED UNIT DEVELOPMENT ZONING FOR THE MARYSVILLE NORTH PLANNED UNIT DEVELOPMENT

WHEREAS, on March 4, 2025, the City Planning Commission has reviewed an application for the Planned Unit Development (PUD) zoning for Marysville North PUD as set forth in Appendix A, incorporated herein; and

WHEREAS, The City Planning Commission recommended APPROVAL for the PUD, which is set forth in Appendix A, attached and incorporated herein; and

WHEREAS, a recommendation from the City Planning Commission is to be transmitted to City Council pursuant to Section 1141.34 of the Planning and Zoning Code, now therefore;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Planning Commission recommends to City Council that the requested Planned Unit Development zoning of Marysville North be **APPROVED** in accordance with this Resolution.

Passed 03-04-2025

Chairman of Planning Commission

ATTEST:

Planning and Development Manager, Ashley Gaver

Appendix A

Marysville North

Marysville, Ohio



PUD Development Plan Submittal
Revised March 13, 2025

Rockford Development Investments (RDI)
Contact: Bart A. Barok, Partner
999 Polaris Parkway, Suite 200
Columbus, Ohio 43240
614-286-2055

Appendix A

MARYSVILLE NORTH

PUD SUBMITTAL MATERIALS PUD DEVELOPMENT PLAN

Development Plan Document Index

1. PUD Development Plan Application
2. Regional Vicinity (Context) Map
3. Survey and Legal Description
4. Existing Conditions Map – Buildings, Structures, & Tree Clearing
5. 100 Year Flood Zone Map
6. Development Plan – Exhibit A
    a. Subarea B & F Enlargement – Exhibit B1
    b. Subareas A, C, D, E, & F Enlargement – Exhibit B2
7. Development Text
    a. Rezoning Statement
    b. General Development Standards
    c. Preliminary Description of Each Subarea
        i. List of Permitted Uses
        ii. Lot Sizes, Setbacks, Height, Open Space, and Coverage
        iii. Density
        iv. Access, Parking, Loading, and Pedestrian Connectivity
        v. Landscaping
        vi. Architectural, Site, and Lighting
        vii. Signage
        viii. Project Phasing
    d. Additional Information Requested
        i. Specific objectives section 1135.01
        ii. Public services
        iii. Comprehensive plan conformity
8. Roadway and Fence Profile
9. Color Pallets
10. Open Space – Exhibit C
11. Trails and Sidewalks – Exhibit D1and D2
12. Lot Standards – Exhibit E
13. Architectural Character – Exhibit F1 and F2
14. Character Images of Common Areas, Ponds, and Clubhouse – Exhibit G1 and G2
15. Street Light Exhibit H

Appendix A

Received (stamp):

209 S. Main Street • Marysville, Ohio 43040
Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) - DEVELOPMENT PLAN

***** IMPORTANT INFORMATION - Please read before completing the application *****

- **Required – Submission of a complete application, including all of the items listed in the application checklist.**
- **Digital Only Submittals Preferred**
- **Applications and applicable fees shall be submitted by no later than 5:00 p.m. on the application deadline date.**
- **Submitted applications and all checklist items shall be reviewed by City staff for completeness. Submittals found to be incomplete will be rejected and the application will not be placed on the Commission agenda. If an application is found to be incomplete, the applicant may submit the missing materials by the application deadline date to complete the application.**
- **No late submittals or additional information will be accepted after the application deadline.**
- **Any construction and/or occupancy of the site for which the PUD Development Plan is being requested for shall not commence until all appropriate approved permits are obtained by the City and the County Building Department.**

Project Site Information *(Please print clearly)*

Address of land to be rezoned: Multiple parcels located between Rt 31 & Rt 4, south of Amrine Wood Road & north of Cooks Pointe - See ownership list

Present Zoning District: Paris Township Res/Ag Present Use of the Land: Agricultural / Undeveloped / SF

Proposed Zoning District: PUD Marysville North Proposed Use of the Land: Mixed Use Residential/Retail

Owner of Property: See Landowner Page

Owner's Address (Street): See Landowner Page

City, State and Zip Code: See Landowner Page

Owner's Telephone Number: See Landowner Page

Applicant Information *(Please print clearly)*

Applicant: Bart A. Barok ☐ Owner ☐ Agent ☒ Representative ☐ Other

Company: Rockford Development Investements (RDI)

Address (Street): 999 Polaris Parkway, Suite 200

City, State and Zip Code: Columbus, Ohio 43240

Telephone Number: 614-286-2055

E-mail Address: bbarok@Rockfordhomes.net

Appendix A

I hereby attest to the truth and exactness of all of the information supplied on and with this application.

Signature of Applicant: _____ Date: 12/16/2024

Signature of Owner: see Attached Date: _____

FOR CITY USE ONLY

Paid (stamp):

Fees Due: $500 $ _____

The application has been reviewed and is found to be complete.

Jeff Beard 2/20/25

City Staff Date

DECISION OF THE PLANNING COMMISSION

☐ Approved

☐ Disapproved

☑ Approved with conditions

Please see the Decision Letter for Conditions

Michael Nickoson 03/14/2025

Chairperson, Planning Commission Date

Appendix A

209 S. Main Street • Marysville, Ohio 43040
Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) - DEVELOPMENT PLAN

Property Owners / Signature Page

Owner of Property: Daniel J. Fitzgerald Trustee
Owner Address: 18180 St. Rt 31, Marysville, Ohio 43040
Owner's Telephone #: Private

Signature of Owner: Daniel Fitzgerald Date: 11/11/24

Owner of Property: Daniel J. & Rebecca S. Fitzgerald
Owner Address: 18168 St. Rt 31, Marysville, Ohio 43040
Owner's Telephone #: Private

Signature of Owner: Daniel Fitzgerald Date: 11/11/24

Owner of Property: Hailey's Holdings LLC
Owner Address: 18210, 18218, 18242 St. Rt 31, Marysville, Ohio 43040
Owner's Telephone #: Private

Signature of Owner: Joshua Reina Date: 11/12/24

Owner of Property: Ryan Lee & Gregory Lee Successor Trustees
Owner Address: 18599 St. Rt. 4, Marysville, Ohio 43040
Owner's Telephone #: Private

Signature of Owner: Ryan Lee Date: 11/11/24

Appendix A

209 S. Main Street • Marysville, Ohio 43040
Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) - DEVELOPMENT PLAN

Property Owners / Signature Page

Owner of Property: Lite Partners
Owner Address: 18105 St. Rt. 4, Marysville, Ohio 43040
Owner's Telephone #: Private

Signature of Owner: _____ Date: 11-11-24

Appendix A

Applicant Checklist Required Documents

Digital Submittal Required: All applications require a digital (.pdf) submittal (applications, plans, renderings, text, etc.) to be considered a complete application.

	For Applicant	*For Staff Use Only*	
City Staff Meeting		**Yes**	**No**
Pre-application meeting with City Staff to discuss and review application submission materials.		✓	

Existing Conditions Map		**Yes**	**No**
A vicinity map with a north arrow		✓	
Location by Virginia Military Survey (VMS)		✓	
Map outlining the following *Existing* conditions:			
Streets and right-of-ways		✓	
Easements, railroad right-of-ways and service facilities		✓	
Buildings or structures to be removed or demolished		✓	
Existing natural and manmade features such as soil types, topography, including the location of the 100-year flood plain, wetlands, rivers, streams, ponds, lakes, and other water sources, and indicate if they will remain or will be removed		✓	
Location of all vegetation, wooded areas, tree lines, hedge rows, natural areas and other features, and indicate if they will remain or will be removed		✓	

Proposed Development Plan		**Yes**	**No**
The proposed name of the PUD, which shall not duplicate or closely approximate the name of any other PUD or subdivision in the City or County		✓	
Map outlining the following *Proposed* conditions:			
Boundaries of the PUD/subdivision and its acreage		✓	
Proposed streets and rights-of-way and connections to existing public infrastructure		✓	
Proposed location and size of each subarea and their intended general uses		✓	
General location of proposed bike paths and other trail systems and connections to existing public infrastructure		✓	
The location of any vegetation (existing to remain or proposed) including street trees, tree lines, hedge rows, tree groupings or other vegetative areas		✓	

Appendix A

	For Applicant	For Staff Use Only	

Development Text Requirements

		Yes	No
A complete description of the zoning requirements for the PUD and each sub-area within the PUD, which at a minimum shall include:			
List of permitted and conditional uses		✓	
Minimum lot size		✓	
Minimum lot width		✓	
Maximum percentage of lot to be occupied		✓	
Minimum floor area		✓	
Minimum yard dimensions including front, rear, and side setbacks (for principal buildings, accessory buildings and off-street parking)		✓	
Maximum height of principal buildings		✓	
Maximum height of accessory buildings		✓	
Maximum off-street parking and loading space requirements		✓	

Lighting Plan

		Yes	No
Including but not limited to, light pole heights, pedestrian lighting, minimum foot-candles and maximum foot-candles		✓	

Landscaping and Screening/Buffering Plan

		Yes	No
Including but not limited to the type, number and location of all proposed and existing landscaping		✓	

Architectural Design Standards

		Yes	No
Indication as to the type of architectural style proposed for the development and the type and amount of materials to be used		✓	

Appendix A

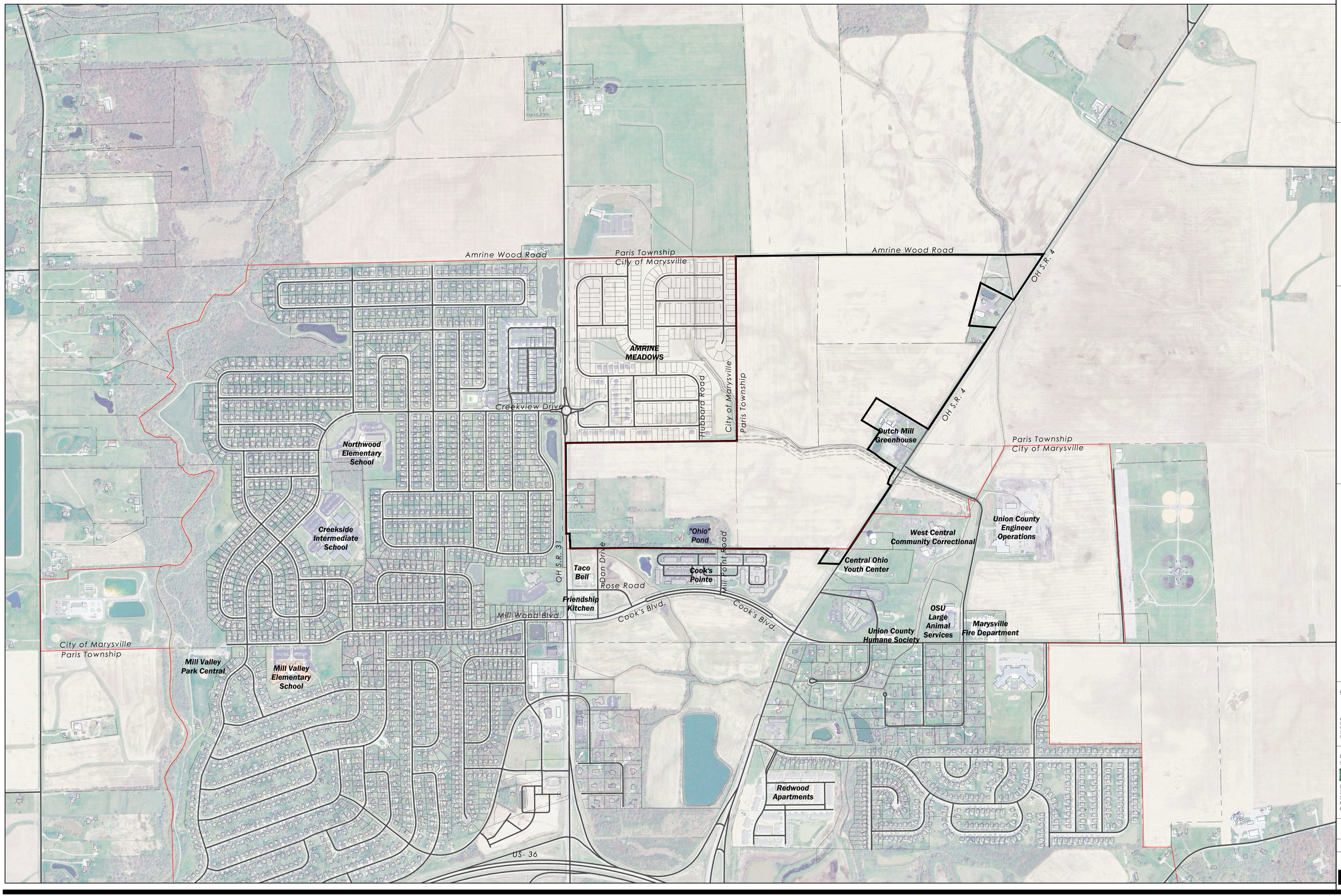
For Applicant	For Staff Use Only	

Sign Plan

All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color and illumination. Information on the Sign Plan shall include:		Yes	No
A sign plan for the entire PUD setting forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of the illumination.		✓	
Signs should contribute to the overall cohesive design, reflect simplicity, and avoid visual clutter.		✓	
The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the building and the PUD.		✓	
Ground mounted signs should be designed to relate to and share common design with the building.		✓	
All materials and colors of the sign, sign background, and sign frame should be compatible with the building's materials and colors.		✓	

Additional Application Information

Written presentation by the developer setting forth the following:		Yes	No
How the development meets the proposed and specific objectives set forth in *Section 1135.01* of the Planning and Zoning Code		✓	
How the proposed development impacts public service and facilities, including but not limited to, schools, water, sewer and traffic		✓	
How the proposed development conforms to the City's Comprehensive Plan		✓	



EDGE
www.edgela.com

ROCKFORD DEVELOPMENT INVESTMENTS

Marysville, OH
MARYSVILLE NORTH PLANNING

VICINITY MAP

OWNER:
ROCKFORD DEVELOPMENT INVESTMENTS
Rockford Development Investments
999 Polaris Parkway, Suite 200
Columbus, OH 43240
(m) 614-286-2055

LANDSCAPE ARCHITECT:
EDGE
The EDGE Group, Inc.
330 W Spring Street
Suite 350
Columbus, OH 43215
614-486-3343

Issue Date: Nov 12, 2024

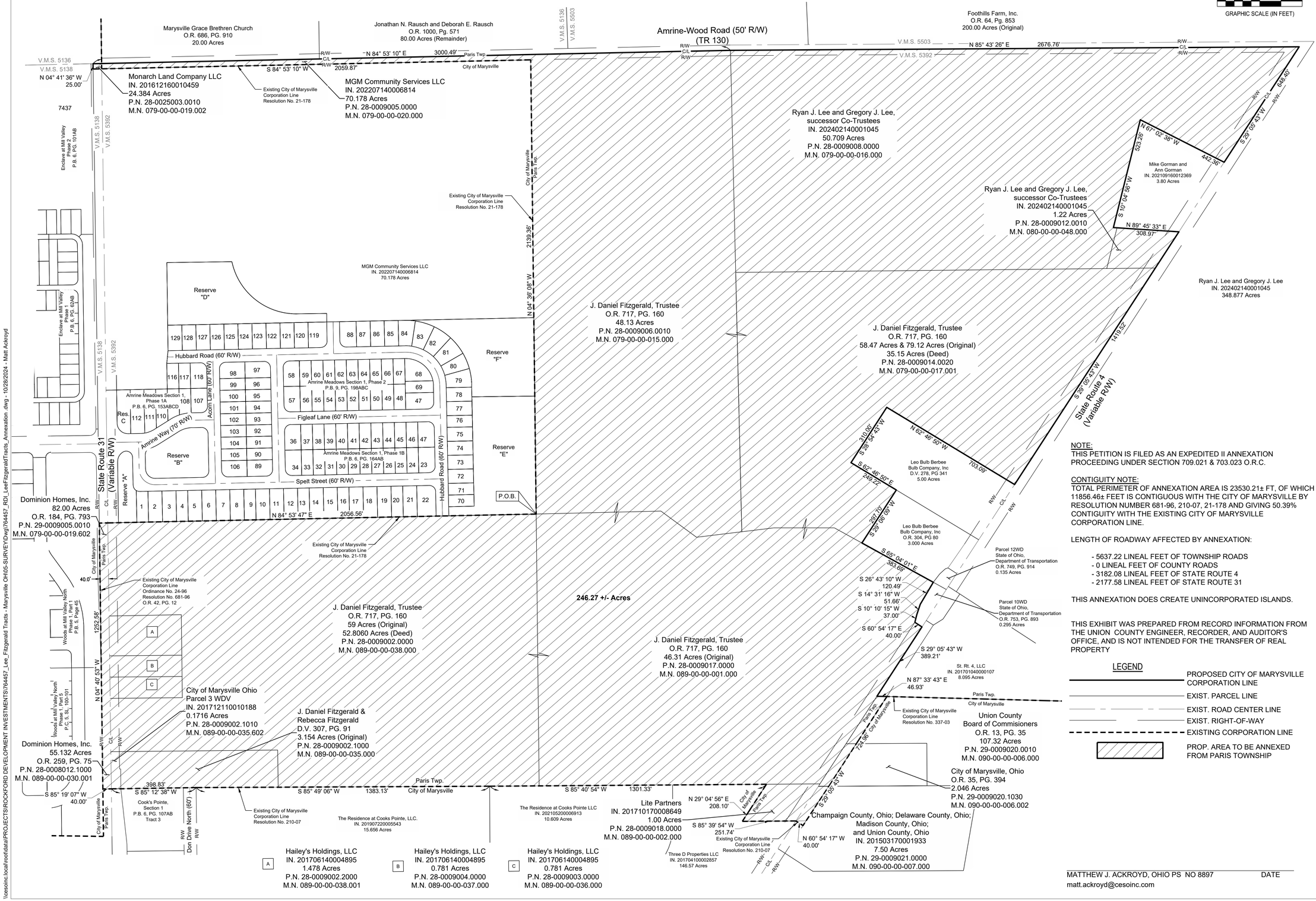
Job #00000

SHEET
Ex. A

Appendix A

MAP OF TERRITORY TO BE ANNEXED
FROM: TOWNSHIP OF PARIS
TO: CITY OF MARYSVILLE

SITUATED IN THE STATE OF OHIO, COUNTY OF UNION, TOWNSHIP OF PARIS,
VIRGINIA MILITARY SURVEY NO. 5136, 5138, & 5392



NOTE:
THIS PETITION IS FILED AS AN EXPEDITED II ANNEXATION PROCEEDING UNDER SECTION 709.021 & 703.023 O.R.C.

CONTIGUITY NOTE:
TOTAL PERIMETER OF ANNEXATION AREA IS 23530.21± FT, OF WHICH 11856.46± FEET IS CONTIGUOUS WITH THE CITY OF MARYSVILLE BY RESOLUTION NUMBER 681-96, 210-07, 21-178 AND GIVING 50.39% CONTIGUITY WITH THE EXISTING CITY OF MARYSVILLE CORPORATION LINE.

LENGTH OF ROADWAY AFFECTED BY ANNEXATION:

- 5637.22 LINEAL FEET OF TOWNSHIP ROADS
- 0 LINEAL FEET OF COUNTY ROADS
- 3182.08 LINEAL FEET OF STATE ROUTE 4
- 2177.58 LINEAL FEET OF STATE ROUTE 31

THIS ANNEXATION DOES CREATE UNINCORPORATED ISLANDS.

THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE UNION COUNTY ENGINEER, RECORDER, AND AUDITOR'S OFFICE, AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY

LEGEND

- PROPOSED CITY OF MARYSVILLE CORPORATION LINE
- EXIST. PARCEL LINE
- EXIST. ROAD CENTER LINE
- EXIST. RIGHT-OF-WAY
- EXISTING CORPORATION LINE
- PROP. AREA TO BE ANNEXED FROM PARIS TOWNSHIP

MATTHEW J. ACKROYD, OHIO PS NO 8897 DATE
matt.ackroyd@cesoinc.com

CESO
WWW.CESOINC.COM
2800 Corporate Exchange Dr., Suite 400
Columbus, OH 43231
Phone: 614.794.7080 Fax: 888.208.4826

Annexation
State of Ohio, County of Union, Township of Paris,
Virginia Military Survey No. 5136, 5138, & 5392

Revisions / Submissions

ID	Description	Date

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Project Number:	764457
Scale:	1"=200'
Drawn By:	OPG
Checked By:	MJA
Date:	10/28/2024
Issue:	N/A

Drawing Title:

\\cesoinc.local\root\data\PROJECTS\ROCKFORD DEVELOPMENT INVESTMENTS\764457_Lee_Fitzgerald Tracts - Marysville OH\05-SURVEY\Dwg\764457_RDI_LeeFitzgeraldTracts_Annexation .dwg - 10/28/2024 - Matt Ackroyd

LEGAL DESCRIPTION

Description of 246.27 ACRES +/- TO BE ANNEXED FROM PARIS TOWNSHIP TO CITY OF MARYSVILLE

Situated in the State of Ohio, County of Union, Township of Paris, Virginia Military Survey Numbers 5136, 5138, 5392 and being all of that 48.13 acre tract, 35.15 acre tract, 46.31 acre tract and that 52.8060 acre tract, as conveyed to J. Daniel Fitzgerald, Trustee, of record in Official Record 717, Page 160, being all of that 50.709 acre tract and that 1.22 acre tract of land as conveyed to Ryan J. Lee and Gregory J. Lee, successor Co-Trustees, of record in Instrument Number 202402140001045, being all of a 0.1716 acre tract of land as conveyed to City of Marysville Ohio, of record in Instrument Number 201712110010188, being all of that 3.154 acre tract of land as conveyed to J. Daniel Fitzgerald and Rebecca Fitzgerald, of record in Deed Volume 307, Page 91, being all of the 0.781, 0.781 and 1.478 acre tracts of land as conveyed to Hailey's Holdings, LLC, of record in Instrument Number 201706140004895, being all of the 1.00 acre tract of land as conveyed to Lite Partners, of record in Instrument Number 201710170008649, being part of a 70.178 acre tract of land as conveyed to MGM Community Services LLC, of record in Instrument Number 202207140006814, being part of a 24.384 acre tract of land as conveyed to Monarch Land Company LLC, of record in Instrument Number 201612160010459, being part of a 82.00 acre tract of land as conveyed to Dominion Homes, Inc., of record in Official Record 184, Page 793, being part of a 55.132 acre tract of land as conveyed to Dominion Homes, Inc., of record in Official Record 259, Page 75, being part of a 7.50 acre tract of land as conveyed to Champaign County, Ohio; Delaware County, Ohio; Madison County, Ohio; and Union County, Ohio, of record in Instrument Number 201503170001933, being part of a 2.046 acre tract of land as conveyed to City of Marysville, Ohio, of record in Official Record 35, Page 394, being part of a 107.32 acre tract of land as conveyed to Union County Board of Commissioners, of record in Official Record 13, Page 35, all deed reference refer to the records of the Recorder's Office Union County, Ohio, and described as follows:

BEGINNING at the southeasterly corner of Reserve "E" of a plat entitled "Amrine Meadows Section 1, Phase 1B", of record in Plat Book 6, Page 164AB, and being a southeasterly corner of the existing City of Marysville corporation line, of record in Resolution Number 21-178;

Thence North 4°36'08" West, with the easterly line of said "Amrine Meadows Section 1, Phase 1B", with the easterly line of a plat entitled "Amrine Meadows Section 1, Phase 2", of record in Plat Book 9, Page 198ABC, with the easterly line of a 70.178 acre tract of land as conveyed to MGM Community Services LLC, and with said existing City of Marysville corporation line, a distance of 2139.36 feet to a point in the southerly right of way line of Amrine-Wood Road (TR-130)(50 foot public right-of-way) and the southerly line of said 70.178 acre tract;

