

Ordinance Numbers, 21-264 thru 21-275, corrected 1-3-2022

Summary Sheet Dec 21, 2021

<u>Bill</u>	<u>Ord</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>	<u>Meeting</u>
21-228	21-226	Passed	An ordinance making temporary annual appropriations for current expenses and other expenditures of the City of Mansfield, Ohio for the fiscal year beginning January 1, 2022, and declaring an emergency.	Van Harlingen	Finance
21-230	21-228	Passed	Submitting the question of adopting the enactment of an additional municipal income tax at the rate of one-quarter percent (0.25%) for a period of four (4) years from January 1, 2023 through December 31, 2026 for "PARKS CAPITAL IMPROVEMENTS" to the electors of the City of Mansfield, Ohio, for their approval or rejection at the primary election to be held within the City of Mansfield, Ohio, on May 3, 2022, with such additional income tax receipts to be used exclusively for parks capital improvements and maintenance, declaring an emergency.	All Members of Council	
21-231	21-229	Passed	Enacting a portion of Chapter 193 of the Mansfield Codified Ordinances of 1997, as amended, to provide for a PARKS CAPITAL IMPROVEMENTS levy of one-quarter percent (.25%) municipal income tax, after approval of such levy by the electors pursuant to § 718.01 of the Revised Code of Ohio, upon income taxable by the City of Mansfield for a period of four (4) years and commencing January 1, 2023 and ending December 31, 2026, to be used exclusively for parks capital improvements and maintenance thereof, and declaring an emergency.	All Members of Council	
21-250	21-249	Passed	Amending and enacting Chapters 1501, 1502, and 1525 of the Mansfield Codified Ordinances of 1997 concerning the Mansfield Fire Prevention Code.	Scott	
<h1>Caucus Begins</h1>					
21-265	21-264	Passed	Honoring Jon VanHarlingen upon his retirement from the Mansfield City Council.	All Members of Council	
21-266	21-265	Passed	Authorizing payment of the claim of Connie Eichar, 646 Bennington Drive Mansfield, OH 44904 and declaring an emergency.	Lawrence	
21-267	21-266	Passed	Authorizing renewal of an Agreement with the Richland County Commissioners for Payment of Counsel Fees for Indigent Criminal Defendants, and declaring an emergency.	Van Harlingen	

Summary Sheet Dec 21, 2021

<u>Bill</u>	<u>Ord</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>	<u>Meeting</u>
21-268	21-267	Passed	Authorizing the acceptance of funding from the Ohio Office of Criminal Justice Services (OCJS) for the Northern Ohio Violent Crime Consortium (NOVCC), in the amount of seventy thousand, three hundred seventy-four and 00/100 dollars (\$70,374.00) to reduce violence in high crime areas and assist the Mansfield Police Department's effort to create safer neighborhoods, and declaring an emergency.	Van Harlingen	
21-269	21-268	Passed	Approving the expenditure of \$100,812.02, and the re-allocation of \$460,000.00, of funds received under the American Rescue Plan Act in the manner prescribed by and consistent with the requirements of the American Rescue Plan Act, and declaring an emergency.	Van Harlingen	Finance
21-270	21-269	Passed	Authorizing the Public Works Director to execute a contract with Universal Enterprises Inc. in the amount of four hundred fifty-two thousand six hundred eighty-eight and 00/100 dollars (\$452,688.00) for the emergency replacement of the HVAC system at the Airport Terminal Building, and declaring an emergency.	Scott	Finance
21-271	21-270	Passed	Authorizing the Public Works Director to accept a donation from the Richland Area Chamber of Commerce in the amount of twenty-one thousand and 00/100 dollars (\$21,000.00) for the purpose of the West End Target Area Project, and declaring an emergency.	Van Harlingen	Finance
21-272	21-271	Passed	Authorizing the Public Works Director to accept a grant from the Richland County Foundation (Gorman Fund) in the amount of forty-one thousand two hundred eighty-seven and 00/100 dollars (\$41,287.00) for the purpose of the West End Target Area Project, and declaring an emergency.	Van Harlingen	Finance
21-273	21-272	Passed	Expressing the intent of the City of Mansfield to sell unneeded, obsolete and unfit personal property by means of Internet Auction, and authorizing the Safety-Service Director to list such property for sale with GovDeals, Inc., and declaring an emergency.	Van Harlingen	

Summary Sheet Dec 21, 2021

<u>Bill</u>	<u>Ord</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>	<u>Meeting</u>
21-274	21-273	Passed	Ratifying and authorizing the execution by the Public Works Director on behalf of the City, the Participation Agreement for the Settlement with manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J") pursuant to the use of potential opioid litigation settlement funds and consistent with the material terms proposed National Opioid Settlement Agreement available at https://nationalopioidsettlement.com/ , and declaring an emergency.	Van Harlingen/ Davenport	
21-275	21-274	Passed	Authorizing the Safety-Service Director to purchase, according to STS pricing contract criteria, from Jim Shorkey Auto Group, five (5) 2022 Dodge Chargers for the Police Department, and declaring an emergency.	Scott	
21-276	21-275	Passed	Honoring Jason Lawrence upon his retirement from the Mansfield City Council.	All Members of Council	

NEXT MEETING Tuesday, Jan 4th, 2022 7:00 PM Council to follow

BILL #21-228

ORDINANCE # 21-228

BY: MR. VAN HARLINGEN

An ordinance making temporary annual appropriations for current expenses and other expenditures of the City of Mansfield, Ohio for the fiscal year beginning January 1, 2022, and declaring an emergency.