Thence South 84°53'10" West, with the southerly right of way line of said Amrine-Wood Road and aforesaid existing City of Marysville corporation line, and through said 70.178 acre tract, through said 24.384 acre tract, and being the existing City of Marysville corporation line, of record in Resolution Number 21-178, a distance of 2059.87 feet to a point in the westerly right of way line of State Route 31 (Variable width right-of-way) and the easterly line of Lot 7437 of a plat entitled "Enclave at Mill Valley, Phase 2", of record in Plat Book 6, Page 101AB;

Thence North 4°41'36" West, with said westerly right of way line, a distance of 25.00 feet to northeasterly corner of said Lot 7437;

Thence North 84°53'10" East, with the northerly line of said Lot 7437, with the centerline of Amrine Woods Blvd, and with the southerly line of a 80.00 acre (remainder) tract of land as conveyed to Jonathan N. Rausch and Deborah E. Rausch, of record in Official Record 1000, Page 571, a distance of 3000.49 feet to the northeasterly corner of said 48.13 acre tract and an angle point in said centerline;

Thence North 85°43'26" East, continuing with said centerline and being the northerly line of said 50.709 acre tract, a distance of 2676.76 feet to a point in the centerline intersection of State Route 4 and Amrine-Wood Road and the westerly line of a 348.877 acre tract of land as conveyed to Ryan J. Lee and Gregory J. Lee, of record in Instrument Number 202402140001045;

Thence South 29°05'43" West, continuing with the centerline of State Route 4 and said westerly line, a distance of 648.40 feet to the northeasterly corner of a 3.80 acre tract of land as conveyed to Mike Gorman and Ann Gorman, of record in Instrument Number 202109160012369;

Thence with the perimeter of said 3.80 acre tract the following courses:

North 67°02'38" West, a distance of 442.36 feet to a corner thereof;

South 10°04'56" West, a distance of 523.26 feet to a corner thereof;

North 89°45'33" East, a distance of 308.97 feet to a corner thereof in the centerline of said State Route 4;

Thence South 29°05'43" West, with said centerline, a distance of 1419.52 feet to the southeasterly corner of a 5.00 acre tract of land as conveyed to Leo Bulb Berbee Bulb Company, Inc., of record in Deed Volume 278, Page 341;

Thence with the perimeter of said 5.00 acre tract the following courses:

North 62°46'50" West, a distance of 703.09 feet to a corner thereof;

South 28°54'43" West, a distance of 310.00 feet to a corner thereof;

South 62°46'50" East, a distance of 249.22 feet to the northerly corner of a 3.000 acre tract of land as conveyed to Leo Bulb Berbee Bulb Company, Inc., of record in Official Record 304, Page 80;

Thence with the perimeter of said 3.00 acre tract the following courses:

South 29°06'09" West, a distance of 297.70 feet to a corner thereof;

South 65°04'01" East, a distance of 383.69 feet to a northerly corner of a 0.295 acre tract of land as conveyed to State of Ohio, Department of Transportation, of record in Official Record 753, Page 893;

Thence with the perimeter of said 0.295 acre tract the following courses:

South 26°43'10" West, a distance of 120.49 feet to a corner thereof;

South 14°31'16" West, a distance of 51.66 feet to a corner thereof;

South 10°10'15" West, a distance of 37.00 feet to a corner thereof;

South 60°54'17" East, a distance of 40.00 feet to a corner thereof and in the centerline of said State Route 4 and being a point in the westerly line of a 8.095 acre tract of land as conveyed to St. Rt. 4, LLC, of record in Instrument Number 201701040000107;

Thence South 29°05'43" West, with said centerline and said westerly line, a distance of 389.21 feet to the southwesterly corner of said 8.095 acre tract and being the northwesterly corner of a said 107.32 acre tract of land;

Thence North 87°33'43" East, with the northerly line of said 107.32 acre tract of land, a distance of 46.93 feet to a point in the easterly right of way line of State Route 4;

Thence South 29°05'43" West, with the easterly right of way line and with the existing City of Marysville corporation line, of record in Resolution Number 337-03, through said 107.32 acre tract of land, through said 2.046 acre tract of land, through said 7.50 acre tract of land, a distance of 724.96 feet to a point being a corner of said existing corporation line;

Thence North 60°54'17" West, with the existing City of Marysville corporation line, of record in Resolution Number 210-07, 40.00 feet to a point in the centerline of said State Route 4 and being the southeasterly corner of said 1.00 acre tract;

Thence with the perimeter said 1.00 acre tract and continuing with said existing City of Marysville corporation line the following courses:

South 85°39'54" West, a distance of 251.74 feet to a corner thereof;

North 29°04'56" East, a distance of 208.10 feet to a corner thereof and being the northeasterly corner of 146.57 acre tract of land as conveyed to Three D Properties LLC, of record in Instrument Number 201704100002857;

Thence South 85°40'54" West, with the northerly line of said 146.57 acre tract, with the northerly line of a 10.609 acre tract of land as conveyed to The Residence at Cooks Pointe LLC, of record in Instrument Number 202105200006913 and continuing with said existing City of Marysville corporation line, a distance of 1301.33 feet to the northeasterly corner of a 15.656 acre tract of land as conveyed to The Residence at Cooks Pointe, LLC., of record in Instrument Number 201907220005543;

Thence South 85°49'06" West, continuing with said existing City of Marysville corporation line and with the northerly line of said 15.656 acre tract, a distance of 1383.13 feet to the northeasterly corner of a plat entitled “Cooks’s Pointe, Section 1”, of record in Plat Book 6, Page 107AB;

Thence South 85°12'38" West, continuing with said existing City of Marysville corporation line and with the northerly line of said “Cooks Pointe Section 1”, a distance of 398.83 feet to a point in the centerline of State Route 31, being the southwesterly corner of said 0.1716 acre tract;

Thence South 85°19'07" West, continuing with said existing City of Marysville corporation line and with the northerly line of said “Cooks Pointe Section 1”, and through the right of way of State Route 31, a distance of 40.00 feet to a point in the easterly line of a plat entitled “Woods at Mill Valley North Phase 1, Part 5, of record in Plat Cabinet 5, Slide 100-101, and being in the westerly right of way line of State Route 31;

Thence North 4°40'53" West, with the existing City of Marysville corporation line, of record in Resolution Number 681-96, Ordinance Number 24-96, Official Record 42, Page 12 and said westerly right of way line, and through said 55.132 acre tract and said 82.00 acre tract, a distance of 1252.58 feet to a point;

Thence North 84°53'47" East with said existing corporation line (Resolution No. 21-178), through the right of way of said State Route 31 and in part with the southerly line of Amrine Meadows Section 1, Phase 1A of record in Plat Book 6, Page 153ABCD, and in part with the southerly line of said Amrine Meadows Section 1, Phase 1B, a distance of 2056.56 feet to the **POINT OF BEGINNING** and containing 246.27 acres of land, more or less.

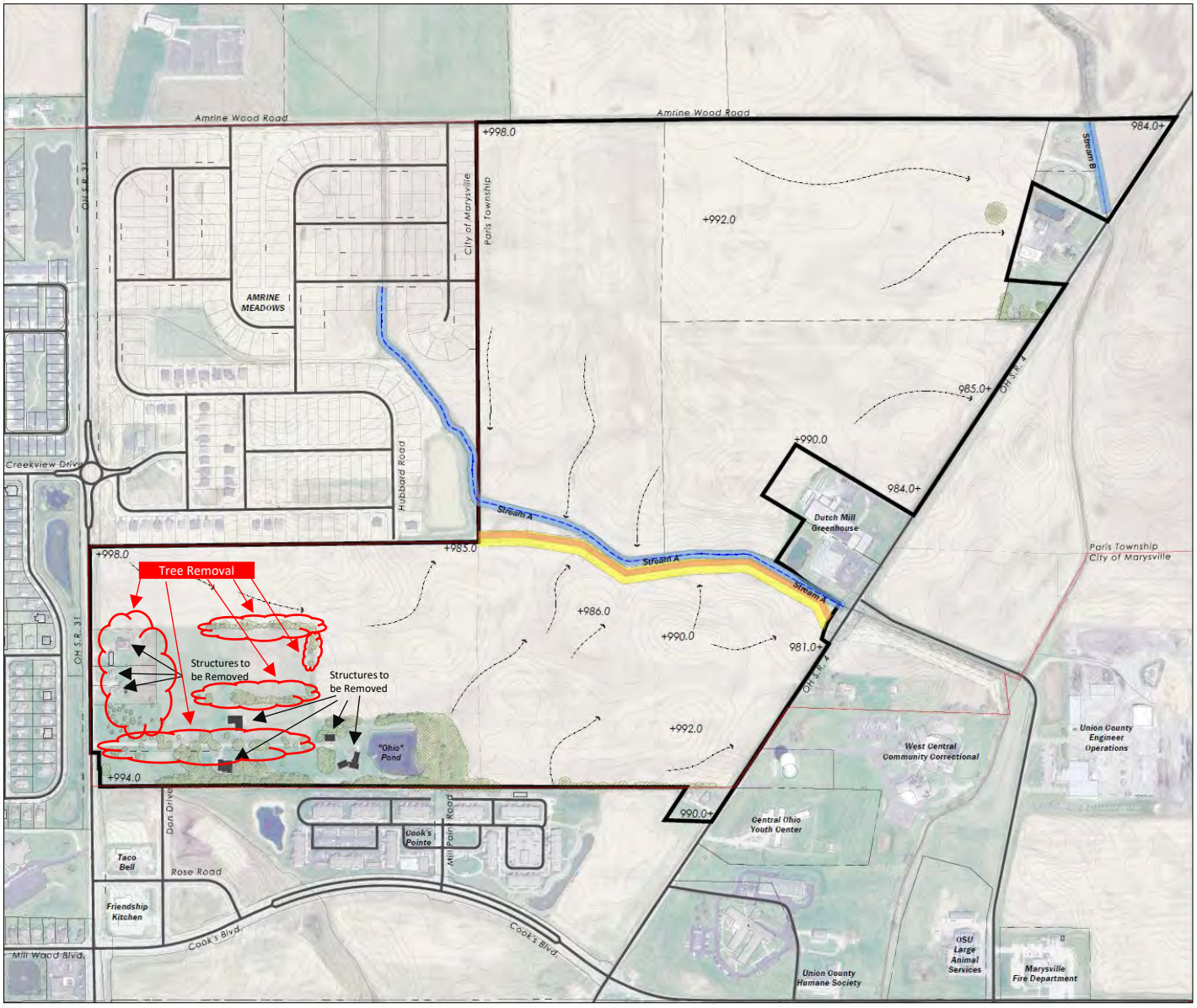
This annexation description of the location of the property to be annexed and is not a boundary survey as defined in O.A.C. Chapter 4733.37. The above annexation contains a distance of 11846.46 feet contiguous with the existing City of Marysville Corporation line and a total perimeter of 23530.21 feet to be annexed. 50.39% of the perimeter length is contiguous to the City of Marysville Corporation line.

CESO, Inc.

_____

Matthew J. Ackroyd, PS Date:
Registered Surveyor No. 8897

Appendix A



Existing Conditions Map

PLANNING INFORMATION

Included Parcels:

Union County ID	Ac.	Owner
2800090020000	52.80	Fitzgerald, Daniel Trustee
2800090022000	1.47	Hailey's Holdings LLC
2800090040000	0.71	Hailey's Holdings LLC
2800090030000	0.71	Hailey's Holdings LLC
2800090021000	2.98	Fitzgerald, Daniel and Rebecca
2800090170000	46.01	Fitzgerald, Daniel Trustee
2800090060010	48.13	Fitzgerald, Daniel Trustee
2800090080000	53.78	Lee Ryan and Gregory Lee Successor Trustees
2800090120010	1.22	Lee Ryan and Gregory Lee Successor Trustees
2800090140020	35.15	Fitzgerald, Daniel Trustee

PARCEL TOTAL 242.96 Ac.

Planning Documents: City of Marysville
FEMA.gov
Union County Auditor GIS
National Wetlands Inventory

Flood Hazard Area: Zone X - minimal hazard

- Existing Trees
- 50' Stream Easement
- 80' Conservation Easement
- 30' Sewer Easement

0' 150' 300' 600' NORTH

EDGE
www.edgeltd.com

ROCKFORD DEVELOPMENT INVESTMENTS

Marysville, OH
MARYSVILLE NORTH PLANNING

EXISTING CONDITIONS

OWNER:
ROCKFORD DEVELOPMENT INVESTMENTS

LANDSCAPE ARCHITECT:
EDGE
The EDGE Group, Inc.
330 W. Spring Street
Suite 350
Columbus, OH 43215
614-486-3343

Issue Date: Nov 12, 2024
Job #00000
SHEET
Ex. B

Appendix A



MARYSVILLE NORTH
100 YEAR FLOOD ZONE
MARYSVILLE, OHIO 12-17-2024

0 750 2,250 N

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

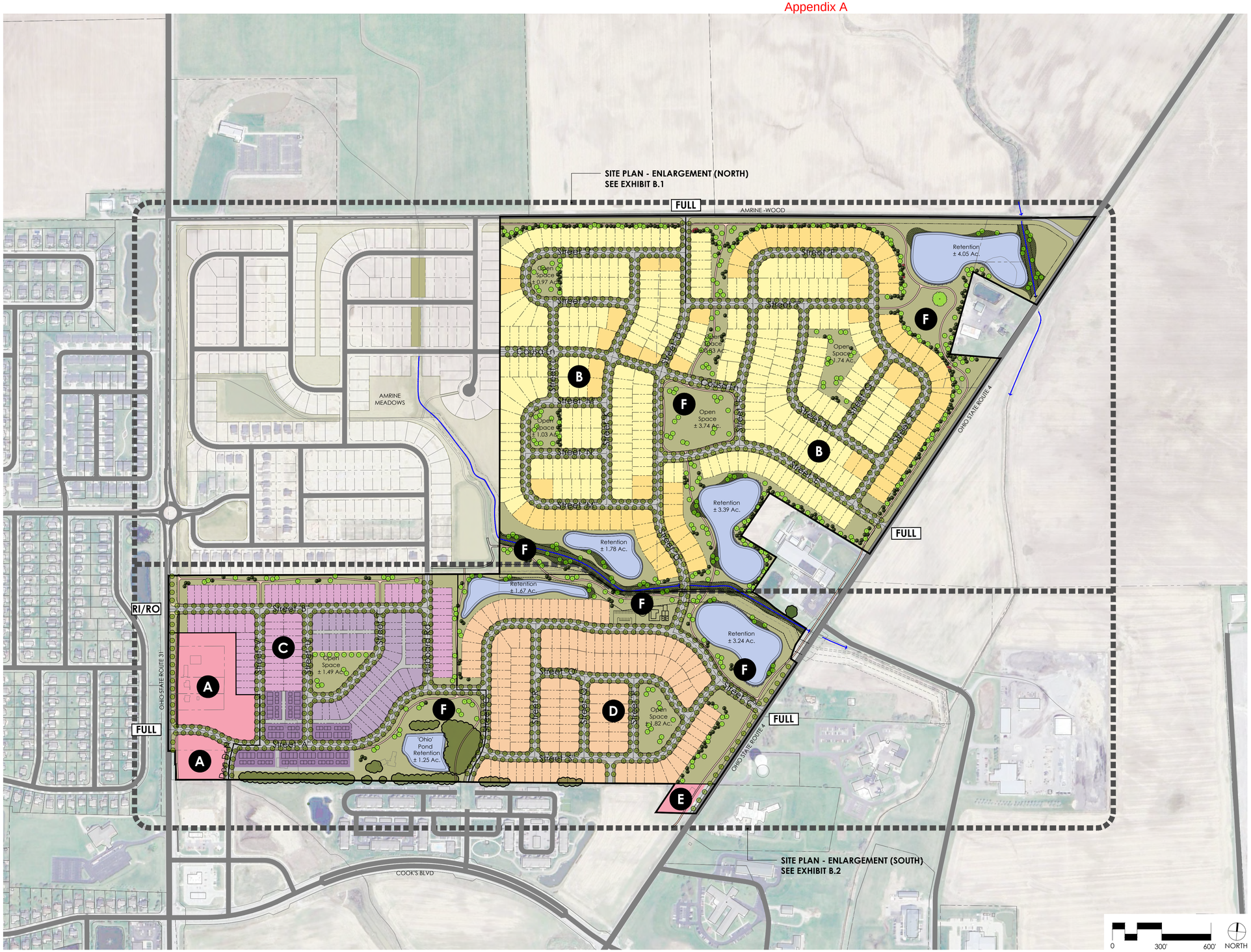


Exhibit A.1: Site Plan

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
Net Developable Area:	+/-234.25 Ac.	
Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
TH		*50 Units*
SF-40'		*138 Units*
SF-52'		*143 Units*
SF-55'		*273 Units*
SF-67'		*86 Units*
Open Space:	+/-69.77 Ac. (30.0% Net)	
Community Facility:	*+/-0.85 Ac.*	
Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

LAND USE KEY

A **COMMERCIAL**
+/-7.46 Ac.

B **RESIDENTIAL** - Detached Single-Family (55' & 67')
+/-97.46 Ac. (Includes Parks and Open Space)

55' Lots	273
67' Lots	86
Total Units	359

C **MIXED-RESIDENTIAL** - Attached and Detached SF (40')
+/-31.19 Ac. (Includes Parks and Open Space)

Townhomes - Rear Loaded	50
Single Family- Front Loaded	84
Single Family- Rear Loaded	54
Total Units	188

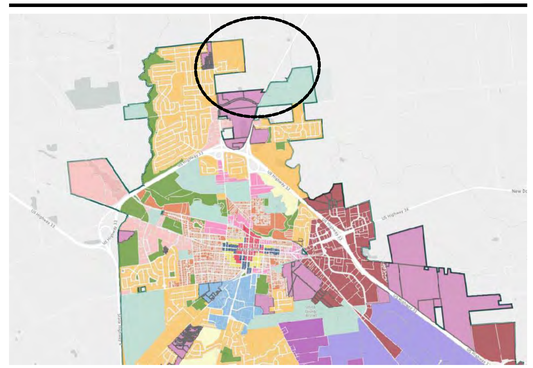
D **RESIDENTIAL** - Detached Single-Family (52')
+/-34.43 Ac. (Includes Parks and Open Space)

52' Lots	143
Total Units	143

E **COMMERCIAL**
+/-0.75 Ac.
Neighborhood Commercial District Uses

F **PUBLIC COMMON AREA**
+/-69.77 Ac.

LOCATION MAP



Marysville North

Development Plan

Marysville, OH / March 5, 2025

ROCKFORD DEVELOPMENT INVESTMENTS

EDGE
www.edgela.com

Ex. A.2 - Illustrative Master Plan

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
Net Developable Area:	+/-234.25 Ac.	
Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
TH		*50 Units*
SF-40'		*138 Units*
SF-52'		*143 Units*
SF-55'		*274 Units*
SF-67'		*85 Units*
Open Space:	+/-69.77 Ac. (30.0% Net)	
Community Facility:	*+/-0.85 Ac.*	
Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

LAND USE KEY

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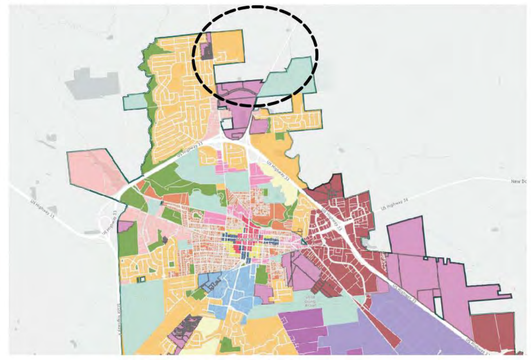
D **RESIDENTIAL** - Detached Single-Family (52')
+/-34.43 Ac. (Includes Parks and Open Space)

52' Lots	143
Total Units	143

E **COMMERCIAL**
+/-0.75 Ac.
Neighborhood Commercial District Uses

F **PUBLIC COMMON AREA**
+/-62.53

LOCATION MAP



Marysville North

Development Plan

Marysville, OH / March 5, 2025

ROCKFORD DEVELOPMENT INVESTMENTS

EDGE
www.edgela.com



MATCH LINE - SEE EXHIBIT B.2

0 150' 300' NORTH

Exhibit B.1: Site Plan - Enlargement (North)

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
Net Developable Area:	+/-234.25 Ac.	
Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
TH		*50 Units*
SF-40'		*138 Units*
SF-52'		*143 Units*
SF-55'		*273 Units*
SF-67'		*86 Units*
Open Space:	+/-69.77 Ac. (30.0% Net)	
Community Facility:	*+/-0.85 Ac.*	
Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

LAND USE KEY

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+/-97.46 Ac. (Includes Parks and Open Space)

55' Lots	273
67' Lots	86
Total Units	359

F **PUBLIC COMMON AREA**
+/-69.77 Ac.

Marysville North

Development Plan

Marysville, OH / March 5, 2025

ROCKFORD
DEVELOPMENT
INVESTMENTS

EDGE
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Exhibit B.2: Site Plan - Enlargement (South)

SAMPLE TREE PLANT LIST

COMMON NAME	BOTANICAL NAME	SIZE	ROOT
SHADE TREES			
CHINKAPIN OAK	Quercus muehlenbergii	2" Cal.	B&B
DAWN REDWOOD	Metasequoia glyptostroboides	2" Cal.	B&B
EMERALD CITY TULIP TREE	Liriodendron tulipfera 'JFS-Oz'	2" Cal.	B&B
FRONTIER ELM	Ulmus 'Frontier'	2" Cal.	B&B
GREEN VASE ZELKOVA	Zelkova serrata 'Green Vase'	2" Cal.	B&B
EXCLAMATION LONDON PLANETREE	Platanus acerifolia 'Morton Circle'	2" Cal.	B&B
OCTOBER GLORY MAPLE	Acer rubrum 'PNI 0268'	2" Cal.	B&B
RED OAK	Quercus rubra	2" Cal.	B&B
SKYLINE HONEYLOCUST	Gleditsia triacanthos var. inermis 'Skyline'	2" Cal.	B&B
SUGAR MAPLE	Acer saccharum	2" Cal.	B&B
ORNAMENTAL TREES			
AUTUMN BRILLIANCE SERVICEBERRY	Amelanchier x grandiflora 'Autumn Brilliance'	2" Cal.	B&B
EASTERN REDBUD	Cercis canadensis	2" Cal.	B&B
IVORY SILK JAPANESE TREE LILAC	Syringa reticulata 'Ivory Silk'	2" Cal.	B&B
PRAIRIFIRE FLOWERING CRABAPPLE	Malus 'Prairifire'	2" Cal.	B&B
SWEETBAY MAGNOLIA	Magnolia virginiana	2" Cal.	B&B
EVERGREEN TREES			
NORWAY SPRUCE	Picea abies	6' Hgt.	B&B
WHITE FIR	Abies concolor	6' Hgt.	B&B
WHITE SPRUCE	Picea glauca	6' Hgt.	B&B

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
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Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
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Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

LAND USE KEY

A **COMMERCIAL**
+/-7.46 Ac.

C **MIXED-RESIDENTIAL** - Attached and Detached SF (40')
+/-31.19 Ac. (Includes Parks and Open Space)

Townhomes - Rear Loaded	50
Single Family- Front Loaded	84
Single Family- Rear Loaded	54
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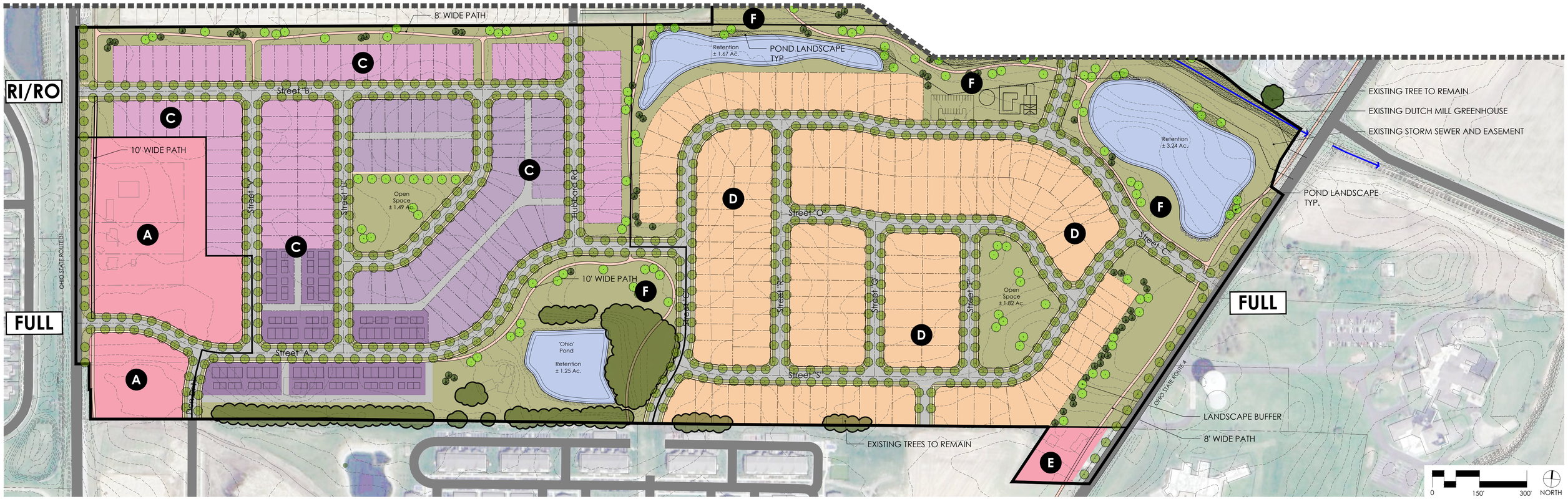
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52' Lots	143
Total Units	143

E **COMMERCIAL**
+/-0.75 Ac.
Neighborhood Commercial District Uses

F **PUBLIC COMMON AREA**
+/-69.77 Ac.

MATCH LINE - SEE EXHIBIT B.1



Marysville North

Development Plan

Marysville, OH / March 5, 2025

ROCKFORD
DEVELOPMENT
INVESTMENTS

EDGE
www.edgela.com

REZONING STATEMENT

Marysville North is a mixed-use master planned community that is generally bound by St Rt 31 and St Rt 4 from the east to west and by Amrine Wood Road and Cooks Pointe to the north and south. This ground is currently within Paris Township and will be annexed into Marysville, concurrently with zoning.

The collective size of this assemblage allows for the ground to be master planned on a large-scale basis. This provides real opportunities to develop truly connected communities while protecting and highlighting the existing beauty of the land. As such, this development will protect the "Ohio" pond and the majority of the mature tree stands around it as well as the 100-year-old Oak tree that stands in the corn field to the north.



The entire development will be built around a greenway corridor that will link the new and existing developments from the north, south, east and west. Approximately 70 acres will be defined as common area (approximately 30% of the net acreage), with roughly 89% of this open space accumulated in the park system, which will include a centralized detention area. These ponds will be constructed to appear natural in shape and will be planted with taller grasses and native plants. The acreage related to each pond is shown on the site plan. The park system will include multi-purpose trails connecting the subareas with the surrounding communities, a community center and other amenities. The majority of this area will be developed using natural ponds, tall grasses and native plants to maintain some of the rural characteristics.

Marysville North will consist of six subareas including retail, attached residential/townhomes, single-family (three varieties), and public common area developments. A 7.5-acre retail development will anchor the west side of the project along St Rt 31. An extension of Don Drive (service road) will serve as a connection to the retail development at Cooks Pointe. Higher density attached and single-family residential products will surround the retail area and will buffer and transition northwards to Amrine Meadows as well as south to the apartments at Cooks Pointe. The Ohio Pond area will be a buffer between the higher density products in Subarea C and the single-family homes in Subarea D. Subarea D is buffered by the park system on 3 sides, which includes the main park east/west corridor to the north. This east/west corridor will feature the existing creek, a network of ponds ranging in size from 2- to 3-acres and the trail system that will ultimately link together residents on both sides of St Rt 31 and St Rt 4. North of the creek is the largest areas of the single-family product in Subarea B. This subarea is divided by a north/south park corridor that ultimately runs along Amrine Wood Road and to the eastern most park located at Amrine Wood and St Rt 4. This park will feature the 100-year-old oak tree. As an additional amenity, anchoring the center of the park system will be a community center with a pool, which will serve as a gathering spot for residents of the entire master planned

community. The entire park system shown in dark green on the subarea plan is known as Subarea F - Public Common Area.

Subarea E is a small 1-acre parcel that the city asked the developer to include in order to bring into Marysville. This area will be zoned as part of the Cooks Pointe under the Marysville's Neighborhood Commercial District (NCD).

The total acreage of these 6 subareas is 242.76 acres. The Marysville North annexation survey shows a total of 243.94 acres, which includes a number of ROW parcels that the city and county engineers asked to be included in the annexation.

Marysville North will have upgraded common area design standards including common fencing and trees along major thoroughfares, standardized signage and other identifiers that will integrate the development within the existing community. Architectural and landscaping standards will be upgraded for the retail buildings, attached and single-family homes.

The development of Marysville North will help facilitate and fund improvements to the existing roads and the future construction of new roads. A traffic study is currently being conducted with the assistance of the City Engineer and should be available shortly. In addition, larger master planned communities can be developed with unique financial tools that may provide additional infrastructure funding and startup expenses for service providers such as the Marysville Schools, Marysville police, and fire. The developer of Marysville North is considering a community authority. Regardless, there will be NO residential TIFs on this project.

Marysville North is being rezoned to Planned Unit Development (PUD) under Chapter 1135 of the Codified Ordinances of Marysville as in effect October 11, 2024 (the "Codified Ordinances"). All references herein to Chapter or Section numbers refer to applicable Chapter or Section numbers of the Codified Ordinances. In implementing the mixed-use PUD, Applicant is proposing a wide range of products that will rely on various sections of underlying zoning designations.

GENERAL DEVELOPMENT STANDARDS

Marysville North will be developed with 6 subareas providing for a mixed-use community. The project will be developed in accordance with the Marysville North Rezoning Statement, and the Codified Ordinances of the City of Marysville as in effect October 11, 2024 (the "Codified Ordinances"), unless noted otherwise in these PUD Development Standards to be provided. Where conflicts occur between the Codified Ordinances and these PUD Development Standards, these PUD Development Standards shall control over the Codified Ordinances.

Perimeter Boundary Setbacks

On the west side of the development along the retail subarea, Rt. 31 will serve as the boundary and the public ROW as the setback. The rear yard setbacks of the single-family units and a perimeter fence along the shared boundary of Subareas A and C will serve as the setbacks. Along the northern boundary of Subarea C and Amrine Meadows, a 40' greenway and multi-purpose trail will provide a buffered setback between the residential units. To the south of Subareas A, C, and D, the existing fence line and trees will remain and buffer the attached/townhome units from the apartments and future retail at Cooks Pointe. On the east side of the development, Rt. 4 will serve as the boundary and the public ROW as the setback. However, a 40' buffer with a perimeter fence will be created around the existing residential

home and landscape company along Rt. 4. On the north side of the development, Amrine Wood Road will serve as the buffer and the public ROW will serve as the setback.

Common Open Space

With the creation of the Subarea F, the Public Common Area, sensitive and unique natural areas will be protected and managed with minimal disturbance. These areas will be enhanced with multi-purpose trails and other amenities to develop a park system that will connect the different subareas together as well as other parts of the City and Townships. By combining the Public Common Area with the required setbacks and open space requirements, the overall open space for Marysville North will be more than three times the current standard requirement and will exceed 30% in total. Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit (Existing Conditions) that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement. The developer will make best efforts to retain as many existing trees as possible across the site, especially around the Ohio Pond. The developer will restore areas around the detention ponds with native grasses and plantings. The developer will work with the City of Marysville Arborist to determine an appropriate list of native grasses and plantings.

Access

A traffic study is currently underway for the Marysville North project at the direction of the City Engineer. These documents will help identify the roadway infrastructure needed for this development.

As for access into Marysville North, there are 10 planned access points into the development. The retail subarea will be accessed directly off of Rt. 31 with a secondary access point from Cooks Pointe via the extension of Don Drive. Subarea C will have a separate entrance north of the retail development along Rt. 31 as well as secondary access points through Armine Meadows and the Cooks Pointe apartments via Mill Pointe Road. Subarea C will also connect with Subarea D to the east. The primary entrances for the bulk of the single-family products in Subareas B and D will be via Rt. 4. Subarea D will have its main entrance south of the park system and ponds via a single loaded road that leads to the community center. This will be a very scenic entry with the sheer size of the ponds and open space. Subarea D will also have a stub road added to the south at the request of the City Engineer. Subarea B will have 3 additional access points into this neighborhood via Rt. 4, Amrine Woods Road, and a stub road into Amrine Meadows.

All streets within the development will be treelined with 5' sidewalks on both sides unless the multipurpose trail is proposed along the road. In that case, the 5' sidewalks will be replaced with an 8' multipurpose trail. Fencing will be added to the unloaded portions of the southern Rt 4 entrance as well as the unloaded common area around the Ohio Pond. Fencing will also be added to the unloaded portion of the roadway around the large park in the middle of Subarea B. The desired species of street trees will be determined by the developer and the City of Marysville Arborist with proper spacing and size determine during the Design Review Board approval process.

Minimal interior street lighting will be provided within the single-family subareas. The developer will work with the City Engineer to determine proper placement to promote safety and security while balance the desire to reduce the impact of light pollution. Lighting in the retail area is addressed within the subarea definitions below.

An example of a roadway cross-section and the standard fencing is provided in the attached exhibits.

Pedestrian Connectivity and Multi-purpose Trails

Connectivity of each subarea to other subareas and to the Public Common Areas is important to make the community more walkable. The greenway will include an east/west spine as well as a north/south spine that will allow everyone to enjoy the expansive open space and have access to the community center/playgrounds. The east/west greenway will help connect Mill Valley and Armine Meadows to Rt. 4 and the recreational areas to the east. As such, this spine will also help connect Marysville North to the west and the reservoir area and associated trails within Mill Valley. The trail system will also include a 10' multipurpose trail along Rt. 31, Amrine Wood Road, and Rt. 4. We will also offer to extend the trail across the front of the existing landscape company if desired by the owner. See Exhibit D1 and D2 for more information.

Sustainability and Green Infrastructure

The overall development will consider and encourage a number of sustainable development techniques and infrastructure. Green Infrastructure for stormwater management will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb stormwater runoff from streets, parking lots, and buildings. In addition, the development will encourage the protection of sensitive natural areas through the inclusion of these areas in the Public Common Open Spaces. Street lighting within the subareas will be minimal to lessen the impact of light pollution. Detention ponds will be constructed with natural characteristics and features that will include tall grasses on the banks and native plants (cattails) around the boundaries. Cattails will be sprayed or removed around the inlets/outlets to ensure proper flow. A minimum of two EV charging stations will be added to the retail area and more may be added based on demand.

Community Authority

The developer is considering creating a Community Authority for the Marysville North development. If created, the Community Authority will help fund portions of the infrastructure, such as the trails, parks, services, roadway, public utilities, and other infrastructure improvements (i.e. community center and playgrounds). As part of the role of the Community Authority, that entity would be responsible for maintaining the Public Common Areas throughout the development and may take ownership of such areas. The millage charged to the future residents will be responsible for funding the improvements within the Public Common Areas and the maintenance of such. If a Community Authority is not created, the developer and HOA will maintain the Public Common Areas.

MARYSVILLE NORTH PUD OVERALL DESIGN GOALS

All development within Marysville North will strive to achieve the following goals:

- Overall maximum residential density of 3.00 units per acre (700 units divided by 234.25 acres). Within the residential subareas (B, C, and D), the developer will be able to transfer up to 10% of the density from one subarea to another subarea if needed.
- Well-balanced connection and transition of various property uses throughout the PUD, which will be achieved with a trail system, roadway network, setbacks, landscape buffers and the protection of key natural features.

- Across the development the open spaces and detention ponds have been centralized within the park system to include a larger, much more significant and useable area. A 30% minimum total common area within the development will be provided. This includes the centralization of the detention areas, park system, and open spaces. Should the detention ponds need to be removed from the common area requirement, the minimum % of the open area requirement will be reduced accordingly. Also, each subarea is not defined with a minimum open space as the total % will be determined during the DRB process and the total will be accounted for with each filing.
- 10 access points from the existing roadway network to facilitate a wide distribution of traffic in and out of the development. Primary access to retail areas is from St Rt 31 with the majority of residential access to occur from St Rt 4 to minimize additional impact to St Rt 31. Realignment of Amrine Wood Road to a safer 90-degree angle at St Rt 4.
- The design of the common elements, which will include fencing, signage and other identifiers will help the project integrate with the existing developments at Cooks Pointe, Amrine Meadows, and Mill Valley.
- Provide interconnectivity through internal vehicular and pedestrian connections, connections to adjacent neighborhoods and businesses and connections to open space, parks, and activity centers.
    - Fencing and bike trails along St Rt 4 will be offered to be extended across the front of the homes and businesses.

PRELIMINARY DESCRIPTION OF ZONING REQUIREMENTS FOR EACH SUBAREA

Subarea A – Commercial Retail

Subarea A (approximately 7.46 acres) is located along St Rt 31 and serve as a link and extension of the commercial development to the south in Cooks Pointe. This commercial subarea will provide commercial retail businesses that bring services to the residents in this area, and may include restaurants and daycare providers. With the trails/sidewalks along St Rt 31 and the internal trail connections throughout this development, the retail center will be very walkable for the all-nearby communities including Mill Valley, Amrine Meadows, and Marysville North. Primary access to this subarea will be from multiple points off of St Rt 31 with secondary access via Don Drive, which will be extended to the north.

The open space for this development is being centralized and the 30% across the entire acreage will be met via shared common area, centralized detention ponds, and community amenities. Thus, the subareas will not have individual minimum open space requirements. The open space percentages will be calculated with each DRB submission and totaled accordingly.

In implementing this subarea, the applicant will rely on the underlying Suburban Commercial District (SCD) zoning designation and requirements contained in Section 1121.08, commercial typology, except to the extent variance and divergences are identified below.

List of Permitted Uses

- Artisan Studio
- Bank of Financial Institution (w/drive thru)
- Child Day-Care Center
- Institution/Government Offices

- Medical or Dental Office or Clinic
- Meeting Facility
- Personal Services
- Professional Offices
- Restaurant (sit down)
- Retail, Sales, & Services
- Specialty Food and/or Beverage Facility

List of Conditional Uses

- Restaurant (w/drive thru)
- Emergency Care Facility
- Senior Living, Independent Living

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes and setbacks will adhere to the requirements of the SCD zoning district; however, the front building setback along Rt. 31 will be a minimum of 25'.
- 50' maximum building height
- Open space will be centralized across the entire development. There is no minimum open space percentage for this subarea.
- 85% maximum coverage ratio including accessory structures

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea A will be via Rt. 31 with secondary access points via Don Drive as well as a connection to Subarea C to the east.
- Parking for the Subarea A will be per the standards shown in Section 1127.12 of the Marysville Code of Ordinances.
- Location of sidewalks will be determined during the Design Review Board process as more detail is available regarding the actual design and site location of the buildings.
- Multi-purpose trails (10') will be included along Rt. 31.
- A minimum of two EV charging stations will be added to the retail area and more stations may be added based on demand.

Landscaping

- The landscaping requirements of Subarea A will be per the general landscaping standards identified in Section 1125 of the Marysville Codified Ordinances unless noted below.
- On the west side of the development along the retail subarea, Rt. 31 will serve as the boundary and the public ROW as the setback. The rear yard setbacks of the single-family units and a perimeter fence along the shared boundary of Subareas A and C will serve as the perimeter boundary and setbacks. If desired, the developer may install a minimum 6' buffer consisting of any of the following items: wooden privacy fence, mounding or evergreen landscaping. This buffering will be along the boundary with the single-family lots to help eliminate headlights from vehicles. If this is the case, landscaping on the commercial side of the fence will consist of variety of different trees spaces no less 15' apart.
- The minimum landscape standards under Section 1125.06(a) of the Marysville Codified Ordinances apply along the property line with Subarea C only. Under Section 1125.06(c), the tree requirements can be planted within the centralized open space across any portion of the Marysville North development. Under Section 1125.06(d), no mounding will be

required along the perimeter or parking lots in Subarea A.

- No landscape buffering is required between the commercial area and the townhomes in Subarea C as the roadway will serve as the buffer
- Within the Subarea A, any trees located outside of the boundaries of the tree clearing exhibit (Existing Conditions) that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting will be per Section 1133 of the Marysville Codified Ordinances unless noted below. Future architectural designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Approved building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, and board and batten products. Color pallet prohibits any fluorescent colors.
- Minimum lighting standards shall be as follows:
    - All lighting standards in Section 1133.10 shall apply. Light spillage shall not exceed one-tenth (0.1) foot candles when adjacent to a residential.
    - All street lighting, poles, and fixtures, shall not exceed 18 feet in height.
    - All poles and fixtures shall be of a design/architecture consistent with the surrounding buildings and be a muted color such as grey, silver, black, bronze, or dark green.
    - Fully shielded, cut-off type lighting fixtures shall be required.
    - Details including fixture, pole, color, spacing, light type, and photometric shall be provided with the Design Review Board Application.

Signage

- The signage standards for Subarea A will follow the specifications and development standards within the Codified Ordinances of the City of Marysville Code Section 1129 Signs.

Project Phasing

- Retail development is the most unpredictable type of development. The timing of this subarea will depend on many factors but one item is for sure, the quicker the residential units are built the sooner the retail demand for this development will come.

Subarea B – Detached Single Family

The single-family residential in Subarea B (approximately 97.46 acres) will consist of single-family detached residential units with attached 2 or 3 car garages only. The majority of the lot sizes will range from 55' to 67' with the larger lots positioned near open spaces and the greenway. Primary access will be from multiple points off of St Rt 4 with secondary access via Amrine Wood Road.

The open space for this development is being centralized and the 30% across the entire acreage will be met via shared common area, centralized detention ponds, and community amenities. Thus, the subareas will not have individual minimum open space requirements. The open space percentages will be calculated with each DRB submission and totaled accordingly.

In implementing this subarea, the applicant will rely on the underlying Suburban Residential District (SRD) zoning designation and requirements contained in Section 1121.07, single-family detached typology, except to the extent variance and divergences are identified below.

List of Permitted Uses

- Single-Family Detached
  - 1-story, 1 ½-story, or 2-story homes
- Residential Model Home – subject to the requirements of section 1123.21, with the modification that an unlimited number of model homes are allowed, due to multiple builders and various elevations and floor plans, and model home permits will remain viable until 95% of the lots are sold.
- Community Center with or without pool
- Mailbox kiosks
- Park/playground
- Accessory structures permitted per Section 1121.07

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes will be no less than 55' wide and 130' deep
- Setbacks: Front 25' measured from the lot line, Side - 5'; Rear – 20'
- Maximum height: 35'
- Open space will be centralized across the entire development. There is no minimum open space percentage for this subarea.
  - Detention areas with activity enhancements such as walking trails and benches will be included in the Open space calculation
- 55% maximum lot coverage including accessory structures

Density

- Subarea B shall have a maximum of 367 units

Access and Pedestrian Connectivity

- The primary access to Subarea B will be via two entrances off of Rt. 4. Secondary access points will include a stub road into Amrine Meadows and an access point to Amrine Wood Road.
- The off-street parking for single-family shall be a minimum of 2 parking spaces per unit.
- On-street parking in this subarea will be limited to one side of the road to promote safety and security. Streets around the pocket parks will restrict parking along the park side of the streets to encourage more walkable areas.
- Sidewalks, minimum of 5', will be included throughout the project on both sides of the streets with 9' tree lawns.
- Multi-purpose trails will be included around portions of the detention ponds and through the large center park. In addition, the trail system will be constructed along Amrine Wood and Rt. 4. However, the Rt. 4 multipurpose path will be redirected through the northeastern park instead of extended out to the intersection of Rt. 4 and Amrine Wood Road (see exhibit).

Landscaping

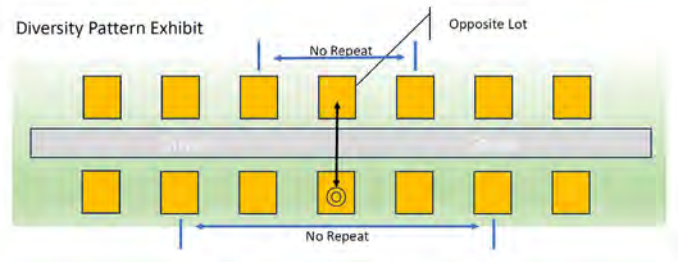
- The landscaping requirements of Subarea B will be per guidelines below. Future

landscaping designs, specifications, and plant material selections will be reviewed and approved by the Design Review Board at the project level. Individual home approvals will be performed by the master developer.

- There will be no buffer requirement between Subarea B and Amrine Meadows. A 40' open area buffer will be constructed around the existing landscape company with the standard black 48" fence on the north and west sides. The developer has offered to extend the multipurpose trail across the landscape company's frontage along Rt. 4. The developer will pay for the construction of the fence but any future maintenance will be the responsibility of the owner.
- Regarding landscaping along interior subarea roads, trees will be placed in a 9' tree lawn between the streets and the sidewalk at an interval of approximately 35', adjusted for driveways and utilities. Trees will be no less than 2" caliper. Species to be reviewed as part of the Design Review process.
- Individual homes in Subarea B will have the following minimum landscape requirements:
    - Lots equal to or less than 65', will be required to have a minimum front raised planting bed of no less than 150 sf and a depth of 6" of topsoil. The front raised plantings and this requirement of 150' sf includes all plants across the front of the home as well as the beds installed at the corner of the homes that may extend to a portion of the side yard but are visible from the front yard. Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum front lot plantings include 1 ornamental (1.5" caliper or greater) or 1 shade tree (2" caliper or greater), no less than 10 foundation plantings with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.
    - Lots greater than 65', will be required to have a minimum front raised planting bed of no less than 225 sf and a depth of 6" of topsoil. The front raised plantings and this requirement of 225' sf includes all plants across the front of the home as well as the beds installed at the corner of the homes that may extend to a portion of the side yard but are visible from the front yard. Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum plantings include two trees, 1 ornamental (1.5" caliper or greater) and 1 shade tree (2" caliper or greater), no less than 12 foundation plantings (shrubs) with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.
    - Prominent view lots (side yards open to common area) and secondary road frontage related to corner lots shall have additional foundation raised beds with plantings along roadway facing side of the home extending the entire length of the foundation. Minimum plantings shall include 8 small shrubs (18" to 24" in height) for every 25' of linear building façade.
    - No privacy or stockade fencing is allowed. Perimeter yard fencing is allowed with a maximum height of 48" and must be made of black aluminum materials. Pool fencing is allowed and must be black aluminum or wrought iron and cannot exceed 72". Pool fencing cannot be defined as perimeter fencing.
    - Sod is required on all lots, no grass seeding permitted upon initial install.
    - No invasive plantings allow, including pear trees.
    - Review of landscape plans will be performed by the master developer prior to the issuance of the building permit.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting requirements for Subarea B are defined below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board at the project level. Individual home approvals will be performed by the master developer.
- Four-sided design should be used. Blank and empty walls are not permitted on any side of the home.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, and board and batten products.
- Multiple materials on the front elevation of the home are encouraged and the guideline is that approximately 25% of the material used should be considered a secondary material or a design change using the same primary material. This calculation is based on the front of homes minus the garage door. An example of a material design change would be if Hardie board lateral lap siding is the primary material, an acceptable secondary design could be the use of Hardie board and batten or Hardie shake siding. While all three materials are a type of fiber cement siding, the change in design satisfies the 25% guideline. In some cases, such as all brick or all stone homes, this 25% guideline will not apply.
- Brick shall be laid in a traditional masonry pattern and stone in a random ashlar pattern.
- No exposed concrete foundations shall be permitted and the foundation should be covered with stone, brick, or a natural material plinth board. Should a plinth board be installed, a minimum of 6" of exposed foundation may be visible. Foundation landscaping is another option to address this objective. Parging of the exterior foundation is not permitted.
- In Subarea B, all homes built on corner lots will include a side loaded garage unless other impairments are present (i.e. near round-a-bout or discouraged by City engineer).
- All windows and doors of the home are required to have trim with the exceptions of facades composed of masonry. All windows require grids and should be appropriate for the style of the home.
- Shutters will be installed on front elevation windows where architecturally correct. Variation in shutter colors is encouraged.
- All homes elevations and designs will have usable porches that are a minimum of 4' in depth.
- Front loaded garage placements can be 1) a minimum of 2' behind the main body of the home, 2) equal to the main body of the home with a 4' porch extending beyond the main body, or 3) 2' beyond the main body of the home with an extended porch of at least 6'.
- Overhangs are required on all four sides of the home and must be a minimum of 6".
- All driveways shall be constructed of concrete material. No asphalt driveways are permitted in Subarea B.
- Garage doors are required to have one panel row of windows and decorative hardware, if architecturally correct. If desired, vertical window designs will be considered. Developer will encourage various colors of garage doors if architecturally correct and complementary to the home color.
- The diversity of the neighborhood homes in both elevation and color are encouraged. The following diversity standards for elevations and colors of homes will be applied to Subarea B. No identical home elevation or color should be repeated within two homes in both directions on the same side of the street nor should they repeat with the home directly across the street and within one home in both directions on the opposite side of the street. For offset lots, a judgement call will be made as to which lot is considered the opposite side mark. Corner lots terminate the repeat pattern requirement, although the same elevations and color cannot be side by side on a corner lot. See exhibit below.