WHEREAS, the sums hereinafter appropriated are to provide for the current expenses and other expenditures of the City of Mansfield, Ohio, and any sums appropriated herein are chargeable to and shall be included in the annual appropriations ordinance for 2022 to be passed no later than April 1, 2022.

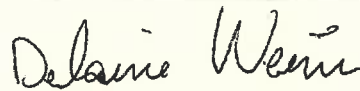
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:


SECTION 1. That the sums set forth in attached pages numbered 1 through 28 are incorporated herein and are hereby adopted and appropriated as the temporary appropriations to provide for the current expenses and other expenditure of the City of Mansfield, Ohio for the fiscal year commencing January 1, 2022.

SECTION 2. That being temporary annual appropriations which are essential to the ongoing fiscal operation of the City from and after January 1, 2022, this measure is determined to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>3 November 2021</u>
1 st Reading	<u>16 November 2021</u>
2 nd Reading	<u>7 December 2021</u>
PASSED	<u>21 December 2021</u>

SIGNED 
 /s/ David Falquette
 President of Council

ATTEST 
 /s/ Delaine Weiner
 Assistant Clerk of Council

APPROVED 
 /s/ Timothy L. Theaker
 Mayor

APPROVED AS TO FORM: John R. Spon
 Law Director
 City of Mansfield, Ohio

BY: ALL MEMBERS OF COUNCIL

Submitting the question of adopting the enactment of an additional municipal income tax at the rate of one-quarter percent (0.25%) for a period of four (4) years from January 1, 2023 through December 31, 2026 for "PARKS CAPITAL IMPROVEMENTS" to the electors of the City of Mansfield, Ohio, for their approval or rejection at the primary election to be held within the City of Mansfield, Ohio, on May 3, 2022, with such additional income tax receipts to be used exclusively for parks capital improvements and maintenance, declaring an emergency.

WHEREAS, § 718.01 of the Revised Code of Ohio requires that municipal income tax rates in excess of one percent (1%) must be approved by the electors of the municipality at a general, primary or special election, and

WHEREAS, the City of Mansfield, Ohio, already levies a municipal income tax at a rate in excess of one percent (1%), and

WHEREAS, the City Council has determined, by the adoption of Ordinance #21-___, adopted on December __, 2021, as an emergency measure to be effective immediately upon its approval and passage by a majority vote of the electors of the City of Mansfield voting on the question at the primary election to be held on May 3, 2022, to adopt a levy of the continuation of an additional one-quarter percent (0.25%) municipal income tax for the calendar years 2023, 2024, 2025, and 2026, with the additional income tax receipts to be used for exclusively for parks capital improvements and maintenance thereof.

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

SECTION 1. That pursuant to the provisions of § 718.01 of the Revised Code of Ohio, the Board of Elections of Richland County, Ohio, is hereby directed and ordered at the primary election to be held on the third day of May, 2022, to submit to the electors of the City of Mansfield, Ohio, for their approval or rejection the question of whether the continuation of an existing municipal income tax at the rate of one-quarter percent (0.25%) for a period of four (4) calendar years commencing January 1, 2023, and ending December 31, 2026, shall to be levied pursuant to such City's Ordinance #21-___ adopted by the City's Council on December __, 2021, with such additional income tax receipts to be set aside and used for parks capital improvements and maintenance thereof.

SECTION 2. That the ballot shall be substantially in the following form:

PROPOSED MUNICIPAL INCOME TAX LEVY
CITY OF MANSFIELD
A Majority Affirmative Vote is Necessary for Passage.

Shall the Ordinance providing for the enactment of an additional one-quarter of one percent (0.25%) levy on income for the calendar years of 2023 through 2026, to be used exclusively for parks capital improvements and maintenance thereof, be passed?

BY: ALL MEMBERS OF COUNCIL

Enacting a portion of Chapter 193 of the Mansfield Codified Ordinances of 1997, as amended, to provide for a PARKS CAPITAL IMPROVEMENTS levy of one-quarter percent (.25%) municipal income tax, after approval of such levy by the electors pursuant to § 718.01 of the Revised Code of Ohio, upon income taxable by the City of Mansfield for a period of four (4) years and commencing January 1, 2023 and ending December 31, 2026, to be used exclusively for parks capital improvements and maintenance thereof, and declaring an emergency.