- A minimum of twelve color pallets are being established in Marysville North. See exhibit for details. Additional color pallets will be added to promote diversification of colors other than just white, gray, and brown. The primary color of the house will be used to determine which family the home is categorized in. If the front elevation is 100% stone or brick, the color repeat pattern does not apply. No homes located beside each other should have the same color stone or brick. Color pallet prohibits any fluorescent colors.
- Lighting is to be directed downward and should be placed to display a uniform, comfortable and warm appearance.
- There will be minimal interior street lights within the single-family subareas to reduce the impact of light pollution. Detailed lighting plans for the homes including fixture, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home and real estate signage is permitted.

Project Phasing

- It is anticipated that Subarea B will be constructed in 2 or 3 phases. Once the lots are constructed and home are started, it is reasonable to expect that the absorption rate could span 3 to 5 years.

Subarea C – Mixed Residential (attached residential / townhomes / single-family)

Subarea C (approximately 31.19 acres) is being zoned for smaller, higher density residential units, which may consist of single-family detached homes on 40' lots, attached residential, and/or townhomes. The attached residential and townhomes may be front or rear loaded with attached 1 or 2 car garages or detached private garages. The attached residential and townhomes will provide 2- or 3-bedroom options. Access to this area will be via St Rt 31, Mill Point Road, Streets A, B, and C.

The open space for this development is being centralized and the 30% across the entire acreage will be met via shared common area, centralized detention ponds, and community amenities. Thus, the subareas will not have individual minimum open space requirements. The open space percentages will be calculated with each DRB submission and totaled accordingly.

In implementing this subarea, the applicant will rely on the underlying Suburban Residential District (SRD) zoning designation and requirements contained in Section 1121.07, single-family

detached and single-family attached residential typology, except to the extent variance and divergences are identified below.

List of Permitted Uses

- Single-Family Detached
- Attached residential (2-, 4-, and 6- unit buildings)
- Community Center Recreation (indoor/outdoor) – Clubhouse with pool and fitness
- Residential Model Home – subject to the requirements of section 1123.21, with the modification that an unlimited number of model homes are allowed, due to multiple builders and various elevations and floor plans, and model home permits will remain viable until 95% of the lots are sold.
- Mailbox kiosks
- Accessory structures permitted per Section 1121.07

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Single family lot sizes will be no less than 40' wide and 100' deep.
- Single family lot setbacks: Front - 20' measured from the lot line, Side 5', Rear - 20' - see Exhibit E for examples
    - Provision for zero side yard setback on one side of the home with 10' minimum total side yard setback. This provision would allow for the single-family homes in this subarea to be shifted to a zero-lot line on one side with a minimum 10' side yard setback on the other. This design standards would allow for more usable side yard that could be fenced in for a private courtyard.
- Attached residential and townhome lot sizes will be no less than 55' wide for single-family attached (2 attached units) with a minimum of 25' each additional unit. All lots will be no less than 100' deep.
- Attached residential and townhome setbacks: Front 20' measured from the lot line, Side – 7.5'; Rear – 20' - see Exhibit E for examples
- Maximum height: single-family units will be 35' and attached residential/townhomes 40'
- Open space will be centralized across the entire development. There is no minimum open space percentage for this subarea.
    - Detention areas with activity enhancements such as walking trails and benches will be included in the Open space calculation
- 65% maximum lot coverage ratio, including accessory structures, for single family and 85% maximum lot coverage ratio for attached residential/townhomes

Density

- Subarea C shall have a maximum of 188 units. Density can be shifted between single family and townhomes if needed.

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea C will be from Rt. 31 with secondary access provided via Don Drive and stub roads into Subarea C.
- Minimum off-street parking for single-family and attached residential/townhome units will be equal to the number of garage units.
- On-street parking in this subarea will be limited to one side of the road to promote safety and security. On-street parking on both sides in the townhome area along Street A from Don Drive to the intersection of Street C will be allowed, including along the Ohio Pond

park. Streets around the pocket park in this subarea will restrict parking along the park side of the streets to encourage more walkable areas. The parking areas may include private 1- and 2-car attached garages and detached garages.

- Sidewalks, minimum of 5', will be included throughout the project on both sides of the streets with 7' tree lawns. On rear loaded single family and townhomes, walkways will connect the sidewalks to the front porches and will consist of concrete, paver, or stone materials.
- Multipurpose trail will be constructed along the unloaded roadways and around the Ohio Pond. An access connector, multipurpose trail, will be installed from the Ohio Pond to the east/west greenway to connect residents in Subarea C to the park system and community center.

Landscaping

- The landscaping requirements of Subarea C will be per the general landscaping standards identified in Section 1125 of the Marysville Codified Ordinances unless noted below. Future landscaping designs, specifications, and plant material selections will be reviewed and approved by the Design Review Board at the project level. Individual home approvals will be performed by the master developer.
- Perimeter Landscape Standards and buffers between Subarea A and C will be considered single family uses and will not require landscape buffering proposed in Section 1125.06(a). The rear yard setbacks of the single-family units and a perimeter fence along the shared boundary of Subareas A and C will serve as the perimeter boundary and setbacks. If desired, the developer may install a 6' wooden privacy fence along the boundary with the single-family lots to help eliminate headlights from vehicles. If this is the case, landscaping on the commercial side of the fence will consist of variety of different trees spaces no less 15' apart. Under Section 1125.06(c), the tree requirements can be planted within the centralized open space across any portion of the Marysville North development. Under Section 1125.06(d), no mounding will be required along the perimeter or parking lots in Subarea A.
- No landscape buffering is required between the commercial area and the townhomes in Subarea C as the roadway will serve as the buffer
- Within the Subarea C, any trees located outside of the boundaries of the tree clearing exhibit (Existing Conditions) that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting will be per Section 1133 of the Marysville Codified Ordinances unless noted below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board at the project level. Individual home approvals will be performed by the master developer.
- All homes elevations and designs will have usable porches that are a minimum of 4' in depth.
- Front loaded garage placements can be 1) a minimum of 2' behind the main body of the home, 2) equal to the main body of the home with a 4' porch extending beyond the main body, or 3) 2' beyond the main body of the home with an extended porch of at least 6'.
- Approved building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, and board and batten products.
- No exposed concrete foundations shall be permitted and the foundation should be covered with stone, brick, or a natural material plinth board. Should a plinth board be installed, a minimum of 6" of exposed foundation may be visible. Foundation landscaping is another option to address this objective. Parging of the exterior foundation is not permitted.

- Color pallet prohibits any fluorescent colors.
- Detailed lighting plans including fixture, pole, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.
- Fencing is permitted in the rear or side yards of the single-family and townhome product and may consist of wood or vinyl privacy dividers between the units or fully fenced rear yards. Privacy fence shall be no more than 72".

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home and real estate signage is permitted.

Project Phasing

- Subarea C will be developed in multiple phases over a 2- or 3-year timeframe. Once the building pads and townhomes are constructed, it is reasonable to expect that the absorption rate for this product will span 2 or 3 years.

Subarea D – Detached Single Family

The single-family residential in Subarea D (approximately 34.43 acres) will consist of single-family detached residential units with attached 2 or 3 car garages only. The majority of the lot sizes will be 52'. Primary access will be St Rt 4 with secondary access via Mill Point Drive, which will be extended to the north.

The open space for this development is being centralized and the 30% across the entire acreage will be met via shared common area, centralized detention ponds, and community amenities. Thus, the subareas will not have individual minimum open space requirements. The open space percentages will be calculated with each DRB submission and totaled accordingly.

In implementing this subarea, the applicant will rely on the underlying Suburban Residential District (SRD) zoning designation and requirements contained in Section 1121.07, single-family detached typology, except to the extent variance and divergences are identified below.

List of Permitted Uses

- Single-Family Detached
  - 1-story, 1 ½-story, or 2-story homes
- Residential Model Home – subject to the requirements of section 1123.21, with the modification that an unlimited number of model homes are allowed, due to multiple builders and various elevations and floor plans, and model home permits will remain viable until 95% of the lots are sold.
- Community Center with or without pool
- Mailbox kiosks
- Park/playground
- Accessory structures permitted per Section 1121.07

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes will be no less than 52' wide and 120' deep
- Setbacks: Front 20' measured from the lot line, Side - 5'; Rear – 20'
- Maximum height: 35'

- Open space will be centralized across the entire development. There is no minimum open space percentage for this subarea.
    - Detention areas with activity enhancements such as walking trails and benches will be included in the Open space calculation
- 65% maximum lot coverage including accessory structures

Density

- Subarea D shall have a maximum of 145 units

Access and Pedestrian Connectivity

- The primary access to Subarea D will be Rt. 4 with secondary access points from the west through Subarea C and the north through Subarea B.
- The off-street parking for single-family shall be a minimum of 2 parking spaces per unit.
- On-street parking in this subarea will be limited to one side of the road to promote safety and security. Streets around the pocket parks will restrict parking along the park side of the streets to encourage more walkable areas.
- Sidewalks, minimum of 5', will be included throughout the project on both sides of the streets with 9' tree lawns.
- Multi-purpose trails will be included around portions of the detention ponds and the community center. A trail connection will be made to Amrine Meadows and the Ohio Pond park.

Landscaping

- The landscaping requirements of Subarea D will be per guidelines below. Future landscaping designs, specifications, and plant material selections will be reviewed and approved by the Design Review Board at the project level. Individual home approvals will be performed by the master developer.
- There will be no buffer requirement between Subarea D and Cooks Pointe apartments and the future retail areas.
- Regarding landscaping along interior subarea roads, trees will be placed in a 9' tree lawn between the streets and the sidewalk at an interval of approximately 35', adjusted for driveways and utilities. Trees will be no less than 2" caliper. Species to be reviewed as part of the Design Review process.
- Individual homes in Subarea D will have the following minimum landscape requirements:
    - Lots equal to or less than 65', will be required to have a minimum front raised planting bed of no less than 150 sf and a depth of 6" of topsoil. The front raised plantings and this requirement of 150' sf includes all plants across the front of the home as well as the beds installed at the corner of the homes that may extend to a portion of the side yard but are visible from the front yard. Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum front lot plantings include 1 ornamental (1.5" caliper or greater) or 1 shade tree (2" caliper or greater), no less than 10 foundation plantings with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.
    - Lots greater than 65', will be required to have a minimum front raised planting bed of no less than 225 sf and a depth of 6" of topsoil. The front raised plantings and this requirement of 225' sf includes all plants across the front of the home as well as

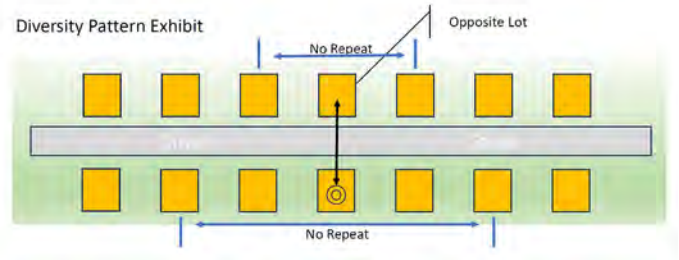
the beds installed at the corner of the homes that may extend to a portion of the side yard but are visible from the front yard. Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum plantings include two trees, 1 ornamental (1.5" caliper or greater) and 1 shade tree (2" caliper or greater), no less than 12 foundation plantings (shrubs) with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.

- Prominent view lots (side yards open to common area) and secondary road frontage related to corner lots shall have additional foundation raised beds with plantings along roadway facing side of the home extending the entire length of the foundation. Minimum plantings shall include 8 small shrubs (18" to 24" in height) for every 25' of linear building façade.
- No privacy or stockade fencing is allowed. Perimeter yard fences are allowed with a maximum height of 48" and must be made of black aluminum materials. Pool fencing is allowed and must be black aluminum or wrought iron and cannot exceed 72". Pool fencing cannot be defined as perimeter fencing.
- Sod is required on all lots, no grass seeding permitted upon initial install.
- No invasive plantings allow, including pear trees.
- Review of landscape plans will be performed by the master developer prior to the issuance of the building permit.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting requirements for Subarea D are defined below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board at the project level. Individual home approvals will be performed by the master developer.
- Four-sided design should be used. Blank and empty walls are not permitted on any side of the home.
- Approved building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, and board and batten products.
- Multiple materials on the front elevation of the home are encouraged and the guideline is that approximately 25% of the material used should be considered a secondary material or a design change using the same primary material. This calculation is based on the front of homes minus the garage door. An example of a material design change would be if Hardie board lateral lap siding is the primary material, an acceptable secondary design could be the use of Hardie board and batten or Hardie shake siding. While all three materials are a type of fiber cement siding, the change in design satisfies the 25% guideline. In some cases, such at all brick or all stone homes, this 25% guideline will not apply.
- No exposed concrete foundations shall be permitted and the foundation should be covered with stone, brick, or a natural material plinth board. Should a plinth board be installed, a minimum of 6" of exposed foundation may be visible. Foundation landscaping is another option to address this objective. Parging of the exterior foundation is not permitted.
- Brick shall be laid in a traditional masonry pattern and stone in a random ashlar pattern.
- All windows and doors of the home are required to have trim with the exceptions of facades composed of masonry. All windows require grids and should be appropriate for the style of the home.
- Shutters will be installed on front elevation windows where architecturally correct. Variation in shutter colors is encouraged.

- All homes elevations and designs will have usable porches that are a minimum of 4' in depth.
- Front loaded garage placements can be 1) a minimum of 2' behind the main body of the home, 2) equal to the main body of the home with a 4' porch extending beyond the main body, or 3) 2' beyond the main body of the home with an extended porch of at least 6'.
- Overhangs are required on all four sides of the home and must be a minimum of 6".
- All driveways shall be constructed of concrete material. No asphalt driveways are permitted in Subarea D.
- Garage doors are required to have one panel row of windows and decorative hardware, if architecturally correct. If desired, vertical window designs will be considered. Developer will encourage various colors of garage doors if architecturally correct and complementary to the home color.
- The diversity of the neighborhood homes in both elevation and color is encouraged. The following diversity standards for elevations and colors of homes will be applied to Subarea D. No identical home elevation or color should be repeated within two homes in both directions on the same side of the street nor should they repeat with the home directly across the street and within one home in both directions on the opposite side of the street. For offset lots, a judgement call will be made as to which lot is considered the opposite side mark. Corner lots terminate the repeat pattern requirement, although the same elevations and color cannot be side by side on a corner lot. See exhibit below.



- A minimum of twelve color pallets are being established in Marysville North. See exhibit for details. Additional color pallets will be added to promote diversification of colors other than just white, gray, and brown. See exhibit for details. The primary color of the house will be used to determine which family the home is categorized in. If the front elevation is 100% stone or brick, the color repeat pattern does not apply. No homes located beside each other should have the same color stone or brick. Color pallet prohibits any fluorescent colors.
- Lighting is to be directed downward and should be placed to display a uniform, comfortable and warm appearance.
- There will be minimal street lights within the single-family subareas to reduce the impact of light pollution. Detailed lighting plans for the homes including fixture, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home and real estate signage is permitted.

Project Phasing

- It is anticipated that Subarea D will be constructed in 1 or 2 phases. Once the lots are constructed and home are started, it is reasonable to expect that the absorption rate could

span 2 to 3 years.

Subarea E – Neighborhood Commercial District (NCD)

This Commercial subarea (approximately 1.0 acres, 0.75 after ROW) is located along St Rt 4, in the southeast corner of this master plan. Subarea E is a small 1-acre parcel that the City/County asked to be included in this annexation and development plan in order to bring it into Marysville. Primary access will be from Cooks Boulevard. There will be no direct access to this subarea from St Rt 4 nor will there be any access into Subarea D due to the difference in uses (i.e. commercial/office to residential).

In implementing this subarea, the applicant will rely completely on the underlying Neighborhood Commercial District (NCD) Section 1121.11 for all uses, density, and other zoning requirements.

Subarea F - Public Common Area

The natural features in this public common area subarea (approximately 63.03 acres) will be reserved, protected, and developed as part of the park network and trail systems that will provide recreational opportunities and promote connectivity throughout the area. The ground in this subarea, while public, will be owned, managed, and maintained by either a future Community Authority Board or HOA.

In implementing this subarea, the applicant will rely on the underlying Open Space District (OSD) zoning designation and requirements contained in Section 1121.17, except to the extent variance and divergences are identified below.

List of Permitted Uses

- Park
- Community Center with pool (outdoor) and fitness center
- Parking
- Community Garden
- Commercial Recreation (outdoor) – paved and unpaved trails
    - Include bridges and other structures that may be needed to provide connectivity and trail connections
- Playgrounds
- Commercial Recreation (outdoor)
- Essential Public Services and Utilities

ADDITIONAL INFORMATION REQUESTED

A. Explain how the development meets the proposed and specific objectives set forth in Section 1135.01

1135.01(a) General Objective: A planned unit development shall be classified as a unique zoning district or combination of districts that is subject to the provisions of this chapter. The purpose is to encourage and allow more creative and imaginative design of land development than is possible under standard zoning district regulations. A PUD is intended to allow flexibility in planning and

design and overall benefits to the city. A PUD also permits the establishment of a variety of uses brought together as parts of a compatible and unified plan. This flexibility should result in a development that has unique characteristics and features that are not found in a development produced in accordance with standard zoning district and subdivision regulations.

1135.01 (b) Specific Objectives:

(1) To encourage unified projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are consistent with all applicable plans including but not limited to the Comprehensive Plan, Thoroughfare Plan, and the intent of the Ordinance.

The proposed PUD contains six subareas including a mixture of uses that could not be zoned together through the standard zoning process. The Marysville comprehensive plan was used as a starting point and subareas were designed with the overall concepts in mind. For example, the major natural areas around the creek, Ohio pond, and 100-year-old Oak tree are protected and maintained. The retail area extends the existing and future commercial areas from Cooks Pointe into the Marysville North plan and Don Drive allowing for parking located behind the commercial structures that will buffer it from view from St Rt 31. Higher density residential is planned near retail area and will serve as a buffer for the single-family homes to the north and east. The single-family developments to the east and north are surrounded on multiple sides by the park system and consolidated common areas. The blending of all these uses could not be achieved under a straight zoning district.

(2) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on and destruction of sensitive environmental areas.

Marysville North provides a park system and common area total that is almost 3x the city standards regarding open space. This park system has been carefully designed to protect the existing sensitive and natural areas by preserving these areas in a separate subarea (F - public common areas). Trails will be added to these common areas to link all the other subareas with the existing communities.

(3) Promote economical and efficient use of land and reduce infrastructure costs through unified development.

The development will promote the economical and efficient use of the land and infrastructure by providing a platform for the development of various mixed uses. The residential developments in Marysville North will provide areas for residents and workers to call home. Higher density developments maximize the value of the land, utilities and other infrastructure. The mix of retail and residential with the park and trail system will truly make the community walkable.

(4) To provide amenities and enhancements that will sustain the quality of life and property values within the development as well as the properties surrounding the proposed PUD.

The protected common areas and trail system will provide for recreational activities

and the ability to enjoy the natural beauty of the site. In addition, the new trails in Marysville North will provide linkage to Mill Valley and the trails that lead to the reservoir to the west as well as the athletic fields to the east. The community center will also provide a local gathering place for the residents and additional amenities to be defined in the development plan. The property values for the retail, attached residential, and single-family homes will create much higher assessed value than the farm land and will remove the current CAUV tax reduction.

(5) Assure compatibility between proposed land uses within and around the PUD through appropriate development controls.

Compatibility between proposed land uses within and around the PUD are provided through the planned transition of high-density developments around the commercial development along St Rt 31 as well as the utilization of the consolidated common area to buffer different uses. We have added a 40' buffer around the property of a local business and have agreed to extend any fencing and the multi-purpose trail across the front of the properties along the west side of St Rt 4, if the owners so desire.

(6) Where appropriate, provide for community facilities, open space, and recreational areas.

The common area for this project will be more than 70 acres with approximately 89% of that acreage being located within the consolidated park system. The natural features and sensitive areas of the site are being protected and enhanced with trails and ponds. Private recreation facilities will be added with the community center.

(7) To provide a maximum choice of business and living environments by allowing for a variety of housing, building types, and imaginative architectural design.

The integration of the mixed residential with smaller, higher density housing options near the retail area along with different single-family products to the east and north will provide residents a choice of housing type within the same project.

(8) To provide an opportunity for a mix of complementary uses otherwise not permitted within the standard zoning classifications.

This PUD will provide a mix of complementary residential and retail uses and establish priorities for a high-quality and innovative development with appropriate buffers and transitions between existing and proposed uses.

(9) To develop land in an orderly, coordinated, and comprehensive manner that is consistent with accepted land planning, landscape architecture practices, and engineering principles.

By providing the PUD development standards and going through the appropriate Exterior/Landscape Plan review and approval process with the Design Review Board for each contemplated development within Marysville North, it will develop in an orderly, coordinated, and comprehensive manner that is consistent with accepted land planning, landscape architecture practices and engineering principles.

B. Explain how the proposed development impacts public services and facilities, including but not limited to schools, water, sewer, and traffic.

Public Services:

- The proposed PUD will be annexed into the Marysville City limits and with the annexation process, a Marysville service letter will be provided to the County that warrants that all utilities and services are available and that the city is willing to take on the responsibility of servicing this area. We will be working with all service providers, including the schools, fire, police, and City Engineer to determine what improvements to public services are needed. The project may or may not include a community authority, which could help with necessary infrastructure funding. Regardless of the required costs, this project will NOT include any residential TIFs.

Water:

- There is an existing 16" water main located along both St Rt 31 and St Rt 4 and 8" lines along Don Drive and Hubbard Road. Marysville opened a new $52m+ water treatment plant in 2023, which will provide capacity for all the growth projected for the north side of Marysville and beyond.