WHEREAS, in accordance with the above, the City of Mansfield, without an increase in taxes, faces continued fiscal hardships, and because it is in the best interest of the City and its inhabitants to renew such income tax funds for the municipal government to maintain vital park operations and services at adequate levels and continue to improve the quality of living for its inhabitants, this levy shall be known as the "PARKS Operations" levy, as the funds will be used exclusively for capital improvements and maintenance thereof, and

WHEREAS, this one-quarter percent rate exceeds the maximum rate of one percent that can be levied without a vote of the electors pursuant to § 718.01 of the Revised Code of Ohio; it will be necessary to submit the additional tax proposal pursuant to this Ordinance to a vote of the electors of the City pursuant to § 718.01 of the Revised Code of Ohio.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That § 193.012 of the Mansfield Codified Ordinances, as amended, pertaining to the institution of a tax levied by Chapter 193 thereof, as amended, be, and the same is hereby, enacted to read as follows:

"193.012 PURPOSES OF TAX; RATE.

(A) To provide funds for the purpose of general municipal operations and other municipal purposes of the City of Mansfield, there is hereby levied a tax upon earnings at the rate of one percent (1%), upon the following:

- (1) On all salaries, qualifying wages, third party sick pay, commissions and other compensation earned on and after January 1, 1971, by resident individuals of the City of Mansfield.
- (2) On income from all lottery, gambling, and sports winnings, and games of chance received by resident individuals of the City of Mansfield.
- (3) On all salaries, qualifying wages, third party sick pay, commissions and other compensation earned on and after January 1, 1971, by nonresident individuals of the City of Mansfield, for work done or services performed or rendered in the City of Mansfield.
- (4) On the net profits attributed to City of Mansfield, earned on and after January

1, 1971, of all resident unincorporated businesses, professions and other activities derived from work done or services rendered or performed and business or other activities conducted in the City of Mansfield.

(5) On the portion of the distributive share of the net profit earned on and after January 1, 1971, of a resident individual, partner or owner of a resident unincorporated business entity attributable to the City of Mansfield and not levied against such unincorporated business entity.

(6) On the net profits attributable to the City of Mansfield earned on and after January 1, 1971, of all nonresident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the City of Mansfield.

(7) On that portion of the distributive share of the net profits earned on and after January 1, 1971, of a resident individual, partner or owner of a non-resident unincorporated business entity not attributable to the City of Mansfield and not levied against such unincorporated business entity.

(8) On the net profits earned on and after January 1, 1971, of all corporations derived from work done or services performed or rendered and business or other activities conducted in the City of Mansfield.

(B) In addition to the income tax levied pursuant to Section 193.012(A), there is hereby levied, to provide funds for the purpose of expenses and salaries in the Police and Fire Departments, a tax upon earnings at the additional rate of one-half of one percent ($\frac{1}{2}$ %) upon those items enumerated in Section 193.012(A)(1)-(8).

(C) In addition to the income tax levied pursuant to Sections 193.012(A) and 193.012(B), there is hereby levied, to provide funds for the purpose of expenses of operation of the municipal government, a tax upon earnings at the additional rate of one-quarter of one percent (.25%) upon those items enumerated in Sections Section 193.012(A)(1)-(8) to be allocated and expended exclusively as follows: safety services - fifty percent (50%); parks and recreation - twenty-two percent (22%); demolition of vacant properties and removal of blight - twenty percent (20%); and street lighting - eight percent (8%).

(D) In addition to the income tax levied pursuant to Sections 193.012(A), 193.012(B), and 193.012(C), there is hereby imposed and levied an additional municipal income tax at the rate of one-quarter percent ($\frac{1}{4}$ %) for a period of four (4) years commencing January 1, 2023, with the proceeds therefrom to be set aside and used exclusively for parks capital improvements and maintenance thereof.

(E) In addition to the income tax levied pursuant to Sections 193.012(A), 193.012(B), 193.012(C), and 193.012(D), there is hereby imposed and levied an additional municipal income tax at the rate of one-quarter percent ($\frac{1}{4}$ %) for a period of four (4) years commencing July 1, 2021, with the proceeds therefrom to be set aside and used exclusively for rehabilitation and repair of streets and park roads. Such additional income tax shall be levied on those sources of income set forth in Section 193.012(A)(1)-(8) of income tax ordinance for the City of Mansfield on the effective date hereof and the Director of Finance shall administer and collect such additional income tax proceeds pursuant to the provisions contained in such income tax ordinance.”

BILL #21-250*

ORDINANCE# 21-249

BY: MR. SCOTT

Amending and enacting Chapters 1501, 1502, and 1525 of the Mansfield Codified Ordinances of 1997 concerning the Mansfield Fire Prevention Code.

WHEREAS, the City finds it beneficial to the needs of the community to update and revise said Chapters.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Chapter 1501 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

CHAPTER 1501 - Ohio Mansfield Fire Prevention Code

1501.01 ADOPTION.

~~There is hereby adopted by the Municipality, the 2007 Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective July 1, 2007, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).~~

The Ohio Fire Code, as amended periodically, is incorporated fully into the City of Mansfield Fire Prevention Code, save and except for such parts which have been herein amended, as if set out at length herein. The Ohio Fire Code, for which the designation "OFC" may be substituted, contains Chapters 1301:7-7 of the Ohio Administrative Code.

The minimum requirements of the OFC, as adopted above, shall be the basis of the City of Mansfield Fire Prevention Code except that more restrictive requirements may be imposed by the Mansfield Fire Prevention Code and shall be as hereinafter set forth.