- The engineering of other water laterals will be discussed during the engineering phase of each project with the City Engineer.

Sanitary Sewers:

- There is an 18" gravity sewer line that runs completely through the middle of the master plan area that connects to a 24" line on the east side of St Rt 4. This 24" line heads south into the city where it connects to a 36" trunk line. The construction and extension of sewer laterals to service the individual parcels included in this PUD will be worked out with the City Engineer as the projects move forward.

Other Utilities:

- Electric service for this site already exists and our engineer is working to acquire service letters from the area provider.

- Gas service for the site is available along both St Rt 31 and St Rt 4.

- Time Warner Cable has facilities adjacent to the project site and can provide service to the development.

Traffic:

- A traffic study is currently underway with the assistance and direction of the City Engineer. This document will help identify the roadway infrastructure needed for the development and impact on surrounding roads and intersections.

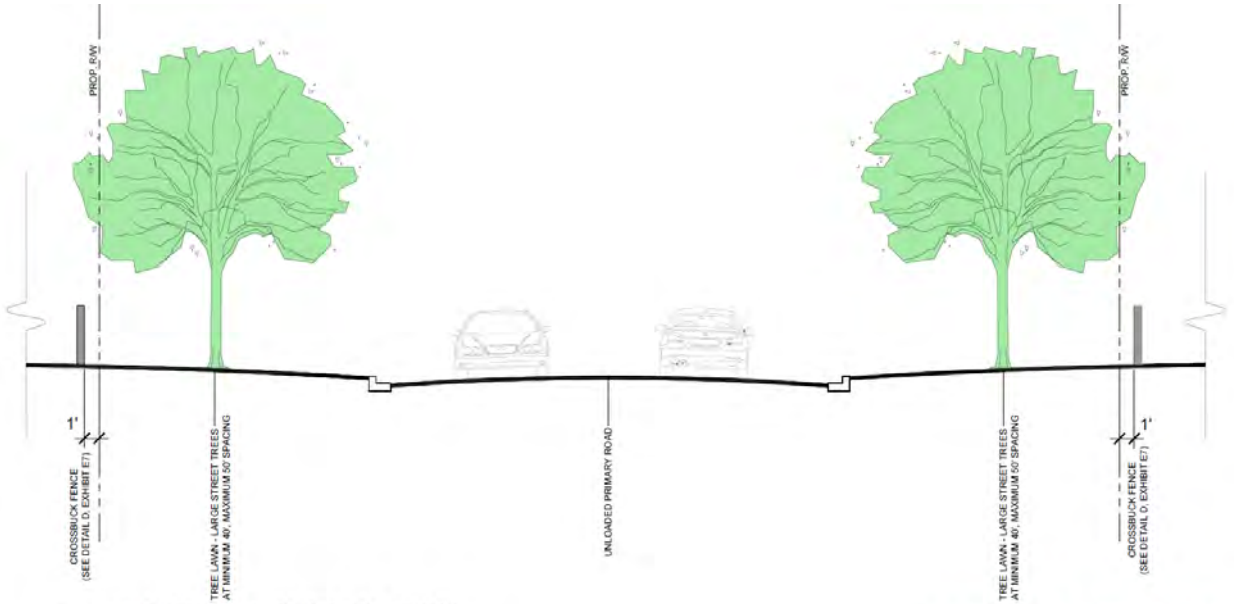
Schools:

- Marysville North developer is working closely with the schools to provide them with accurate projections of the number of school age children that can be expected by the different types of housing as well as the types of businesses and other uses (retail). This will help the school gauge future demand.

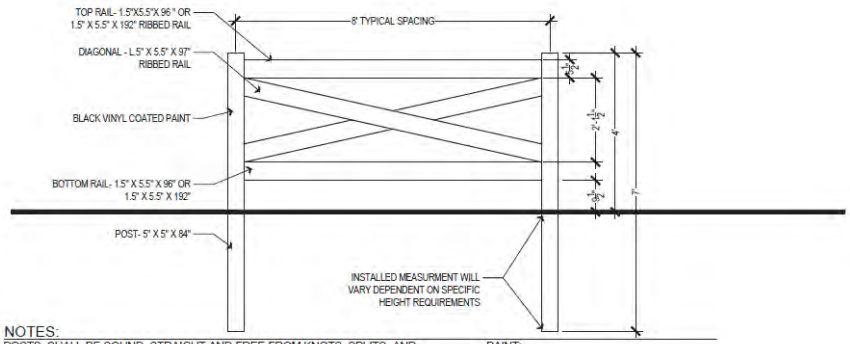
C. Explain how the proposed development conforms to the Marysville Comprehensive Plan.

The proposed PUD utilized the existing Marysville Comprehensive Plan as the basis for its development. Both the PUD and Comp Plan anticipated the majority of this area being Suburban Residential with a mixture of residential products. The small retail planned along St Rt 31 complements this use. In addition, the city staff and council embarked on a Focus Area Plan of this area in the summer 2024 with the help from an outside consultant/designer (The Edge Group). The Focus Area plan objectives were defined as: 1) create a prominent, well distributed open space network, 2) 30% open space, 3) greenway connectivity to regional amenities and neighborhoods, 4) preserve existing pond and woodlands, 5) integrate with existing developments, 6) utilize a mix of housing types, 7) neighborhood retail area, 8) gateway entrances from St Rt 31 and St Rt 4, and 9) realignment of Amrine Wood Road. The developer of Marysville North attended the working sessions and focus area presentation to better understand these objectives. The developer has now retained The Edge Group to work on this assignment to ensure alignment with the Focus Area Plan recommendations. It shouldn't be a surprise that the Marysville North master plan accomplishes all 9 of these goals in specular fashion.

Appendix A



I UNLOADED PRIMARY ROAD TYPICAL SECTION
SCALE: 1"=4'



NOTES:
POSTS SHALL BE SOUND, STRAIGHT AND FREE FROM KNOTS, SPLITS, AND SHAKES, AND PEELED THEIR ENTIRE LENGTH. BOTH ENDS SHALL BE DOUBLE TRIMMED AND SAWED SQUARE .
FENCE BOARDS:
BOARDS SHALL BE 1.5" X 5.5" X 98" OR 1.5" X 5.5" X 192" POPLAR, PRESSURE TREATED. THE BOARDS SHALL BE SOUND, STRAIGHT AND FREE OF KNOTS AND SHAKES.

PAINT:
BLACK

FASTENERS:
NAILS-10D PLAIN SHANK BOX GALVANIZED

D CROSSBUCK FENCE
SCALE: 1/2" = 1'-0"

MARYSVILLE NORTH
ROAD PROFILE
MARYSVILLE, OHIO 12-17-24

0 750 2,250 N

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

Appendix A

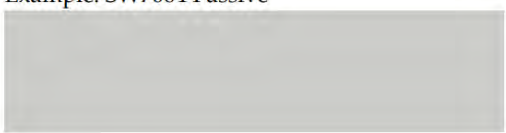
Exhibit – Color Pallets

Neutrals (Taupe, Tan, Beige)
Example: SW6142 Macadamia

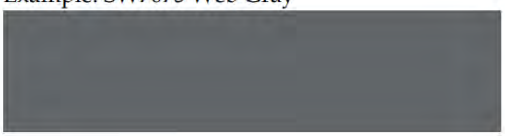


Whites and Off-Whites
Example: SW7008 Alabaster

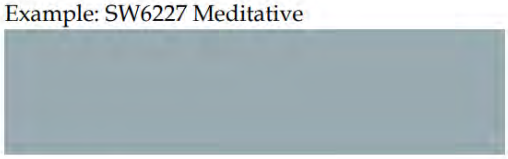
Light Gray
Example: SW7064 Passive



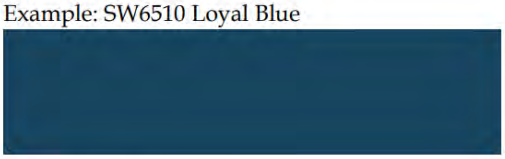
Dark Gray
Example: SW7075 Web Gray



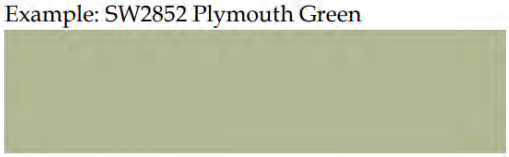
Light Blue
Example: SW6227 Meditative



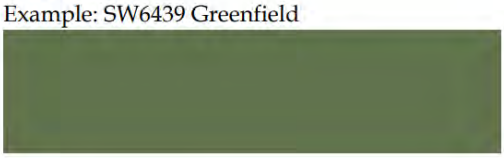
Dark Blue
Example: SW6510 Loyal Blue



Light Green
Example: SW2852 Plymouth Green



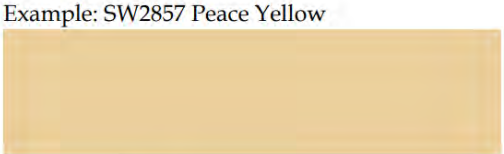
Dark Green
Example: SW6439 Greenfield



Red
Example: SW7600 Bolero



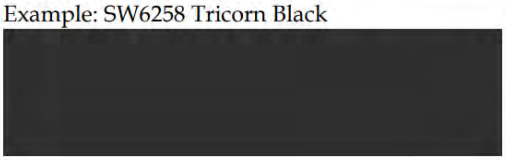
Yellow
Example: SW2857 Peace Yellow



Brown
Example: SW6083 Sable



Miscellaneous
Example: SW6258 Tricorn Black



Marysville North



Exhibit C: Open Space Plan

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
Net Developable Area:	+/-234.25 Ac.	
Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
TH		*50 Units*
SF-40'		*138 Units*
SF-52'		*143 Units*
SF-55'		*273 Units*
SF-67'		*86 Units*
Open Space:	+/-69.77 Ac. (30.0% Net)	
Community Facility:	*+/-0.85 Ac.*	
Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

LAND USE KEY

F **PUBLIC COMMON AREA**
+/-69.77 Ac.

Marysville North

Development Plan

Marysville, OH / March 5, 2025

ROCKFORD
DEVELOPMENT
INVESTMENTS

EDGE
www.edgela.com

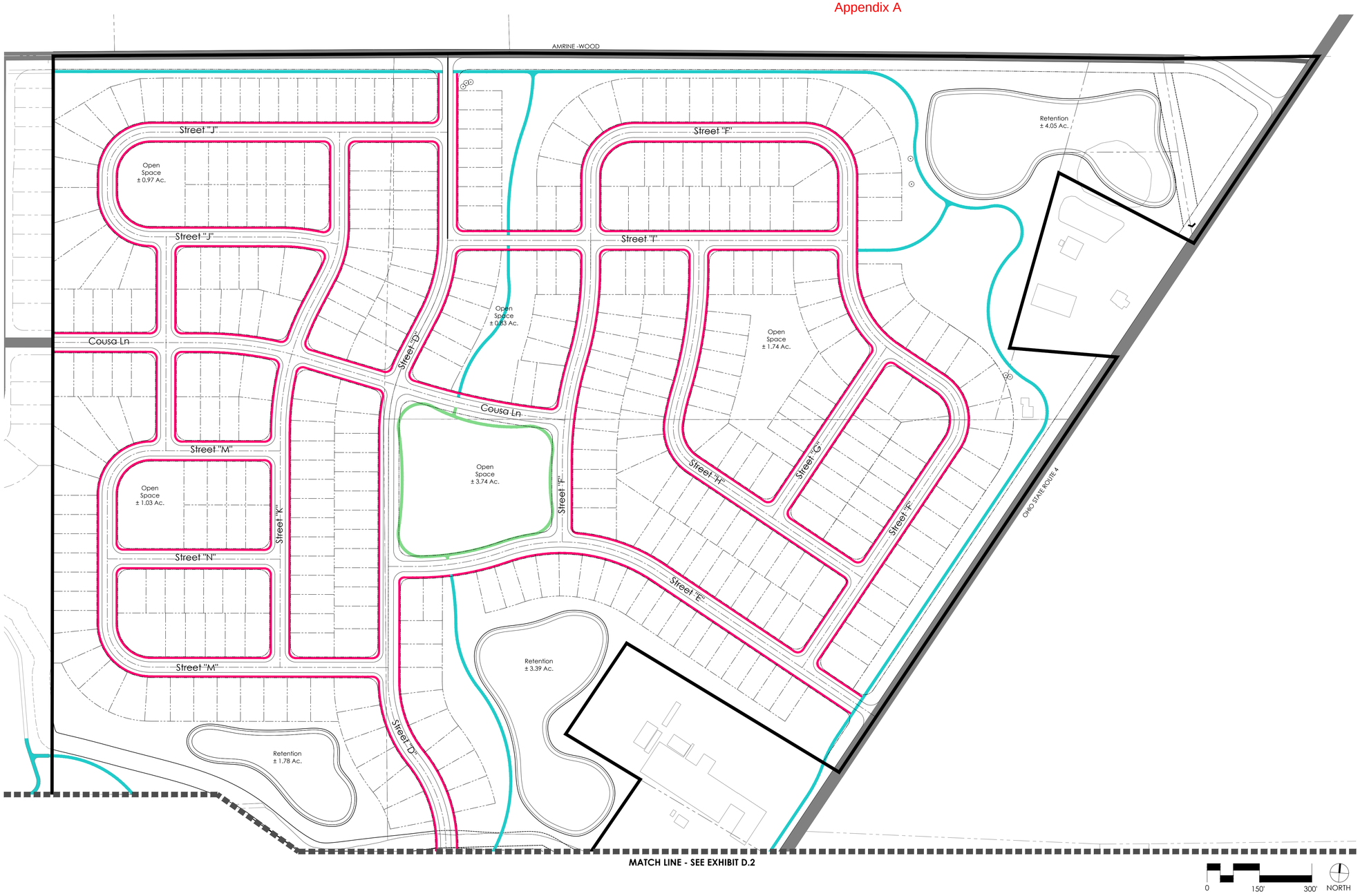


Exhibit D.1: Pedestrian Circulation - Enlargement (North)

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
Net Developable Area:	+/-234.25 Ac.	
Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
TH		*50 Units*
SF-40'		*138 Units*
SF-52'		*143 Units*
SF-55'		*273 Units*
SF-67'		*86 Units*
Open Space:	+/-69.77 Ac. (30.0% Net)	
Community Facility:	*+/-0.85 Ac.*	
Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

PATH KEY

- **SIDEWALKS - 5'**
- **MULTI-PURPOSE TRAIL - 10'**
- **MULTI-PURPOSE TRAIL - 8'**

Marysville North

Development Plan

Marysville, OH / March 5, 2025

ROCKFORD
DEVELOPMENT
INVESTMENTS

EDGE
www.edgela.com

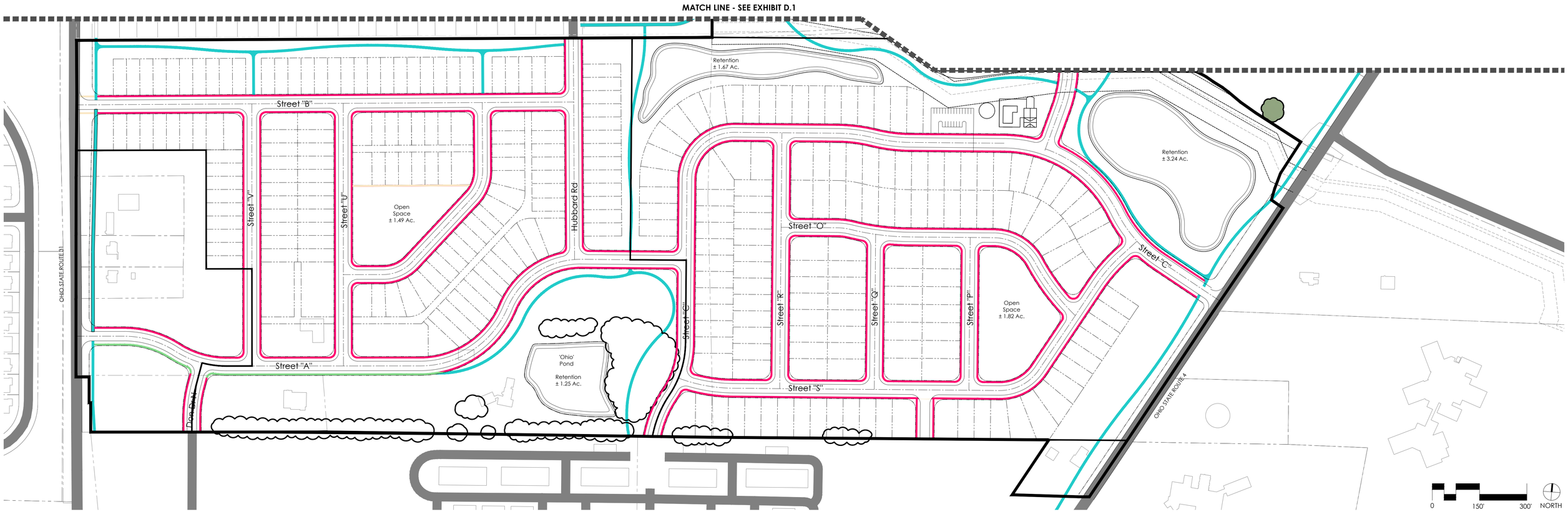
Exhibit D.2: Pedestrian Circulation Plan - Enlargement (South)

DEVELOPMENT DATA

Gross Area:	+/-242.76 Ac.	
R/W Expansion:	+/-8.51 Ac.	
OH State Route 4:	*+/-3.62 Ac.*	
OH State Route 31:	*+/-1.10 Ac.*	
Amrine Wood Road:	*+/-3.79 Ac.*	
Net Developable Area:	+/-234.25 Ac.	
Commercial:	+/-8.21 AC.	
Residential:	+/-156.59 AC.	690 Units
TH		*50 Units*
SF-40'		*138 Units*
SF-52'		*143 Units*
SF-55'		*273 Units*
SF-67'		*86 Units*
Open Space:	+/-69.77 Ac. (30.0% Net)	
Community Facility:	*+/-0.85 Ac.*	
Retention Ponds (Surface):	*+/-14.13 Ac.*	
"Ohio Pond" (Surface):	*+/-1.25 Ac.*	
Parks, Greenways, Setbacks:	*+/-46.30 Ac.*	
Neighborhood Parks:	*+/-7.24 Ac.*	

PATH KEY

- **SIDEWALKS - 5'**
- **MULTI-PURPOSE TRAIL - 10'**
- **MULTI-PURPOSE TRAIL - 8'**



Marysville North

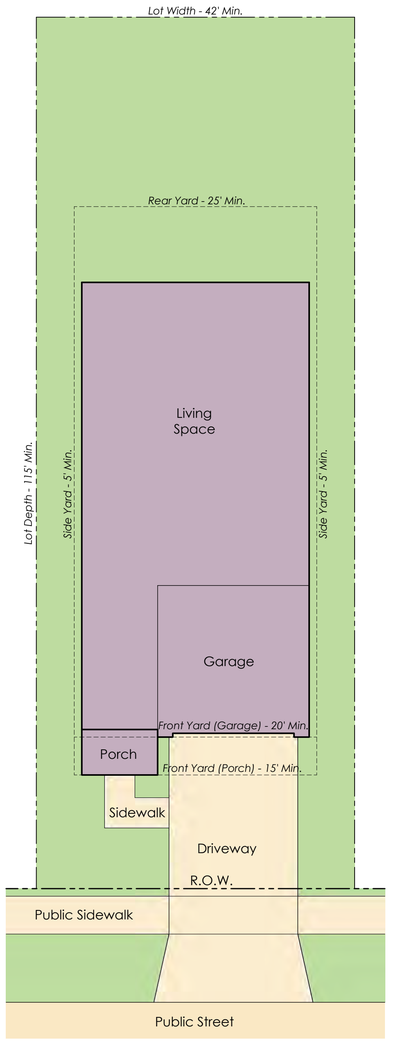
Development Plan

Marysville, OH / March 5, 2025

ROCKFORD
DEVELOPMENT
INVESTMENTS

EDGE
www.edgela.com

Exhibit E: Typical Lot Standards

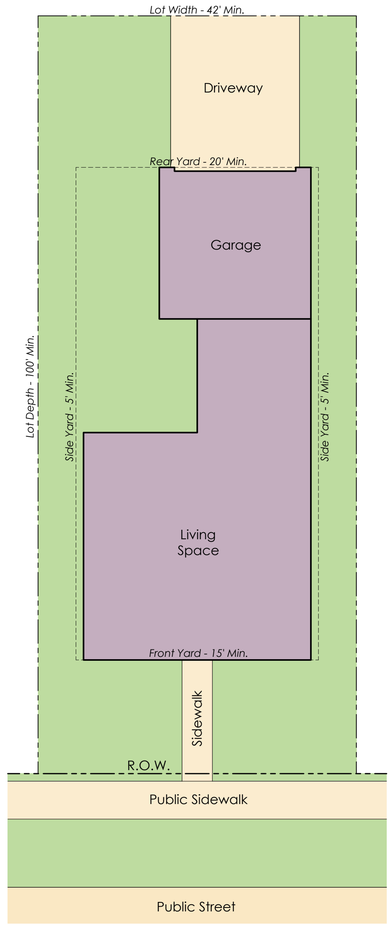


1 SINGLE FAMILY FRONT LOAD

0 5' 10' 20'

LOT STANDARDS - SF FRONT LOAD

Lot Width:	42' Minimum
Lot Depth:	115' Minimum
Front Yard Setback:	20' Minimum from Garage 15' Minimum from Front Porch
Rear Yard Setback:	25' Minimum
Side Yard Setback:	5' Minimum

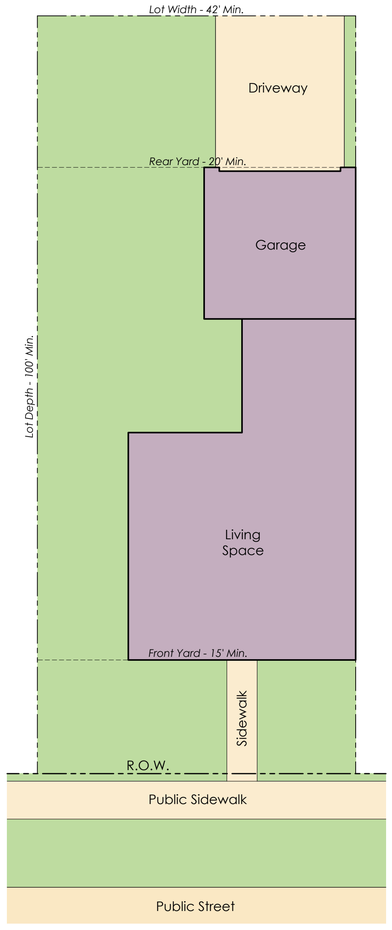


2 SINGLE FAMILY REAR LOAD

0 5' 10' 20'

LOT STANDARDS - SF REAR LOAD

Lot Width:	42' Minimum
Lot Depth:	100' Minimum
Front Yard Setback:	15' Minimum
Rear Yard Setback:	20' Minimum
Side Yard Setback:	5' Minimum



3 SINGLE FAMILY REAR LOAD - ALT

0 5' 10' 20'

LOT STANDARDS - SF REAR LOAD - ALT

Lot Width:	42' Minimum
Lot Depth:	100' Minimum
Front Yard Setback:	15' Minimum
Rear Yard Setback:	20' Minimum
Side Yard Setback:	0'



4 ATTACHED REAR LOAD

0 5' 10' 20'

LOT STANDARDS - ATTACHED REAR LOAD

Lot Width:	24' Minimum
Lot Depth:	100' Minimum
Front Yard Setback:	15' Minimum
Rear Yard Setback:	20' Minimum
Side Yard Setback:	0'

Appendix A

Exhibit F.1: Architectural Character Area B & D







Appendix A

Exhibit F.1: Architectural Character Area B & D







Appendix A

Exhibit F.1: Architectural Character Area B & D







Exhibit F.2 : Architectural Character Area C



TOWNHOMES - REAR LOADED



SINGLE FAMILY - REAR LOADED



SINGLE FAMILY - FRONT LOADED

Appendix A

Exhibit G.1: Character Images of Natural Common Areas

Natural Ponds Images







Exhibit G.2: Character Images of Common Areas



Marysville North Community Center





U.S. ARCHITECTURAL LIGHTING

PROJECT NAME:

PROJECT TYPE:

PENDANT MOUNTED ARM

XPK



FEATURES

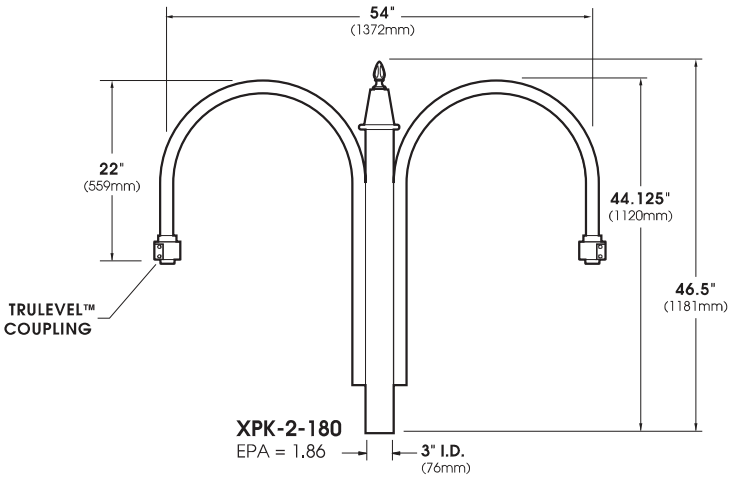
Arm
Durable corrosion resistant, cast aluminum construction.