1501.02 TITLE.

The rules set forth herein shall be known as the Mansfield Fire Prevention Code and hereinafter referred to as the Mansfield Fire Prevention Code or this Code.

1501.023 PURPOSE.

The purpose of the Ohio Mansfield Fire Prevention Code as adopted herein is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire and explosion.

1501.034 APPLICATION.

The This Ohio Fire Code as adopted herein applies to the use of all lands and properties within the corporation limits of the City and such other lands or properties owned by the City which are situated outside the corporation limits thereof.

1501.045 COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

1501.06 RESPONSIBILITY.

(A) Owner:

The owner shall be responsible for the safe and proper maintenance of the building, structure, premises or lot at all times. In all new and existing buildings and structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by this Code and other jurisdictional ordinances, shall be maintained in a safe and proper operating condition.

(B) Occupant:

If an occupant of a building creates conditions in violation of this Code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant can be held responsible for the abatement of said hazardous conditions.

1501.057 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the City application and plan submission and processing requirements including payment of the fee designated therefor.

1501.068 FIRE PREVENTION AND ARSON BUREAU; ENFORCEMENT.

(a) The Codes adopted under this chapter shall be enforced by the Fire Prevention and Arson Bureau, in the Fire Division of the City, which is hereby established. The Bureau shall consist of the Chief of the Fire Division, together with such members of the Fire Division, who are certified fire safety inspectors, and certified fire investigators as may be detailed by the Chief to the Bureau from time to time based upon need. ~~In the event that an inspection requires technical knowledge that is not possessed by anyone currently in the employment of the City, the Chief is authorized to employ the temporary professional services of a qualified person.~~ The Fire Chief and members of the Fire Division detailed to the Bureau may hereinafter be referred to as the Fire Code Official or Fire Official.

(b) The Fire Code Official may inspect all structures, premises and vehicles pursuant to Section 3737.14 of the Ohio Revised Code as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions or intent of this Code or any other ordinance affecting fire safety.

(b) The Chief and members of the Fire Division detailed to the Bureau shall investigate all incendiary fires and fires of undetermined origin; investigate all fires that result in injuries or death; investigate all bombs and fire threats; maintain liaison with area fire and police departments; investigate false alarms when a subject has been apprehended and follow through with prosecution; report all multiple alarms of fire when notified; and perform other related duties as determined necessary by the Chief.

(d) The Chief and members of the Fire Division detailed to the Bureau shall have the following powers while engaged in their duties of investigating the cause of an alarm or fire: examine witnesses, compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties.

~~1501.07 ENFORCEMENT PROCEDURES.~~

~~(a) For proceedings commenced pursuant to Section 1501.05(b), a citation, notice of hearing, and all other procedures set forth in OAC 1301:7-3-09 as follows below, shall be the method of enforcement.~~

~~"1301:7-3-09 Citations and Notices of Hearing~~

~~Section FM 116.0~~

~~(A) FM 116.1 Every citation and notice of hearing shall be in writing.~~

~~(B) FM 116.2 Every citation shall be issued in accordance with Section 3737.41 or 3737.42 of the Revised Code.~~

~~(C) FM 116.3 Every responsible person issued a citation under Section 3737.42 of the Revised Code shall be given notice of and the opportunity for a hearing, as provided by Section 3737.43 of the Revised Code.~~

~~(D) FM 116.4 If a violation of this code has no direct or immediate relationship to safety or health, the fire marshal, his authorized representative, or the certified fire safety inspector may issue a notice in lieu of a citation with respect to such de minimis violation.~~

~~(E) FM 116.5 Every citation and notice of hearing shall be served on the responsible person either personally or by certified mail with return receipt requested. If such service is unable to be made by either personal delivery or certified mail, service shall then be made by regular mail or given by publication once in a newspaper in the county in which the building or premises is located."~~

~~(b) Whoever violates any provision of this chapter or fails to comply with any lawful order issued pursuant thereto is subject to criminal proceedings, which shall be commenced by the issuance of a complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable City ordinance, including the specific provision of the Ohio Fire Code, or any other issued pursuant thereto and, if applicable, the fact that a reasonable abatement notice has been given.~~

~~(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.~~

~~(d) Upon the request of the Chief of the Fire Division or his designee, the City Law Director shall institute and prosecute any necessary action or proceeding to enforce this chapter or the Ohio Revised Code Chapter 3737.~~

~~(Ord. 94-158. Passed 7-5-94.)~~

~~1501.08 REQUIRED PERMITS; PERMIT AND LICENSE FEES.~~

~~(a) Application for any permit, which is hereby established and contained in the list below shall be made through the Fire Prevention and Arson Bureau in the Fire Division of the City.~~

~~(b) Approved permits shall be issued by the Bureau of Building, Inspections, Licenses and Permits who shall collect the following fees, which are hereby established, before issuing each approved permit: i) for a flammable and combustible liquids permit the fee shall be \$150.00; ii) for all other required permits the fee shall be \$75.00.~~