Finish
Electrostatically applied TGIC Polyester Powder Coat on substrate prepared with 20 PSI power wash at 140°F. Four step media blast and iron phosphate pretreatment for protection and paint adhesion. 400°F bake for maximum hardness and durability.

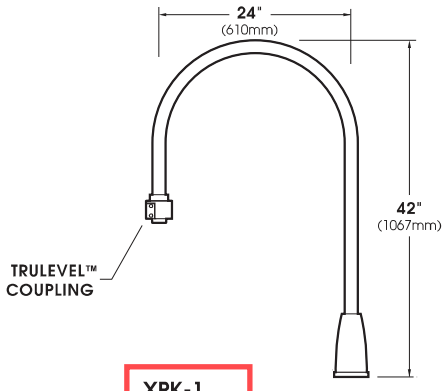


XPK

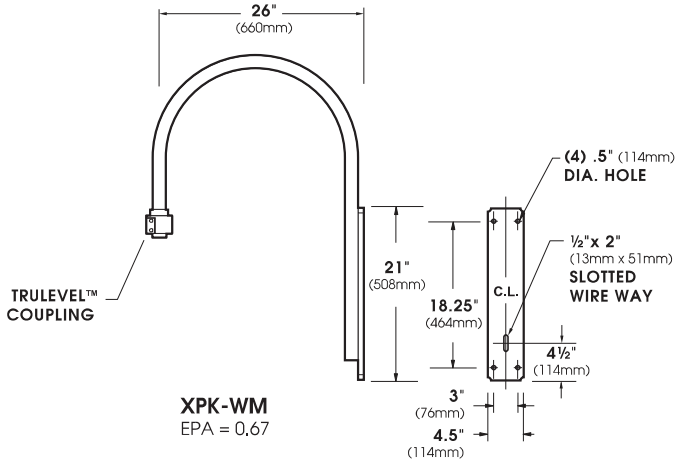
Patent pending



XPK-2-180
EPA = 1.86



XPK-1
EPA = 0.73



XPK-WM
EPA = 0.67

SCALE: ½"=1'

BABA compliant

2024071

Appendix A

U.S. ARCHITECTURAL LIGHTING

PROJECT NAME:

PROJECT TYPE:

PENDANT MOUNTED ARM

XPK



FEATURES

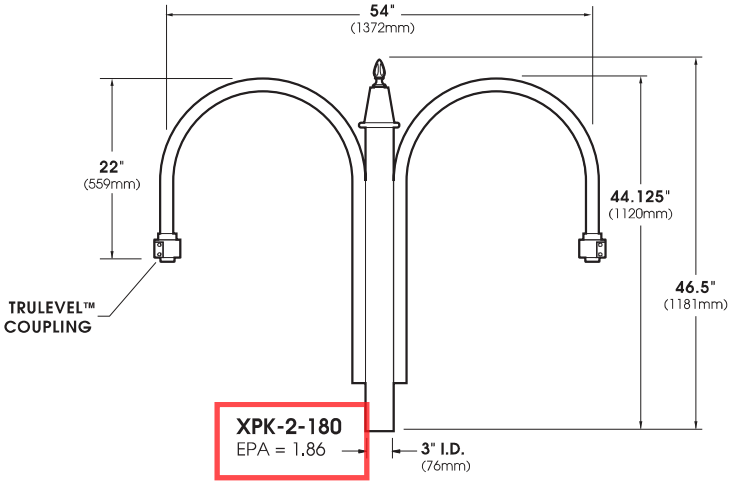
Arm
Durable corrosion resistant, cast aluminum construction.

Finish
Electrostatically applied TGIC Polyester Powder Coat on substrate prepared with 20 PSI power wash at 140°F. Four step media blast and iron phosphate pretreatment for protection and paint adhesion. 400°F bake for maximum hardness and durability.

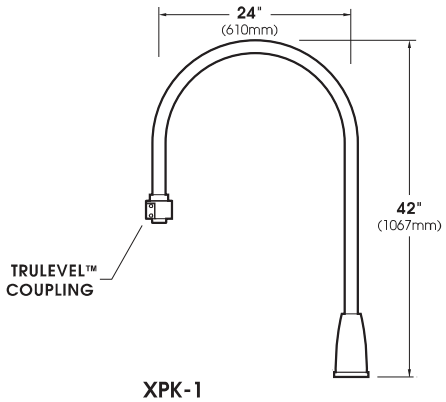


XPK

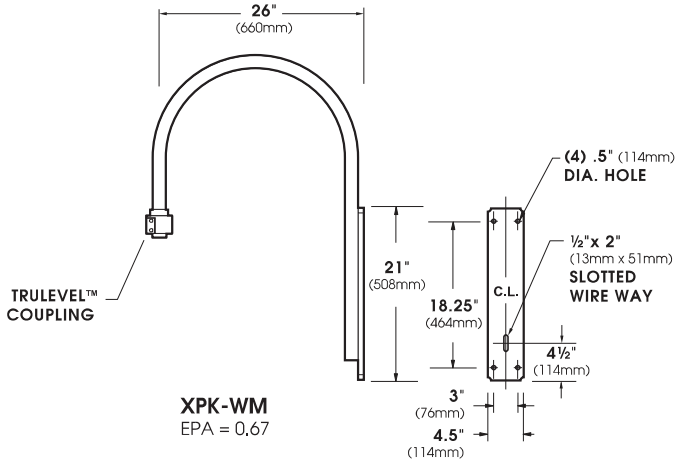
Patent pending



XPK-2-180
EPA = 1.86



XPK-1
EPA = 0.73



XPK-WM
EPA = 0.67

SCALE: ½"=1'

BABA compliant

2024071

Appendix A

PROJECT NAME:

PROJECT TYPE:

DEZINER SERIES 6

Small Neoclassical, Domed Bell Luminaire

Features
The NEW Dezīner Series is a flexible, configurable pedestrian scale decorative pendant luminaire with an 6.7" diameter upper housing of 0.125" thick formed aluminum with a large assortment of spun aluminum shades and ornamental options. Each lower housing is comprised of a 0.080" thick spun aluminum reflector with an integrated LED module seat, thermal management for long LED life and a thermally isolated solid state power supply chamber. Trulevel ™ ball coupling.

PLED™ Optics
Emitters (LED's) are arrayed on a metal core PCB panel with each emitter located on a copper thermal transfer pad and enclosed by an LED refractor. LED optics completely seal each individual emitter to meet an IP66 rating. In asymmetric distributions, a micro-reflector inside the refractor re-directs the house side emitter output towards the street side and functions as a house side shielding element. Refractors are injection molded H12 acrylic. Each LED refractor is sealed to the PCB over an emitter and all refractors are retained by an aluminum frame. Any one Panel, or group of Panels in a luminaire, have the same optical pattern. LED refractors produce standard site/area distributions. All optics are U0, Zero Uplight and are Dark Sky compliant. Panels are field replaceable and field rotatable in 90° increments.

LED Emitters
High Power White LED's are driven between 350mA and 875mA for a maximum output of 2.5 Watts nominal. LED's are available in standard Warm White (2700K & 3000K), Neutral White (4000K), or Cool White (5000K). All Standard LED's have a minimum of 70 CRI. Consult Factory for other LED options. Lumen Maintenance of L93 at 100,000 hours (TM-21 calculated at 6x Test Time) for all LED options.

True Amber LED's TRA-True Amber LED's emit light in the amber spectral bandwidth centered on 585-590nm. True Amber has negligible blue light and is suitable for wildlife.

LED Driver
Constant current electronic with a power factor of >.90 and a minimum operating temperature of -40°F/-40°C. Driver(s) is/are UL and cUL recognized and mounted directly against the Electrical Housing to facilitate thermal transfer, held down by universal clamps to facilitate easy removal. In-line terminal blocks facilitate wiring between the driver and optical arrays. Drivers accept an input of 120-277V (UNV), 50/60Hz or 347V & 480V, 50,60Hz. 0 - 10V dimmable driver is standard. Driver has a minimum of 3KV internal surge protection. Luminaire supplied with 20KV surge protector for field accessible installation.)

Finish
Super TGIC polyester powder coating is applied onto a metal substrate this has been pretreated with a four-stage process for maximum adhesion and color retention. The top coat is baked at 400° F for maximum hardness and exterior durability.



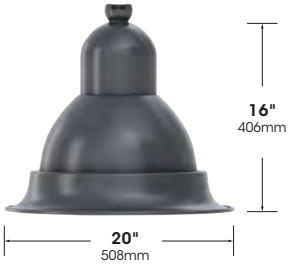
DS6A
Angled



DS6C
Concave/Flared



DS6D
Deep Bell



DS6S
Skirted



DS6T
Tiered

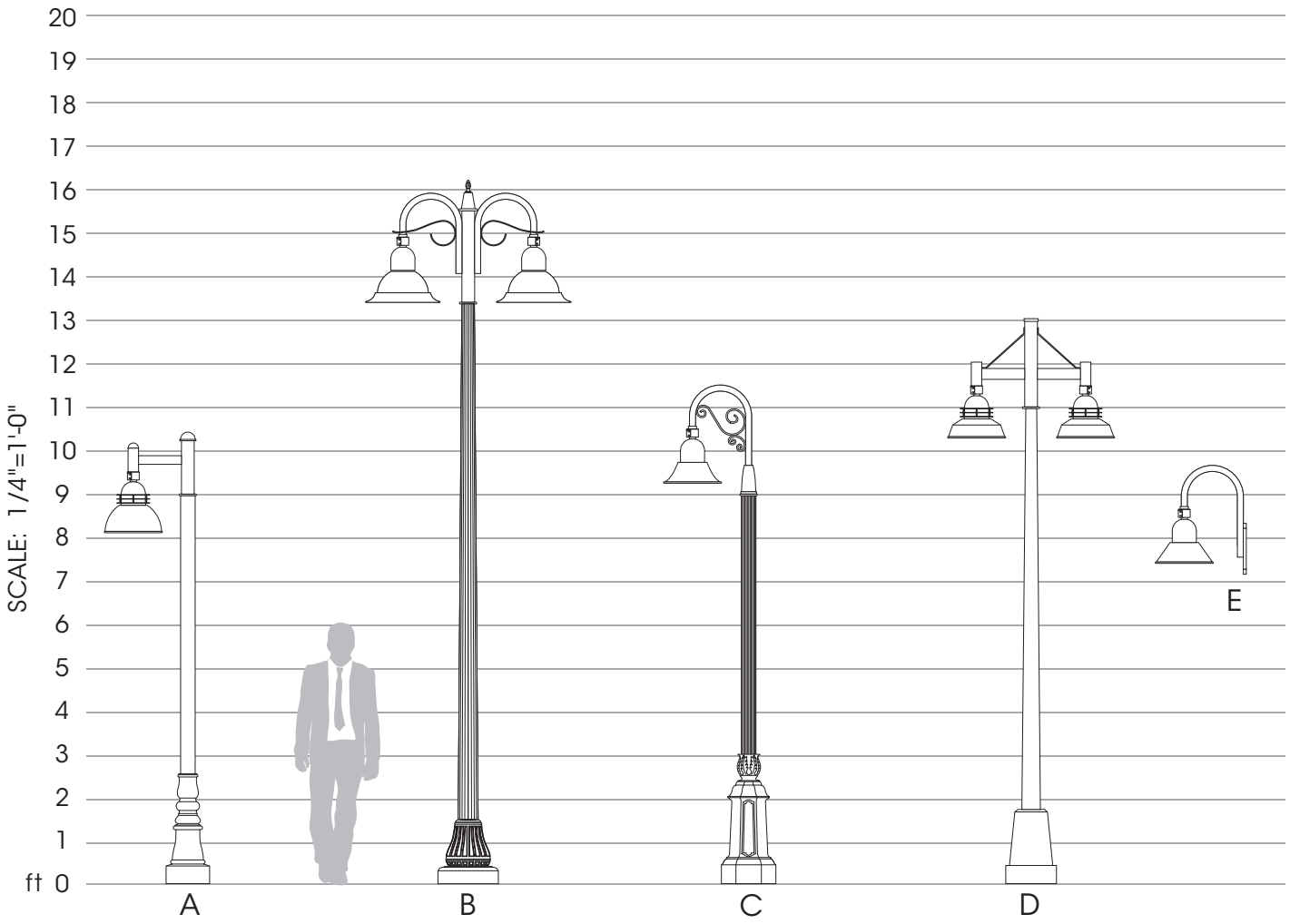
The smallest models within the Dezīner Series, offer 5 customizable styles available with optional Ambience™ Low Luminance Lens and unlit Bands.

U.L. Listed for Wet Location

2023062

DEZĪNER SERIES 6 - PLED SMALL

SAMPLE ASSEMBLIES



A. 24-1040-9'/XALM-1/DS6DB-AL/LED/ACCESSORIES/FINISH
B. 17-1030C-13'-4"/XPDM-2-180/DS6S/LED/ACCESSORIES/FINISH
C. 1M-106O-9'/XPCM-1/DS6C-AL/LED/ACCESSORIES/FINISH
D. 25-1035T-11'/XASM-2-180/DS6TB/LED/ACCESSORIES/FINISH
E. WM-XPKM/DS6A-AL/LED/ACCESSORIES/FINISH

Sample Assemblies show a small offering of the Sun Valley Line of Poles, Bases, Shafts, Arms, & Luminaires. Please visit usaltg.com for the full product offering.

Appendix A

U.S. ARCHITECTURAL LIGHTING

PROJECT NAME:

PROJECT TYPE:

ROUND NON-TAPERED ALUMINUM POLE

RNTA

Shaft
Round extruded from 6063 alloy aluminum tubing. Heat treated to produce a T6 temper. Shaft includes a hand hole furnished with cover. Shaft is furnished with ground lugs located on cast aluminum base plate.

Drilling Side Mount
A removable pole cap is included. Pole will be drilled to match U.S. Architectural fixtures. For other Drilling required, please specify DP after specified drill pattern. (example: 2-180DP)

Pole Top Mount
Standard pole top mount - PT27, fabricated from 2.5" (2.875" O.D.) aluminum pipe – tenon options available for pole tops please see Mounting column. For other pole top configurations please consult factory.

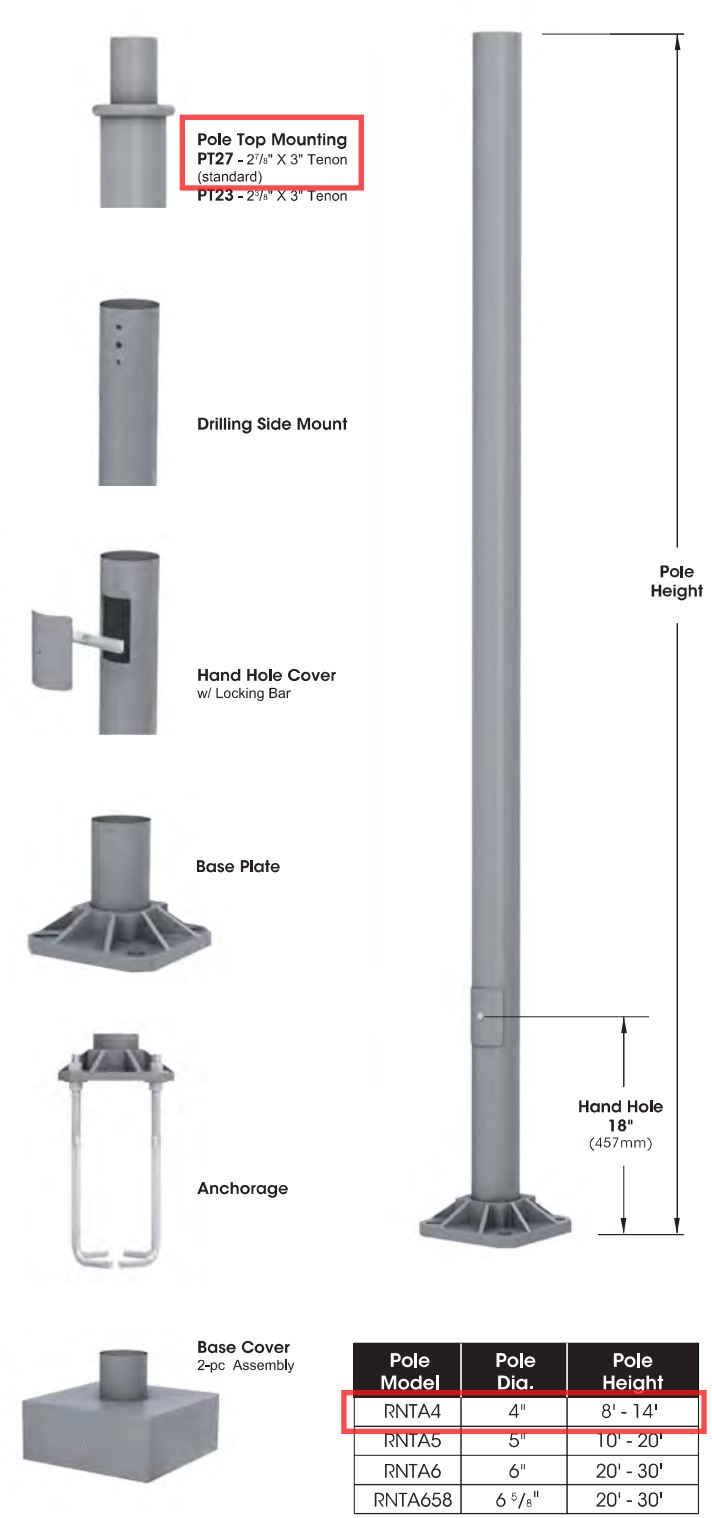
Hand Hole Cover
Rectangular 3" x 5" stamped heavy gauge aluminum material Hand Hole Cover, 2¼" x 4¼" access opening. Sealed door is secured by a formed aluminum bar and a stainless steel, tamper proof screw.

Base Plate
Cast aluminum constructed of A-356 aluminum alloy heat treated to produce a T6 temper. Structurally engineered base includes eight heavy wall reinforcing vertical gussets. Base telescopes and is circumferentially welded to shaft at both the outside top and inside bottom of the base.

Anchorage
(4) anchor bolts fabricated from hot rolled steel bar. Minimum yield strength of 50,000 P.S.I. Bolts have "L" bend on one end and are threaded on the other. Bolts are fully galvanized and are furnished with two nuts and two washers.

Base Cover
Fabricated from heavy wall aluminum construction. Two piece cover conceals base.

Finish
Electrostatically applied TGIC Polyester Powder Coat on substrate prepared with 20 PSI power wash at 140°F. Four step media blast and iron phosphate pretreatment for protection and paint adhesion. 400°F bake for maximum hardness and durability.



Pole Model	Pole Dia.	Pole Height
RNTA4	4"	8' - 14'
RNTA5	5"	10' - 20'
RNTA6	6"	20' - 30'
RNTA658	6 5/8"	20' - 30'

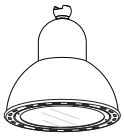
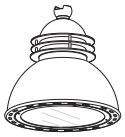
2023307

Appendix A

DEZĪNER SERIES 6 - PLED SMALL

PRODUCT CONFIGURATIONS

EPA & WEIGHT

Base Model	w/ unlit Bands	w/ Ambience™ Low Luminance Lens	w/ unlit Bands & Ambience™ Low Luminance Lens
			
DS6A Max Weight = 17 lbs Max EPA = 0.58 36 LED Max	**DS6AB** Max Weight = 18 lbs Max EPA = 0.63 36 LED Max	**DS6A-AL** Max Weight = 17 lbs Max EPA = 0.58 36 LED Max	**DS6AB-AL** Max Weight = 18 lbs Max EPA = 0.63 36 LED Max
			
DS6C Max Weight = 17 lbs Max EPA = 0.54 36 LED Max	**DS6CB** Max Weight = 18 lbs Max EPA = 0.59 36 LED Max	**DS6C-AL** Max Weight = 17 lbs Max EPA = 0.54 36 LED Max	**DS6CB-AL** Max Weight = 18 lbs Max EPA = 0.59 36 LED Max
			
DS6D Max Weight = 18 lbs Max EPA = 0.74 36 LED Max	**DS6DB** Max Weight = 19 lbs Max EPA = 0.79 36 LED Max	**DS6D-AL** Max Weight = 18 lbs Max EPA = 0.74 36 LED Max	**DS6DB-AL** Max Weight = 19 lbs Max EPA = 0.79 36 LED Max
			
DS6S Max Weight = 19 lbs Max EPA = 0.79 36 LED Max	**DS6SB** Max Weight = 20lbs Max EPA = 0.84 36 LED Max	**DS6S-AL** Max Weight = 19 lbs Max EPA = 0.79 36 LED Max	**DS6SB-AL** Max Weight = 20lbs Max EPA = 0.84 36 LED Max
			
DS6T Max Weight = 16 lbs Max EPA = 0.58 36 LED Max	**DS6TB** Max Weight = 17 lbs Max EPA = 0.63 36 LED Max	**DS6T-AL** Max Weight = 16 lbs Max EPA = 0.58 36 LED Max	**DS6TB-AL** Max Weight = 17 lbs Max EPA = 0.63 36 LED Max

Terry Emery

ORDINANCE _____

TO AMEND THE CODE OF ORDINANCES, CITY OF MARYSVILLE, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES MARYSVILLE CITY CODE SECTIONS 513.03, 513.04, 513.05, 513.06, 513.07, 513.08, 513.12, 525.05, 533.01, 533.03, 533.04, 537.02, 537.021, 537.14, 537.16, 545.01, 545.07; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority of the City of Marysville, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs and local government; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. That the Code of Ordinances of the City of Marysville, Ohio (meaning City Municipal Code) is hereby amended by adding the provisions as provided below.

SECTION II. The addition, amendment, or removal of Marysville City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Marysville, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

SECTION III. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Marysville, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

SECTION IV. Supplementation of Code.

(a) In preparing a supplement to the City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the City's Municipal Code which embody the substantive sections, or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the City's Municipal Code.