~~— Permit~~

~~— Acetylene Generator~~

~~— Airport, Heliport and Aircraft Hangers~~

~~— Ammunition~~

~~— Blasting Agents~~

~~— Bonfires~~

~~— Bowling Establishments~~

~~— Calcium Carbide Storage~~

~~— Cellulose Nitrate Motion Picture Film~~

~~— Cellulose Nitrate Plastics~~

~~— Combustible Fibers~~

~~— Combustible Materials~~

~~— Compressed Gases~~

~~— Containers for Welding and Cutting Gases~~

~~— Cryogenic Liquids~~

~~— Dip Operations~~

~~— Dry Cleaning Plants~~

~~— Dust Explosion Hazards~~

- ~~—Explosives~~
- ~~—Fireworks~~
- ~~—Flammable Finishes, including Application of~~
- ~~—Flammable and Combustible Liquids~~
- ~~—Fruit Ripening or Coloring~~
- ~~—Fumigation and Thermal Insecticidal Fogging~~
- ~~—Hazardous Materials and Chemicals~~
- ~~—Liquefied Petroleum Gases~~
- ~~—Lumber Yards and Woodworking Plants~~
- ~~—Magnesium~~
- ~~—Matches~~
- ~~—Motor Vehicle Junk or Wrecking Yards~~
- ~~—Open Burning~~
- ~~—Organic Coatings~~
- ~~—Places of Assembly and Education~~
- ~~—Service Stations and Garages~~
- ~~—Storage of Combustible and Flammable Materials~~
- ~~—Torches for Removing Paint~~
- ~~—Waste Material Handling Plants~~
- ~~—Welding or Cutting.~~

~~(Ord. 13 021. Passed 1-15-13.)~~

~~1501.09 PERMIT DURATION.~~

~~Permits issued under this chapter shall be effective for a period of one year from the date of their issuance and may be renewed upon payment of the initial permit fee. Provided that when under any other provision in the Codified Ordinances there is a requirement that a license be held in order to engage in any activity or operation of any nature, then an initial permit issued to such licensee shall be for an indefinite period of time and need not be renewed so long as the permittee is validly licensed.~~

~~(Ord. 94 158. Passed 7-5-94.)~~

~~1501.10 APPEALS.~~

~~Whenever an application is disapproved for a permit required under this chapter, or when it is claimed that the provisions do not apply or that the true intent and meaning of the Codes have been misconstrued or wrongly interpreted, the applicant may appeal from such decision through the Bureau of Buildings, Inspections, Licenses and Permits as provided in Chapter 1301 of the Building Code. Representation of the Bureau of Fire Prevention and Arson at such appeal shall be as the Chief of the Fire Division may direct.~~

~~(Ord. 94-158. Passed 7-5-94.)~~

~~1501.11 NEW MATERIALS, PROCESSES OR OCCUPANCIES.~~

~~The Safety Director, the Chief of the Fire Division, the Building Superintendent, the President of Council and the Chairman of the Council Zoning Committee shall act as a committee to recommend to Council, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which should be required to have permits under this Code.~~

~~(Ord. 94-158. Passed 7-5-94.)~~

1501.09 ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS

Whenever the Fire Code Official shall find in any structure or upon any premises dangerous or hazardous conditions or materials as follows, the Fire Code Official shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this Code:

- (A) Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.
- (B) Conditions which would interfere with the efficiency and use of any fire protection equipment.
- (C) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
- (D) Accumulations of dust or waste material in air conditioning or ventilation systems or grease in kitchen or other exhaust ducts.
- (E) Accumulations of grease in kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
- (F) Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.
- (G) Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
- (H) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

(I) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

(J) All equipment, materials, processes or operations which are in violation of the provisions and intent of this Code.

1501.10 - UNSAFE BUILDINGS.

All buildings and structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this Code. Unsafe buildings shall be reported to the building official who shall take appropriate action deemed necessary under the provisions of the Building Code to secure abatement by repair and rehabilitation or by demolition.

1501.11 - EVACUATION.

When, in the opinion of the Chief of the Division of Fire, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, the presence of toxic fumes, gases or materials, or the impairment of a required fire protection system, the Chief of the Division of Fire may order the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or reenter until authorized to do so by the Chief of the Division of Fire.

1501.12 - UNLAWFUL CONTINUANCE.

Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor of the first degree.

1501.13 NOTICE OF VIOLATION OR ORDER FOR CORRECTION.

(A) Whenever the Fire Code Official observes an apparent or actual violation of a provision of this Code, or any other code or ordinance under its jurisdiction, the Fire Code Official shall prepare a written notice of violation or order for correction describing the section of this Code violated and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure.

(B) The written notice of violation or order for correction shall be served upon the person or responsible person as defined in this Code.

(C) In the case of a repeat offender, or a continuing violation, or for any other violation which in the discretion of the Fire Code Official warrants it, a notice of violation or order for correction need not be served upon the person or responsible person. Instead, the Fire Code Official may issue a citation

pursuant to OAC 1301:7-3-01 or file a criminal complaint in the Mansfield Municipal Court charging the person or responsible person with a violation of this Code.

(D) The notice of violation or order for correction shall be served as follows:

(1) Such notice or order shall be made by personal delivery or by certified mail, return receipt requested.

(2) If such notice or order is unable to be made by personal delivery, or if the certified mail envelope containing the notice or order is returned with an endorsement showing it was unclaimed or refused, the Fire Code Official shall send a copy of the aforementioned notice or order to the last known address of said person or responsible person by ordinary mail. The Fire Code Official shall keep a record of the fact that notice or order was sent by ordinary mail and the service of the notice or order shall be deemed complete when the fact of the mailing is entered in such record provided the ordinary mail envelope is not returned by the postal authorities showing failure of delivery.

(3) If the address of such person or responsible person referred to in 1501.11(B) is unknown or if service by ordinary mail pursuant to 1501.11(D)(2) is incomplete, the Fire Code Official shall cause the notice or order to be published once in the newspaper of general circulation in Richland County.

1501.14 - COMPLIANCE WITH ORDERS.

(A) No person shall fail to comply with a reasonable order issued pursuant to this Code by the Fire Code Official.

(B) If an order for correction is not complied with within the time specified by the Fire Code Official:

(1) The Fire Code Official shall issue a citation pursuant to Section 1501.13 of this Code and OAC 1301:7-7-01, and

(2) The Fire Code Official may file a criminal complaint in the Mansfield Municipal Court charging the responsible person with a violation of Section 1501.12(A); and

(3) The Fire Code Official may request the City of Mansfield Law Director to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of a provision of this Code or of any order or direction made pursuant thereto.

(4) The Mansfield Division of Police may be requested by the Fire Code Official to assist in or make the arrest for any offense against this Code or orders of the Fire Code Official affecting the immediate safety of the public.

1501.15 CITATIONS AND NOTICES OF HEARING.

(A) If the Fire Code Official finds that a reasonable order for correction has been issued to a responsible person pursuant to Section 1501.11 of this Code, and the responsible person has not complied with the order for correction, or if the Fire Code Official determines that the criteria in Section 1501.11(C) of this Code exists he shall issue a citation to the responsible person.

(B) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Code violated and the order for correction alleged to have been violated.

(C) Each citation shall notify the responsible person of the penalty proposed to be assessed under Section 1501.99 of this Code.

(D) Each citation shall notify the responsible person of the right to an appeal according to OAC 1301: 7-7-01.

(E) Each citation shall be served as prescribed in Section 1501.11(D) of this Code.

1501.126 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio Revised Code 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such section, in conspicuous places upon such premises. No person shall fail to comply with such section.

1501.137 SETTING FIRES WHICH SPREAD.

No person shall set, kindle or cause to be set or kindled any fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot.

1501.148 UNFRIENDLY FIRES IN BUILDINGS; ALARM DUTIES.

(a) The owner, operator or lessee, an employee of the owner, operator or lessee, an occupant and any person in direct control of any building regulated under the Ohio Basic Building Code, upon the discovery of any unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purpose of this section "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

(c) No person shall fail to comply with this section.

1501.159 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

No person who is not a certified Fire Safety Inspector, in accordance with Ohio Revised Code 3303.07, shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.

1501.1620 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate issued by the Ohio Fire Marshal.

1501.1721 CONFLICT.

(a) The rules of the Ohio Board of Building Standards including the Ohio Basic Building Code shall supersede and govern any order, standard or rule of the Department of Commerce, Division of the State Fire Marshal, including the Ohio Fire Code, in all cases where such orders, standards or rules are in conflict with the rules of the Ohio Board of Building Standards, except that rules adopted and orders issued by the State Fire Marshal pursuant to Ohio R.C. 3743 prevail in the event of conflict.

1501.99 PENALTIES.

(a) Criminal Penalties: Any person or responsible person violating any of the provisions of the Code or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a misdemeanor of the first degree. Each day that a violation continues, after a service of notice as provided for in this Code, shall be deemed a separate offense.

~~(1) Whoever violates Section 1501.05(a) is guilty of a misdemeanor of the first degree.~~

~~(2) Whoever violates Section 1501.05(b) or 1501.12 is guilty of a minor misdemeanor.~~

~~(3) Whoever violates Section 1501.13 or 1501.15 is guilty of a misdemeanor of the fourth degree.~~

~~(4) Whoever violates Section 1501.14 or 1501.16 is guilty of a misdemeanor of the third degree.~~

(b) Civil Penalties:

(1) Any person who receives a citation for a serious violation of the Ohio Fire Code or any other order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

(2) Any person who receives a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

(3) Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements, as prescribed by Section 1501.12, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means or methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) Civil penalties imposed by this chapter shall be paid to the City Finance Director for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the City brought in the Court of Common Pleas.

SECTION 2. That Chapter 1502 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, enacted to read as follows:

Chapter 1502 – Permits and Fees

1502.01 -PERMITS.

(A) General. No person shall engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or maintain, store or handle materials; or conduct processes which produce condition hazardous to life or property; or install equipment used in connection with such activities; or establish a place of assembly without first notifying the Fire Code Official. Permits may be required according to Section 1502.01(B).