(c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION V. Provisions of Section 6 that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION VI. The following sections and of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted, and enacted:

Sec. 513.03. Drug abuse; controlled substance possession or use.

(A) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

(B) (1) This section does not apply to the following:

(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with ORC Chs. 3719, 4715, 4723, 4729, 4730, 4731 ~~and~~ ,4741 and 4772.

(b) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

(c) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

(d) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged, or obtained through deception or commission of a theft offense.

As used in division (B)(1)(d) of this section, *deception* and *theft offense* have the same meanings as in ORC 2913.01.

(2) (a) As used in subsection (B)(2) of this section:

i. ***Community addiction services provider*** has the same meaning as in ORC 5119.01.

ii. ***Community control sanction*** has the same meaning as in ORC 2929.01.

iii. ***Health care facility*** has the same meaning as in ORC 2919.16.

iv. ***Minor drug possession offense*** means a violation of this section that is a misdemeanor or a felony of the fifth degree.

v. ***Post-release control sanction*** has the same meaning as in ORC 2967.28.

vi. ***Peace officer*** has the same meaning as in ORC 2935.01.

vii. ***Public agency*** has the same meaning as in ORC 2930.01.

viii. ***Qualified individual*** means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (B)(2)(b) of this section.

ix. ***Seek or obtain medical assistance*** includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to subsection (B)(2)(e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense or a violation of ORC 2925.12, division (C)(1) of 2925.14, or 2925.141 if all of the following apply:

i. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

ii. Subject to subsection (B)(2)(f) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

iii. Subject to subsection (B)(2)(f) of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (B)(2)(b)ii. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The

documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to division (B)(2)(b) of this section, then ORC division (B) of 2929.141, division (B)(2) of 2929.15, division (D)(3) of 2929.25, or division (F)(3) of 2967.28 applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, or a violation of ORC 2925.12, division (C)(1) 2925.14, or 2925.141.

(d) Nothing in subsection (B)(2)(b) of this section shall be construed to do any of the following:

i. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (B)(2)(b) of this section or with regards to any crime other than a minor drug possession offense or a violation of ORC 2925.12, 2925.14(C)(1), or 2925.141 committed by a person who qualifies for protection pursuant to subsection (B)(2)(b) of this section;

ii. Limit any seizure of evidence or contraband otherwise permitted by law;

iii. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

iv. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.

(e) Subsection (B)(2)(b) of this section does not apply to any person who twice previously has been granted an immunity under subsection (B)(2)(b) of this section. No person shall be granted an immunity under subsection (B)(2)(b) of this section more than two times.

(f) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(C) Whoever violates subsection (A) hereof is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (A) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.

(2) If the drug involved in the violation is marijuana or a compound, mixture, preparation, or substance containing marijuana other than hashish, whoever violates subsection (A) hereof is guilty of possession of marijuana. Possession of marijuana is a

misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in subsection (C)(2)(b) hereof, possession of marijuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marijuana is a misdemeanor of the fourth degree.

(3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (A) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (C)(3)(b) hereof. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in subsection (C)(3)(b) hereof, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(D) In addition to any other sanction that is imposed for an offense under this section~~, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years~~.

(E) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(ORC 2925.11)

Sec. 513.04. Possessing drug abuse instruments.

(A) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marijuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marijuana, or to prepare a dangerous drug, other than marijuana, for unlawful administration or use.

(B) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with ORC Chs. 3719, 4715, 4723, 4729, 4730, 4731 ~~and~~ ,4741, and 4772.

(2) ORC 2925.11(B)(2) applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(C) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(D) ~~In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with ORC 2925.38. If the offender has a driver's or commercial driver's license or permit, ORC 2929.33 applies. (ORC 2925.12)

Sec. 513.05. Permitting drug abuse.

(A) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in ORC 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(B) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(C) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of ORC 2925.02 or 2925.03, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(D) ~~In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~

~~(E)~~ Any premises or real estate that is permitted to be used in violation of subsection (B) hereof constitutes a nuisance subject to abatement pursuant to ORC Ch. 3767.

(ORC 2925.13)

Sec. 513.06. Illegal cultivation of marijuana.

(A) No person shall knowingly cultivate marijuana.

(B) This section does not apply to any person listed in ORC 2925.03(B)(1)—(3) to the extent and under the circumstances described in those divisions.

(C) Whoever commits a violation of subsection (A) hereof is guilty of illegal cultivation of marijuana. Illegal cultivation of marijuana is a misdemeanor if the amount of marijuana involved does not exceed 200 grams.

(1) Except as otherwise provided in subsection (C)(2) hereof, illegal cultivation of marijuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(2) If the amount of marijuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marijuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(D) In addition to any other sanction imposed for an offense under this section~~, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of ORC 2925.03.~~ If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

(E) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness.

(ORC 2925.04)

Sec. 513.07. Possessing or using harmful intoxicants.

(A) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(B) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law.

~~(C) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~

(ORC 2925.31)

Sec. 513.08. Illegally dispensing drug samples.

(A) No person shall knowingly furnish another a sample drug.

(B) Subsection (A) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with ORC Chs. 3719, 4715, 4723, 4725, 4729, 4730, 4731, ~~and~~ 4741, and 4772.

(C) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marijuana, the penalty for the offense shall be determined as follows:

(1) Except as otherwise provided in subsection (C)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.

(2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

~~(CI) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ (ORC 2925.36)

Sec. 513.12. Drug paraphernalia.

(A) As used in this section, ***drug paraphernalia*** means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or ORC Ch. 2925. ***Drug paraphernalia*** includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance, except for those exempted in division (D)(4) of this section;

(6) A scale or balance for weighing or measuring a controlled substance;

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;

(9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;

(10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;

(11) A container or device for storing or concealing a controlled substance;

(12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;

(13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marijuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(B) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;

(2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or ORC Ch. 2925;

(3) The proximity of the equipment, product or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or ORC Ch. 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or ORC Ch. 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;

(6) Any oral or written instruction provided with the equipment, product or material concerning its use;

(7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product or material;

(9) The manner and circumstances in which the equipment, product or material is displayed for sale;

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;

(11) The existence and scope of legitimate uses of the equipment, product or material in the community;

(12) Expert testimony concerning the use of the equipment, product or material.

(C) (1) Subject to subsections (D)(2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with ORC Chs. 3719, 4715, 4723, 4729, 4730, 4731, ~~and~~ 4741, and 4772. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(2) Subsection (C)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana.

(3) ORC 2925.11(B)(2) applies with respect to a violation of division (C)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(4) Division (C)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.

(E) Notwithstanding ORC Ch. 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to ORC 2981.12.

(F) (1) Whoever violates subsection (C)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in subsection (F)(3) hereof, whoever violates subsection (C)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates subsection (C)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates subsection (C)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(G) ~~In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with ORC 2925.38. If the offender has a driver's or commercial driver's license or permit, ORC 2929.33 applies.

(ORC 2925.14)

Sec. 525.05. Failure to report a crime, injury or knowledge of death.

(A) (1) Except as provided in subsection (A)(2) hereof, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(2) No person, knowing that a violation of division (B) of ORC 2913.04 has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(B) Except for conditions that are within the scope of subsection (E) of this section, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the person, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this subsection (C), ***advanced practice registered nurse*** does not include a certified registered nurse anesthetist.

(D) No person shall fail to provide upon request of the person to whom a report required by subsection (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E) (1) As used in this subsection, ***burn injury*** means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

(c) Any burn injury or wound that may result in death;

(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by ORC 3743.01.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under subsection (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to ORC 3737.22(A)(15).

(5) Anyone participating in the making of reports under subsection (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding ORC 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (E) of this section.

(F)(1) No person who knows that a licensed medical professional has committed an offense under Chapter 2907. of the Revised Code, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.

(2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in division (F)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.

(3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under division (F)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.

(4) As used in division (F) of this section, “licensed medical professional” has the same meaning as in ORC 2907.01.

(~~F~~G) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in ORC 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding ORC 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(~~G~~H) Subsections (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under ORC 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for persons with drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to ORC 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of ORC 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former ORC 2907.12. As used in this subsection, ***counseling services*** include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(~~H~~I) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(~~I~~J) Whoever violates subsection (A), (B), or (~~B~~F)(1) of this section is guilty of failure to report a crime. Violation of subsection (A)(1) or (F)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (A)(2) or (B) of this section is a misdemeanor of the second degree.

(~~J~~K) Whoever violates subsection (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(~~K~~L) (1) Whoever negligently violates subsection (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates subsection (E) of this section is guilty of a misdemeanor of the second degree.

(~~L~~M) As used in this section, ***nurse*** includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.

(ORC 2921.22)

Sec. 533.01. Definitions.

As used in this chapter:

(A) ***Sexual conduct*** means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) ***Sexual contact*** means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) ***Sexual activity*** means sexual conduct or sexual contact, or both.

(D) ***Prostitute*** means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) ***Harmful to juveniles*** means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is ***obscene*** if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.

(G) ***Sexual excitement*** means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) ***Nudity*** means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(I) ***Juvenile*** means an unmarried person under the age of eighteen.

(J) ***Material*** means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.

(K) ***Performance*** means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.

(L) ***Spouse*** means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by ORC 3103.06;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(M) ***Minor*** means a person under the age of eighteen years.

(N) ***Mental health client or patient*** has the same meaning as in ORC 2305.51.

(O) ***Mental health professional*** has the same meaning as in ORC 2305.115.

(P) ***Sado-masochistic abuse*** means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

(Q) ***Place where a person has a reasonable expectation of privacy*** means a place where a reasonable person would believe that the person could fully disrobe in private.

(R) ***Private area*** means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.

(S) ***Licensed medical professional*** means any of the following medical professionals:
(1) A physician assistant licensed under ORC Chapter 4730.;
(2) A physician authorized under ORC Chapter 4731. to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;
(3) A massage therapist licensed under ORC Chapter 4731..

(ORC 2907.01)

Sec. 533.03. Unlawful sexual conduct with a minor.

(A) No person, who is eighteen years of age or older, shall engage in sexual conduct with another~~, who is not the spouse of the offender,~~ when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of ORC 2907.02, 2907.03 or 2907.04, or former ORC 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.

(ORC 2907.04)

Sec. 533.04. Sexual imposition.

(A) No person shall have sexual contact with another~~, not the spouse of the offender~~; cause another~~, not the spouse of the offender,~~ to have sexual contact with the offender; or cause two or more persons to have sexual contact when ~~any~~ the offender knows that the sexual contact is offense to the other person, or one of the ~~following applies:~~ other persons, or is reckless in that regard.

~~(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.~~

~~(2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.~~

~~(3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.~~

~~(4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.~~

~~(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.~~

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of ORC 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or former 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of ORC 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or former 2907.12, or of any combination of those sections, a violation of ORC 2907.06 is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in ORC 2929.24, the court may impose on the offender a definite jail term of not more than one year. (ORC 2907.06)

Sec. 537.02. Vehicular homicide and manslaughter.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) (a) Negligently;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle ,utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (D) of this section.

(2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.

(B) (1) Whoever violates subsection (A)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under ORC Ch. 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under ORC 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault

offense. The court shall impose a mandatory jail term on the offender when required by ORC 2903.06(E).

(2) Whoever violates subsection (A)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under ORC Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under ORC 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(C) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (A)(1)(b) of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (A)(1)(a) hereof if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or ORC 2903.06 or 2903.08.

(2) At the time of the offense, the offender was driving under suspension or cancellation under ORC Ch. 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under ORC 4507.10.

(D) Subsection (A)(1)(b) does not apply in a particular construction zone unless signs of the type described in ORC 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under ORC 5501.27. The failure to erect signs of the type described in ORC 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (A)(1)(a) or (A)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(E) As used in this section:

(1) ***Mandatory prison term*** and ***mandatory jail term*** have the same meanings as in ORC 2929.01.

(2) ***Traffic-related homicide, manslaughter or assault offense*** means a violation of ORC 2903.04 in circumstances in which division (D) of that section applies, a violation of ORC 2903.06 or 2903.08, or a violation of ORC 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(3) ***Construction zone*** has the same meaning as in ORC 5501.27.

(4) ***Speeding offense*** means a violation of ORC 4511.21 or a municipal ordinance pertaining to speed.

(F) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States.

(ORC 2903.06)

(G) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of ORC 4510.02 that is equivalent in length to the suspension required for a violation of ORC 2903.06 under similar circumstances.

(ORC 4510.07)

Sec. 537.021. Vehicular assault in a construction zone.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (D) hereof.

(B) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under ORC Ch. 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of ORC 4510.02.

(C) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(D) This section does not apply in a particular construction zone unless signs of the type described in ORC 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under ORC 5501.27.

(E) As used in this section:

(1) ***Mandatory jail term*** has the same meaning as in ORC 2929.01.

(2) ***Traffic-related homicide, manslaughter or assault offense*** has the same meaning as in ORC 2903.06.

(3) ***Construction zone*** has the same meaning as in ORC 5501.27.

(4) ***Speeding offense*** has the same meaning as in ORC 2903.06.

(F) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States.

(ORC 2903.08)

Sec. 537.14. Domestic violence.

(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm to a family or household member.

(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(D) (1) Whoever violates this section is guilty of domestic violence.

(2) Except as otherwise provided in subsection (D)(3) to (5) of this section, a violation of subsection (C) of this section is a misdemeanor of the fourth degree, and a violation of subsection (A) or (B) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in subsection (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of ORC 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (A) or (B) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (C) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (A) or (B) of this section is a felony and <u>there is a presumption for a prison term for the offense, and a violation of division (C) of this section is a misdemeanor of the first degree</u> shall be prosecuted under appropriate state law~~, and a violation of subsection (C) of this section is a misdemeanor of the first degree~~.

(5) Except as otherwise provided in subsection (D)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (A) or (B) of this section is a felony and shall be prosecuted under appropriate State law, and a violation of subsection (C) of this section is a misdemeanor of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.

(F) As used in this section:

(1) ***Family or household member*** means any of the following:

(a) Any of the following who is residing or has resided with the offender:

i. A spouse, a person living as a spouse or a former spouse of the offender;

ii. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;

iii. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) ***Person living as a spouse*** means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.

(ORC 2919.25)

(G) The same relief available under the Ohio Revised Code for filing a complaint for violation of ORC 2919.25 shall be available for filing a complaint for violation of this section.

Sec. 537.16. Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products.

(A) As used in this section:

(1) ***Age verification*** means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one (21) years of age or older.

(2) (a) ***Alternative nicotine product*** means, subject to subsection (a)(2)B. of this section, an electronic smoking device, vapor product, or any other product or device that

consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.

(b) ***Alternative nicotine product*** does not include any of the following:

i. Any cigarette or other tobacco product;

ii. Any product that is a ***drug*** as that term is defined in 21 U.S.C. 321(g)(1);

iii. Any product that is a ***device*** as that term is defined in 21 U.S.C. 321(h);

iv. Any product that is a ***combination product*** as described in 21 U.S.C. 353(g).

(3) ***Cigarette*** includes clove cigarettes and hand-rolled cigarettes.

(4) ***Distribute*** means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

(5) (a) ***Electronic smoking device*** means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. ***Electronic smoking device*** includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. ***Electronic smoking device*** does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(6) ***Proof of age*** means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under ORC 4507.50 to 4507.52 that shows that a person is 21 years of age or older.

(7) ***Tobacco product*** means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. ***Tobacco product*** also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. ***Tobacco product*** does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(8) ***Vapor product*** means a product, other than a cigarette or other tobacco product as defined in ORC Ch. 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. ***Vapor product*** includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. ***Vapor product*** does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). ***Vapor product*** includes any product containing nicotine, regardless of concentration.

(9) ***Vending machine*** has the same meaning as *coin machine* in ORC 2913.01.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes:

(a) To any person under twenty-one years of age; or

(b) Without first verifying proof of age.

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than 20 cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;

(7) Allow an employee under eighteen years of age to sell any tobacco product;

(8) Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products, or alternative nicotine products.

(C) No person shall sell or offer to sell cigarettes, other tobacco products or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in subsection (C)(1) or (2) of this section, upon all of the following conditions:

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the

purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(D) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

(1) The person under twenty-one years of age was accompanied by a parent, spouse who is 21 years of age or older, or legal guardian of the person under twenty-one years of age.

(2) The person who gave, sold or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (B)(1) of this section is a parent, spouse who is 21 years of age or older, or legal guardian of the person under twenty-one years of age.

(E) (1) It is not a violation of subsection (B)(1) or (2) of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:

(a) The parent, guardian or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol;

(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol;

(c) The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.

(2) It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product.

(F) (1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:

(a) Alternative nicotine products;

(b) Papers used to roll cigarettes;

(c) Tobacco products other than cigarettes.

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in divisions (F)(1)(a) to (c) of this section.

(G) Whoever violates subsection (B)(1), (2), (4), (5) (6), (7), or (8), (C), or (F) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of pleading guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(H)(1) Notwithstanding ORC 2929.28(A)(2), if an offender is convicted of or pleads guilty to a violation of division (B)(1) of this section, the court shall impose a fine in the following amount:

(a) Except as otherwise provided in divisions (H)(1)(b), (c), (d), and (e) of this section, not more than two hundred fifty dollars;

(b) Except as otherwise provided in divisions (H)(1)(c), (d), and (e) of this section, if an offender has previously been convicted of or pleaded guilty to a violation of division (B)(1) of this section, not more than five hundred dollars;

(c) Except as otherwise provided in divisions (H)(1)(d) and (e) of this section, if an offender previously has been convicted of or pleaded guilty to two or more violations of division (B)(1) of this section, five hundred dollars;

(d) Except as otherwise provided in division (H)(1)(e) of this section, if an offender previously has been convicted of or pleaded guilty to three or more violations of division (B)(1) of this section, one thousand dollars;

(e) If an offender previously has been convicted of or pleaded guilty to four or more violations of division (B)(1) of this section, one thousand five hundred dollars.

(2) The financial sanctions required by division (H)(1) of this section are in lieu of the financial sanctions described in ORC 2929.28(A)(2), but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under ORC 2929.24.

(I) Whoever violates subsection (B)(3) of this section is guilty of permitting children to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (B)(3) of this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(~~I~~J) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of ORC 2151.87 are subject to seizure and forfeiture as contraband under ORC Ch. 2981. (ORC 2927.02)

Sec. 545.01. Definitions.

As used in this chapter, unless the context requires that a term be given a different meaning:

(A) ***Deception*** means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(B) ***Defraud*** means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(C) ***Deprive*** means to do any of the following:

(1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) Dispose of property so as to make it unlikely that the owner will recover it;

(3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.

(D) ***Owner*** means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.

(E) ***Services*** include labor, personal services, professional services, rental services, public utility services, including wireless service as defined in ORC 128.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services and, for purposes of ORC 2913.04, include cable services as defined in that section.

(F) ***Writing*** means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.

(G) ***Forge*** means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(H) ***Utter*** means to issue, publish, transfer, use, put or send into circulation, deliver or display.

(I) ***Coin machine*** means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.

(J) ***Slug*** means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.

(K) ***Theft offense*** means any of the following:

(1) A violation of ORC 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.08, 2913.11, 2913.21,

2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former 2913.47 or 2913.48, or 2913.51, 2915.05, or 2921.41.

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (K)(1) hereof or a violation of ORC 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (K)(1), (2) or (3) hereof.

(L) ***Computer services*** includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.

(M) ***Computer*** means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. ***Computer*** includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to an electronic device of that nature.

(N) ***Computer system*** means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

(O) ***Computer network*** means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

(P) ***Computer program*** means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.

(Q) ***Computer software*** means computer programs, procedures and other documentation associated with the operation of a computer system.

(R) ***Data*** means a representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system or computer network. For purposes of Section 545.07, ***data*** has the additional meaning set forth in subsection (A) of that section.

(S) ***Cable television service*** means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

(T) ***Gain access*** means to approach, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network, or any cable service or cable system both as defined in ORC 2913.04.

(U) ***Credit card*** includes, but is not limited to, a card, code, device or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on

credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine or a cash dispensing machine.

(V) ***Electronic fund transfer*** has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.

(W) ***Rented property*** means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.

(X) ***Telecommunication*** means the origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.

(Y) ***Telecommunications device*** means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

(Z) ***Telecommunications service*** means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

(AA) ***Counterfeit telecommunications device*** means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. *Counterfeit telecommunications device* includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.

(BB)(1) ***Information service*** means, subject to subsection (BB)(2) hereof, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including, but not limited to, electronic publishing.

(2) ***Information service*** does not include any use of a capability of a type described in subsection (BB)(1) hereof for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(CC) ***Elderly person*** means a person who is sixty-five years of age or older.

(DD) ***Disabled adult*** means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or

older and has been certified as permanently and totally disabled by an agency of this State or the United States that has the function of so classifying persons.

(EE) ***Firearm*** and ***dangerous ordnance*** have the same meanings as in ORC 2923.11.

(FF) ***Motor vehicle*** has the same meaning as in ORC 4501.01.

(GG) ***Dangerous drug*** has the same meaning as in ORC 4729.01.

(HH) ***Drug abuse offense*** has the same meaning as in ORC 2925.01.

(II) ***Police dog or horse*** has the same meaning as in ORC 2921.321.

(JJ) ***Anhydrous ammonia*** is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this subsection. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH3). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

(KK) ***Assistance dog*** has the same meaning as in ORC 955.011.

(LL) ***Active duty service member*** means any member of the armed forces of the United States performing active duty under Title 10 of the United States Code. (ORC 2913.01)

Sec. 545.07. Insurance fraud.

(A) As used in this section:

(1) ***Data*** has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.

(2) ***Deceptive*** means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.

(3) ***Insurer*** means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under ORC 3929.43; the assigned risk plan created under ORC 4509.70, any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.

(4) ***Policy*** means a policy, certificate, contract or plan that is issued by an insurer.

(5) ***Statement*** includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

(B) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to

a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

(2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(C) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is one thousand dollars ($1,000.00) or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

(D) This section shall not be construed to abrogate, waive or modify ORC 2317.02(A).

(ORC 2913.47)

SECTION VII. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Marysville, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION VIII. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

1st Reading: March 24, 2025

2nd Reading: April 14, 2025

3rd Reading: _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

Terry Emery

ORDINANCE _____

TO AMEND THE CODE OF ORDINANCES, CITY OF MARYSVILLE, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC MARYSVILLE CITY CODE SECTIONS 303.01, 303.10, 331.39, 331.40, 333.01, 333.07, 335.04, 335.072, 335.074, 337.26, 343.01; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority of the City of Marysville, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs and local government; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. That the Code of Ordinances of the City of Marysville, Ohio (meaning City Municipal Code) is hereby amended by adding the provisions as provided below.

SECTION II. The addition, amendment, or removal of Municipal Marysville City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Marysville, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

SECTION III. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Marysville, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

SECTION IV. Supplementation of Code.

(a) In preparing a supplement to the City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the City's Municipal Code which embody the substantive sections, or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the City's Municipal Code.

(c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION V. Provisions of Section 6 that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION VI. The following sections and subsections of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted, and enacted:

Sec. 301.53. Natural resources officer.

Natural resources officer means an officer appointed pursuant to ORC 1501.24.

(ORC 4511.01(XXX))

Sec. 301.54. Wildlife officer.

Wildlife officer means an officer designated pursuant to ORC 1531.13.

(ORC 4511.01(YYY))

Sec. 303.01. Compliance with lawful order of police officer; fleeing.

(A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (A) is a misdemeanor of the first degree. A violation of subsection (B) is a misdemeanor of the first degree, unless the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(D) In addition to any other sanction imposed for a violation of subsection (A) of this section ~~or a misdemeanor violation of subsection (B) of this section~~, the court shall impose a class five suspension from the range specified in ORC 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in ORC 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection.

(ORC 2921.331)

Sec. 303.10. Leaving junk vehicles on private property with permission of owner.