(B) The Fire Code Official may require, but need not require, any such permit as specified in this Code.

(C) Required permits shall be obtained from the Fire Code Official according to the requirements of this Code. Inspection or permit fees, if any, shall be set forth in this Code. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the Fire Code Official.

(D) Application for Permit. Application for a permit required by this Code shall be made to the Fire Code Official in such form and detail as the Fire Code Official shall prescribe. Applications for permits shall be accompanied by plans or drawing as required by the Fire Code Official for evaluation of the application.

(E) Action on Application. Before a permit is issued, the Fire Code Official or his designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made complies with the provisions of this Code.

(F) Conditions of Permit. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of this Code. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

(G) Approved Plans. Plans approved by the Fire Code Official are approved with the intent they comply in all respects to this Code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this Code.

(H) Revocation of Permit. The Fire Code Official may revoke a permit or approval issued under the provisions of this Code if upon inspection any violation of the code exists, or if any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based, or if any fees required by this Code for inspections or permits have not been paid.

(I) Suspension of Permit. Any permit issued shall become invalid if the authorized work or activity is not commenced within six (6) months after issuance of the permit or if the authorized work or activity is suspended or abandoned for a period of six (6) months after the time of commencement.

(J) Payment of Fees. A permit shall not be issued until the designated fees have been paid. All fees shall be deposited into the Fire Fund, unless otherwise specified or provided for. All fees shall be non-refundable unless otherwise specified or provided for.

1502.02 - IMPLIED CONSENT

Any application for, or acceptance of, any permit requested or issued pursuant to this Code constitutes agreement and consent by the person making application or accepting the permit to allow the Fire Code Official or his duly authorized representative to enter the premises at any reasonable time, to conduct such inspections as required by this Code or to inspect the permitted activity for compliance with the requirements of this Code.

1502.03 - AUTHORITY TO REQUIRE EXPOSURE OR STOP WORK.

(A) Whenever any installation that is subject to inspection by the Fire Code Official prior to use is covered or concealed without having first been inspected, the Fire Code Official may require by written notice that such work be exposed for inspection. The Fire Code Official shall be notified when the installation is ready for inspection and the Fire Code Official shall conduct the inspection within a reasonable period of time.

(B) When any construction or installation work is being performed in violation of the plans and specifications as approved by the Fire Code Official, a written notice shall be issued to the responsible person to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

1502.04 - SCHEDULE OF FEES.

The following schedule shall apply to all Mansfield Fire Prevention Code inspection and permit fees within the City:

Table 1502.4.1 – Fire Inspection Fees

Fire Inspection Fees	Fee
Inspection of any structure for compliance with fire code regulations.	No Charge
Re-inspection to ensure correction of violations.	\$100

Inspections after normal working hours.	\$100
Adoption, foster home inspection.	No Charge
Certificate of fire code compliance.	\$25
Fire Watch (per hour or portion thereof per inspector)	\$100
Fireworks (per hour/per inspector)	\$100
EMS Standby (per hour or portion thereof per EMT)	\$100
Fire Engine Company Standby (per hour or portion thereof per apparatus.	\$300

Table 1502.4.2 – Required Permits

Section	Required Permits	Fee
All construction permit fees include initial plan review and first inspection/acceptance test during normal working hours unless otherwise specified.		
Additional fees required for plan resubmission, retest, additional tests, and tests after normal working hours.		
	Acceptance test after normal working hours, re-test, and additional tests	\$100
105.1.1.1.1	Explosives	\$100
105.1.1.1.2	Flammable and Combustible Liquid Tanks	\$100
105.1.1.1.3	Exhibition of Fireworks	\$100
105.1.1.1.4	Ammonium Nitrates	\$100

Table 1502.4.3 – Operation Permits

Section	Operational Permits	Fee	Term
105.6.1	Aerosol products	\$100	Annual
105.6.2	Amusement buildings	\$100	Annual
105.6.3	Aviation facilities	\$100	Annual
105.6.4	Carnivals and fairs	\$100	Event
105.6.5	Cellulose nitrate films	\$100	Annual
105.6.6	Combustible dust-producing operations	\$100	Annual
105.6.7	Combustible fibers	\$100	Annual
105.6.8	Compressed gases	\$100	Annual
	- Flammable in excess of 200 cu. ft.		
	- Highly toxic or toxic; any amount		