(A) For the purposes of this section, ***junk motor vehicle*** means any motor vehicle meeting the requirements of ORC 4513.63(~~B~~A) (2), (3), (4), ~~to~~ and (~~E~~5) that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of ORC 4737.05 to 4737.12; or regulated under authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation, or if the motor vehicle is a collector's vehicle.

Persons may store or keep by unrestricted method any collector's vehicle as defined in ORC 4501.01(F) on private property with the permission of the person having the right to the possession of the property; except that such person having such permission shall conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

Council, the Chief of Police or the Municipal Zoning Authority, may send notice by certified mail with return receipt requested, to the person having the right to the possession of the

property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice. Each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

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

(ORC 4513.65)

Sec. 331.39. Driving across grade crossing.

(A) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train <u>or other on-track equipment</u>.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train <u>or other on-track equipment</u>.

(d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(f) There is insufficient undercarriage clearance to safely negotiate the crossing.

<u>(g) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other on-track equipment.</u>
<u>(h) Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.</u>

(2)<u>(a)</u> A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (f) of this section exist at the crossing.

<u>(b) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in division (A)(1)(g) or (h) of this section exist at the crossing.</u>

(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(C)(1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed one hundred eighty days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section.

(ORC 4511.62)

Sec. 331.40. Stopping at grade crossing.

(A) (1) Except as provided in subsection (A)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.

(a) Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.

(b) After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.

(c) By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing

designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(3) As used in this section:

(a) ***School vehicle*** means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(b) ***Bus*** means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

(c) ***Exempt crossing*** means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (A)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

(4) Except as otherwise provided in this subsection (A)(4), whoever violates subsection (A) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (A) hereof or ORC 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (A) hereof is guilty of a misdemeanor of the fourth degree.

(ORC 4511.63)

(B) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(2) Except as otherwise provided in this subsection, whoever violates this subsection (B)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991. (ORC 4511.61)

Sec. 333.01. Driving or physical control while under the influence.

(A) (1) *Operation Generally.* No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.

(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(j) Except as provided in subsection (M) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

i. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

ii. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

iii. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

iv. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

v. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

vi. The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

vii. The person has a concentration of marijuana in the person's urine of at least ten nanograms of marijuana per milliliter of the person's urine or has a concentration of marijuana in the person's whole blood or blood serum or plasma of at least two nanograms of marijuana per milliliter of the person's whole blood or blood serum or plasma.

viii. Either of the following applies:

a. The person is under the influence of alcohol, a drug of abuse or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marijuana metabolite per milliliter of the person's urine or has a concentration of marijuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marijuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

b. The person has a concentration of marijuana metabolite in the person's urine of at least thirty-five nanograms of marijuana metabolite per milliliter of the person's urine or has a concentration of marijuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marijuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

ix. The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

x. The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

xi. The State Board of Pharmacy has adopted a rule pursuant to ORC 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's

urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this Municipality, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within twenty years of the conduct described in subsection (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of ORC 4511.19(A), or any other equivalent offense shall do both of the following:

(a) Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse or a combination of them;

(b) Subsequent to being arrested for operating the vehicle as described in subsection (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under ORC 4511.191, and being advised by the officer in accordance with ORC 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) *Operation After Under-Age Consumption.* No person under twenty-one years of age shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(C) One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (A)(1)(a) or (A)(2) and a violation of subsection (B)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections. (ORC 4511.99)

(D) *Physical Control.*

(1) As used in this subsection, ***physical control*** means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(2) No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (A)(1)(b), (c), (d) or (e) hereof.

(c) Except as provided in subsection (D)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (A)(1)(j) hereof.

(3) Subsection (D)(2)(c) of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (A)(1)(j) hereof, if both of the following apply: (ORC 4511.194)

(E) *Evidence; Tests.*

(1) (a) In any criminal prosecution or juvenile court proceeding for a violation of (A)(1)(a) of this section or for any equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in ORC 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding for a violation of subsection (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in ORC 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under ORC 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn under subsection (E)(1)(b) hereof shall be analyzed in accordance with methods approved by the Director of Health by an

individual possessing a valid permit issued by the Director pursuant to ORC 3701.143.

(c) As used in subsection (E)(1)(b) of this section, ***emergency medical technician-intermediate*** and ***emergency medical technician-paramedic*** have the same meanings as in ORC 4765.01.

(2) In a criminal prosecution or juvenile court proceeding for violation of subsection (A) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (A)(1)(b), (c), (d) and (e) of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (B) of this section or for an equivalent offense that is substantially equivalent to that subsection.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to subsection (E)(1)(b) hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of ORC 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of ORC 4511.191, the form to be read to the person to be tested, as required under ORC 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) (a) As used in subsections (E)(4)(b) and (c) of this section, ***national highway traffic safety administration*** means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of subsection (A), (B) or (D) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at

the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

i. The officer may testify concerning the results of the field sobriety test so administered.

ii. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

iii. If testimony is presented or evidence is introduced under subsection (E)(4)(b)i. or ii. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Subsection (E)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (E)(4)(b) of this section. (ORC 4511.19)

(F) *Forensic Laboratory Reports.*

(1) Subject to subsection (F)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (F)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in subsection (F)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(G) *Immunity From Liability For Withdrawing Blood.* Except as otherwise provided in this subsection, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or ORC 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or ORC 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this subsection also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this subsection is not available to a person who withdraws blood if the person engaged in willful or wanton misconduct.

As used in this subsection, ***emergency medical technician-intermediate*** and ***emergency medical technician-paramedic*** have the same meanings as in ORC 4765.01.

(H) *General OVI Penalty.*

(1) Whoever violates any provision of subsections (A)(1)(a) to (i) or (A)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates subsection (A)(1)(j) of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under ORC Chapter 2929, and this Traffic Code, except as otherwise authorized or required by subsections (H)(1)(a) to (e) of this section:

(a) Except as otherwise provided in subsections (H)(1)(b), (c), (d) or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

i. If the sentence is being imposed for a violation of subsections (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to ORC 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under ORC 5119.38.

The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to ORC 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to ORC Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

If the court grants unlimited driving privileges to a first-time offender under ORC 4510.022, all penalties imposed upon the offender by the court under subsection (H)(1)(a)i. of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under subsection (H)(1)(a)i. of this section upon granting unlimited driving privileges in accordance with ORC 4510.022.

ii. If the sentence is being imposed for a violation of subsection (A)(1)(f), (g), (h) or (i) or (A)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to ORC 5119.38. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

If the court grants unlimited driving privileges to a first-time offender under ORC 4510.022, all penalties imposed upon the offender by the court under subsection (H)(1)(a)ii. of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under subsection (H)(1)(a)ii. of this section upon granting unlimited driving privileges in accordance with ORC 4510.022.

The court may require the offender, under a community control sanction imposed under ORC 2929.25, to attend and satisfactorily complete any

treatment or education programs that comply with the minimum standards adopted pursuant to ORC Chapter 5119 by the Director of Mental Health and Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

iii. In all cases, a fine of not less than ~~three~~ five hundred ~~seventy~~ sixty-five dollars ($~~375~~565.00) and not more than one thousand seventy-five dollars ($1,075.00).

iv. In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a definite period of one to three years. The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under ORC 4510.022.

(b) Except as otherwise provided in subsection (H)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (A) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

i. If the sentence is being imposed for a violation of subsection (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (H)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by ORC 5119.21, subject to subsection (K) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

ii. If the sentence is being imposed for a violation of subsection (A)(1)(f), (g), (h) or (i) or (A)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this subsection unless, subject to

subsection (H)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by ORC 5119.21, subject to subsection (K) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

iii. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than ~~five~~ seven hundred ~~twenty-five~~ fifteen dollars ($~~525~~715.00) and not more than one thousand six hundred twenty-five dollars ($1,625.00).

iv. In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to seven years. The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13. (ORC 4511.19)

v. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with ORC 4503.233 and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in subsection (H)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (A) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

i. If the sentence is being imposed for a violation of subsection (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this subsection unless, subject to subsection (H)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

ii. If the sentence is being imposed for a violation of subsection (A)(1)(f), (g), (h) or (i) or (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this subsection unless, subject to subsection (H)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

iii. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than ~~eight hundred fifty~~ one thousand forty dollars ($~~850~~1,040.00) and not more than two thousand seven hundred fifty dollars ($2,750.00).

iv. In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to twelve years. The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13. (ORC 4511.19)

v. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with ORC 4503.234. Subsection (H)(5) (H)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection.

vi. In all cases, the court shall order the offender to participate with a community addiction services provider authorized by ORC 5119.21, subject to subsection (K) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in subsection (H)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (A) of this section or other equivalent offenses, an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of that type described in ORC 2941.1413, is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of ORC 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of subsection (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this

section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of ORC 4511.191.

(3) If an offender is sentenced to a jail term under subsection (H)(1)(b)i. or ii. or (H)(1)(c)i. or ii. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by subsection (H)(1)(b)i. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by subsection (H)(1)(b)ii. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by subsection (H)(1)(c)i. of this section, the court, under this subsection, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (H)(1)(c)ii. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (H) of this section and if ORC 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under ORC 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of ORC 4503.231.

(5) Fines imposed under this section for a violation of subsection (A) of this section shall be distributed as follows:

(a) Twenty-five dollars of the fine imposed under subsection (H)(1)(a)(iii), thirty-five dollars of the fine imposed under subsection (H)(1)(b)(iii), one hundred twenty-three dollars of the fine imposed under subsection (H)(1)(c)(iii), and two hundred ten dollars of the fine imposed under subsection (H)(1)(d)(iii) or (e)(iii) of this section shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under subsection (H)(1)(a)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. If the offender is being sentenced for a violation of subsection (A)(1)(a), (b), (c), (d), (e), or (j) of this section and was confined as a result of the offense prior to being sentenced for the offense but is not sentenced to a term of incarceration, the fifty dollars shall be paid to the political subdivision that paid the cost of housing the offender during that period of confinement. The political subdivision shall use the share under this subsection to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs of any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(c) Twenty-five dollars of the fine imposed under subsection (H)(1)(a)(iii) and fifty dollars of the fine imposed under subsection (H)(1)(b)(iii) shall be deposited into the county or municipal indigent drivers' alcohol treatment fund under the control of that court, as created by the county or municipal corporation under ORC 4511.191 (~~F~~H).

(d) One hundred fifteen dollars of the fine imposed under subsection (H)(1)(b)(iii), two hundred seventy-seven dollars of the fine imposed under subsection (H)(1)(c)(iii), and four hundred forty dollars of the fine imposed under subsection (H)(1)(d)(iii) or (e)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. The political

subdivision shall use this share to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs for any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(e) ~~Fifty~~ One hundred twenty-five dollars of the fine imposed under subsections (H)(1)(a)(iii), (H)(1)(b)(iii), (H)(1)(c)(iii), (H)(1)(d)(iii), and (H)(1)(e)(iii) of this section shall be deposited into the special projects fund of the court in which the offender was convicted and that is established under ORC 2303.201(E)(1), 1901.26(B)(1), or 1907.24(B)(1), to be used exclusively to cover the cost of immobilizing or disabling devices, including certified ignition interlock devices, and remote alcohol monitoring devices for indigent offenders who are required by a judge to use either of these devices. If the court in which the offender was convicted does not have a special projects fund that is established under ORC 2303.201(E)(1), 1901.26(B)(1), or 1907.24(B)(1), the ~~fifty~~ one hundred twenty-five dollars shall be deposited into the indigent drivers interlock and alcohol monitoring fund under ORC 4511.191(I).

(f) Seventy-five dollars of the fine imposed under subsection (H)(1)(a)(iii), one hundred twenty-five dollars of the fine imposed under subsection (H)(1)(b)(iii), two hundred fifty dollars of the fine imposed under subsection (H)(1)(c)(iii), and five hundred dollars of the fine imposed under subsection (H)(1)(d)(iii) or (e)(iii) of this section shall be transmitted to the treasurer of state for deposit into the indigent defense support fund established under ORC 120.08.

(g) One hundred fifteen dollars shall be credited to the statewide treatment and prevention fund created by ORC 4301.30. Money credited to the fund under this section shall be used for purposes identified under ORC 5119.22.

(h) The balance of the fine imposed under subsection (H)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this section shall be disbursed as otherwise provided by law.

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of ORC 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under subsection (H) of this section, the offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to ORC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars ($5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under subsection (H) of this section.

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

(a) The offender is convicted of or pleads guilty to a violation of subsection (A) of this section.

(b) The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.

(c) The test or tests indicated that the offender had ~~a~~ one of the following at the time of the offense:

(i) A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine ~~at the time of the offense~~;

(ii) A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.

(9) A court may warn any person who is convicted of or who pleads guilty to a violation of division (A) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under ORC 2903.06. The court may warn the person of the applicable penalties for that violation under ORC 2903.06 and 2929.142.

(10) As used in subsection (H) of this section, ***electronic monitoring***, ***mandatory prison term*** and ***mandatory term of local incarceration*** have the same meanings as in ORC 2929.01.

(I) *Vehicle Operation After Underage Alcohol Consumption Penalty.* Whoever violates subsection (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in subsection (I)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of ORC 4510.02. The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under ORC 4510.022. If the court grants unlimited driving privileges under ORC 4510.022, the court shall suspend any jail term imposed under subsection (I)(1) of this section as required under that section.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (A) or (B) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of ORC 4510.02. The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13.

(3) The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.28, in an amount not exceeding five thousand dollars ($5,000.00) for any economic loss arising from an accident or collision that was the

direct and proximate result of the offender's operation of the vehicle before, during or after committing the violation of subsection (B) of this section. (ORC 4511.19)

(J) *Physical Control Penalty.* Whoever violates subsection (D) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of ORC 4510.02. (ORC 4511.194)

(K) *Compliance With ORC Chapter 5119 Standards.*

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under ORC Chapter 5119 by the Director of Mental Health and Addiction Services.

(2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(L) Appeal Does Not Stay Operation of License Suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(M) Subsection (A)(1)(j) of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(N) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (A)(1)(j) of this section also apply in a prosecution of a violation of ORC 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(O) *Conflict of Terms.* All terms defined in ORC 4510.01 apply to this section. If the meaning of a term defined in OCR 4510.01 conflicts with the meaning of the same term as defined in ORC 4501.01 or this Traffic Code, the term as defined in ORC 4510.01 applies to this section. (ORC 4511.19)

(P) *Indigent Drivers Alcohol Treatment Fund.* Twenty-five dollars ($25.00) of any fine imposed for a violation of subsection (A) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to ORC 4511.193. (ORC 4511.193)

(Q) *Definitions.* As used in this section:

(1) ***Equivalent offense*** means any of the following:

(a) A violation of ORC 4511.19;

(b) A violation of a municipal OVI ordinance;

(c) A violation of ORC 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

(d) A violation of division (A)(1) of ORC 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

(e) A violation of division (A)(2), (3) or (4) of ORC 2903.06, division (A)(2) of ORC 2903.08, or former ORC 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(f) A violation of division (A) of ORC 1547.11;

(g) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine;

(h) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of ORC 4511.19 or division (A) or ORC 1547.11;

(i) A violation of a former law of this State that was substantially equivalent to division (A) of ORC 4511.19 or division (A) of ORC 1547.11;

(2) ***Mandatory jail term*** means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under subsection (H)(1)(a), (b) or (c) upon an offender convicted of a violation of subsection (A) hereof and in relation to which all of the following apply:

(a) Except as specifically authorized under this section, the term must be served in a jail.

(b) Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to ORC 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

(3) ***Municipal OVI ordinance*** and ***municipal OVI offense*** mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.

(4) ***Community residential sanction***, ***continuous alcohol monitoring***, ***jail***, ***mandatory prison term***, ***mandatory term of local incarceration***, ***sanction*** and ***prison term*** have the same meanings as in ORC 2929.01.

(5) ***Drug of abuse*** has the same meaning as in ORC 4506.01.

(6) ***Equivalent offense that is vehicle-related*** means an equivalent offense that is any of the following:

(a) A violation described in subsection (Q)(1), (2), (3), (4) or (5) hereof;

(b) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of ORC 4511.19;

(c) A violation of a former law of this state that was substantially equivalent to division (A) of ORC 4511.19. (ORC 4511.181)

Sec. 333.07. Street racing ~~prohibited~~ , stunt driving, or street takeover.

(A) As used in this section and ORC 4510.036~~, ***street***~~

(1) ***Street racing*** means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

~~Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants.~~ The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 333.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(2) “Burnout” means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.
(3) “Doughnut” means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.
(4) “Drifting” means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
(5) “Wheelie” means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.
(6) “Stunt driving” means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
(7) “Street takeover” means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

(B) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street or highway ~~in this Municipality~~ , or on private property that is open to the general public.

(C) Whoever violates this section is guilty of street racing ,stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this subsection.

(D) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(E) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

(ORC 4511.251)

Sec. 335.04. Certain acts prohibited.

(A) No person shall do any of the following:

(1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any ~~physician's~~ statement required under ORC 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

Sec. 335.072. Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.

(A) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to ORC

Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by ORC Chapter 4509. ~~No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by ORC 4509.45 to file and maintain proof of financial responsibility for a violation of ORC 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.~~

(B) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to ORC 4509.37 or 4509.40 for nonpayment of a judgment.

(C) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (A) or (B) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (A) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (B) of this section. The person charged with a violation of subsection (A) or (B) of this section may offer evidence to rebut this prima-facie evidence.

(D) Whoever violates subsection (A) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (D)(1) to (3) hereof. Whoever violates subsection (B) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (D)(1) to (3) hereof.

(1) Except as otherwise provided in subsection (D)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding division (A)(2)(a) of ORC 2929.28, the offender may be fined up to one thousand dollars ($1,000.00); and, notwithstanding division (A)(3) of ORC 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of ORC 2705.02 that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of ORC 4510.16, or any combination of two violations of ORC 4510.16 or ORC 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(3) The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.28 in an amount not exceeding five thousand dollars ($5,000.00) for any economic loss arising from an accident or collision that was the

direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section.

(ORC 4510.16)

(E) No person who has knowingly failed to maintain proof of financial responsibility in accordance with ORC 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with ORC 4509.101. Whoever violates this subsection (E) hereof is guilty of falsification, a misdemeanor of the first degree.

(ORC 4509.102)

Sec. 335.074. Driving under license forfeiture or child support suspension.

(A) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to ORC 2151.354, ~~2151.87~~, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(B) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (A) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (A) of this section. The person charged with a violation of subsection (A) of this section may offer evidence to rebut this prima-facie evidence.

(C) Whoever violates subsection (A) of this section is guilty of driving under suspension and shall be punished as provided in subsection (C) of this section.

(1) Except as otherwise provided in subsection (C)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding division (A)(2)(a) of ORC 2929.28, the offender may be fined up to one thousand dollars ($1,000.00); and, notwithstanding division (A)(3) of ORC 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of ORC 2705.02 that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of ORC 4510.111, or any combination of two or more violations of subsection (A) of ORC 4510.111, or ORC 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided

by law, the court may order restitution pursuant to ORC 2929.28 in an amount not exceeding five thousand dollars ($5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section.

(ORC 4510.111)

Sec. 337.26. Child restraint system usage.

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01 or a vehicle that is regulated under ORC 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(D) When any child who is at least eight years of age but not older that fifteen years of age and who is not otherwise required by subsection (A), (B) or (C) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in ORC 4513.263.

(E) Notwithstanding-any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket,

citation, or summons for a violation of subsection (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (C) or (D) of this section has been or is being committed.

(F) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under ORC Chapter 4731, a clinical nurse specialist or certified nurse practitioner licensed to practice in this state under ORC Chapter 4723, or a chiropractor licensed to practice in this State under ORC Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse, or chiropractor as noted on the affidavit.

(I) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(J) Whoever violates subsection (A), (B), (C) or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(1) Except as otherwise provided in subsection (J)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than seventy-five dollars ($75.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (A), (B), (C) or (D) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.

(ORC 4511.81)

Sec. 343.01. Definitions.

(A) ***Low-speed vehicle*** means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(B) ***Under-speed vehicle*** means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(C) ***Utility vehicle*** means a self-propelled vehicle designed with a bed, principally recreation and/or for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

(D) ***Mini-truck*** means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

(E) ***Operator*** includes any person who operates or is in actual physical control of a low-speed vehicle, under-speed vehicle, utility vehicle or mini-truck upon the public roadways or highways.

(F) ***Owner*** means a person that possesses the ownership title, or some other proof of ownership, to a low-speed vehicle, under-speed vehicle, utility vehicle or mini-truck.

(G) ***Adaptive mobility vehicle*** means either a new passenger car or bus purchased from a new motor vehicle dealer or a used passenger car or bus, provided that such passenger car or bus is designed, modified, or equipped to enable an individual with a disability to operate or to be transported in the passenger car or bus, in accordance with 49 C.F.R. part 568 or 595, and contains at least one of the following:

(1) An electronic or mechanical lift that enables a person to enter or exit the motor vehicle while occupying a wheelchair or scooter;
(2) An electronic or mechanical wheelchair ramp;
(3) A system to secure a wheelchair or scooter in order to allow a person to operate or be transported safely while occupying that wheelchair or scooter.

(H) Any term not defined in this section shall have the same meaning as defined in the Ohio Revised code. (ORC 4501.01)

SECTION VII. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Marysville, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the

provisions hereof are hereby declared to be severable.

SECTION VIII. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

1st Reading: March 24, 2025

2nd Reading: April 14, 2025

3rd Reading: _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

Terry Emery

ORDINANCE _____

TO AMEND SECTION 741.02 (A) CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED, OF CHAPTER 741 MARIJUANA, OF THE CITY OF MARYSVILLE CODIFIED ORDINANCES

WHEREAS, on July 24, 2017, the City of Marysville passed Ordinance 32-17 which enacted Chapter 741, Medical Marijuana, of the City of Marysville Codified Ordinances, to prohibit medical marijuana cultivation, processing, and retail dispensing within the City of Marysville; and

WHEREAS, on November 7, 2023, Ohio voters approved State Issue 2, and as a result, the City of Marysville amended its Zoning Code to allow for the cultivation and processing of recreational and medical marijuana by approving Ordinance 52-24, passed on November 25, 2024; and

WHEREAS, Section 741.02, Cultivation, Processing or Retail Dispensing of Medical Marijuana Prohibited, now needs to be amended to eliminate the prohibition of cultivation and processing of medical marijuana; and

WHEREAS, Section 741.02 of the Codified Ordinances of the City of Marysville should be amended as set forth in Exhibit A; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. Section 741.02 Cultivation, Processing or Retail Dispensing of Medical Marijuana Prohibited, of the Codified Ordinances of the City of Marysville, shall be amended as set forth in Exhibit A, attached and incorporated herein.

SECTION II. The remainder of Section 741.02 shall remain intact.

1st Reading: April 14, 2025

2nd Reading: _____

3rd Reading: _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

CHAPTER 741. MARIJUANA

Sec. 741.01. Definitions.

(A) ***Marijuana*** has the same meaning as Marihuana as defined in Section 3719.01 of the Ohio Revised Code.

(B) ***Medical Marijuana*** means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(C) ***Recreational Marijuana*** means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a recreational purpose.

Sec. 741.02. ~~Cultivation, processing, or~~ Rretail dispensing of medical and recreational marijuana prohibited.

(A) The ~~cultivation, processing, or~~ retail dispensing of medical marijuana within the City of Marysville is hereby prohibited.

(B) Retail dispensaries for adult use recreational marijuana are prohibited.

(B) This section does not prohibit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

Sec. 741.99. Penalties.

(A) Whoever violates Section 741.02(A) is guilty of a minor misdemeanor. Each day of the violation shall constitute a separate offense.

(B) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of a provision(s) of this chapter; for monetary damages arising from violations of a provision(s) of this chapter; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment or fine in contempt levied in relation to a violation of a provision(s) of this chapter.