	- Inert and simple asphyxiant in excess of 6,000 cu. ft.		
	- Corrosive in excess of 200 cu. ft.		
	- Oxidizing in excess of 504 cu. ft.		
105.6.9	Covered mall buildings	\$100	Annual
105.6.10	Cryogenic fluids	\$100	Annual
105.6.11	Cutting and welding	\$100	Annual
105.6.12	Dry cleaning plants	\$100	Annual
105.6.13	Exhibits and trade shows	\$100	Event
105.6.14	Explosives		
	- Store, handle, sale	\$100	Annual
	- Use of explosives	\$100	Annual
	- Transport explosives	\$100	Annual
	- Store/sale ammunition	\$100	Annual
	- Black powder, store/sale	\$100	Annual
	- Fireworks display	\$100	Event
105.6.15	Fire hydrants and valves (use)	\$100	Day
105.6.16	Flammable and combustible liquids		
	- Temporary (less than 30 days)	\$100	
	- Class I > 5 gal. inside or 10 gal. stored/used outside	\$100	Annual
	- Use or store Class II and Class IIIA	\$100	Annual
	- To operate tank vehicles, equipment, plants, terminals	\$100	Annual
	- Use or store aboveground or underground tanks/systems	\$100	Annual
	- To manufacture, process, blend or refine	\$100	Annual
	- Liquid storage room	\$100	Per room
	- Liquid storage warehouse	\$100	Annual
	- Use, dispense and mix room	\$100	Per room
105.6.17	Floor finishing	\$100	Event
105.6.18	Fruit and crop ripening	\$100	Annual
105.6.19	Fumigation and thermal insecticidal fogging	\$100	Event

105.6.20	Hazardous Materials	\$100	Annual
105.6.21	HPM facilities	\$100	Annual
105.6.22	High-piled storage	\$100	Annual
105.6.23	Hot work operations	\$100	Annual
1502..05	Indoor Public Assembly Event	\$100	Event
105.6.24	Industrial ovens	\$100	Annual
105.6.25	Lumber yards and woodworking plants	\$100	Annual
105.6.26	Liquid or gas-fueled vehicles or equipment in assembly buildings	\$100	Event
105.6.27	LP-gas	\$100	Per tank
105.6.28	Magnesium	\$100	Annual
105.6.29	Miscellaneous combustible storage	\$100	Annual
105.6.30	Open burning (except recreational fires)	\$100	Event
105.6.31	Open flames and torches	\$100	Annual
105.6.32	Open flames and candles	\$100	Annual
	- In conjunction with other permits	\$100	Annual
105.6.33	Organic coatings	\$100	Annual
1502.06	Outdoor Public Assembly Event	\$100	Event
105.6.34	Places of assembly		
	- Less than 100 occupants	\$50	Annual
	- Each additional 100 occupants	\$100	Annual
	- Maximum	\$200	Annual
105.6.35	Private fire hydrants (add/remove/use)	\$100	Event
105.6.36	Pyrotechnic (Flame Effects) special effects material	\$100	Event
105.6.37	Pyroxylin plastics	\$100	Annual
105.6.38	Refrigeration equipment	\$100	Annual
105.6.39	Repair garages and motor fuel-dispensing facilities	\$100	Annual
105.6.40	Rooftop heliports	\$100	Annual
105.6.41	Spraying or dipping	\$100	Annual
105.6.42	Storage of scrap tires and tire byproducts	\$100	Annual

105.6.43	Tents, air supported structures (over 300 sq. ft.)	\$100	Event
105.6.44	Tire-rebuilding plants	\$100	Annual
105.6.45	Waste handling	\$100	Annual
105.6.46	Wood products	\$100	Annual

1502.05- INDOOR PUBLIC ASSEMBLY EVENT PERMIT.

The promoter or organizer of the event or the owner of the property holding a temporary indoor public assembly event with 100 or more occupants in an occupancy type that is not a place of assembly must pay a fire prevention inspection fee of \$100.00.

1502.06 - OUTDOOR PUBLIC ASSEMBLY EVENT PERMIT.

Any person organizing or promoting an outdoor public assembly event of at least 1,000 occupants shall pay a one-time inspection fee of \$100.00 per event. Each person operating a temporary structure or engaging in a hazardous activity at an outdoor public assembly event is required to obtain additional permits.

1502.07 - PLAN REVIEW.

Before any fire alarm, detection or fire suppression system or any other fire protection device including emergency generators and fire ventilating systems are installed, enlarged, extended or altered in any way, plans and specifications shall be reviewed by the Fire Code Official.

1502.08 - PLANS AND SPECIFICATIONS.

Plans and specifications submitted to the Fire Code Official for review shall be in such form and detail as required by the Fire Code Official.

1501.09 APPEALS.

Whenever an application is disapproved for a permit required under this chapter, or when it is claimed that the provisions do not apply or that the true intent and meaning of the Codes have been misconstrued or wrongly interpreted, the applicant may appeal from such decision through the City Planning Commission as provided in Chapter 1301 of the Building Code. Representation of the Bureau of Fire Prevention and Arson at such appeal shall be as the Chief of the Fire Division may direct.

SECTION 3. That Chapter 1525 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

CHAPTER 1525 - General Provisions

1525.01 CHIEF OF POLICE MAY INVESTIGATE FIRES.

The Chief of Police is authorized to make investigation of the cause of any fire in the City, and is authorized to administer oaths, issue summonses and compel the attendance of witnesses before him with or without any books, papers, documents or other articles that he may deem pertinent, in the discharge of

~~his duties under this section~~ may be requested by the fire official or his duly authorized representative to assist in or make the arrest for any offense against this code or orders of the fire official affecting the immediate safety of the public.

~~Any witnesses who refuse to obey the order of any summons, or to testify, or swear falsely, shall be punished as provided in Section 1525.99.~~

1525.02 FIRE DAMAGE: REPAIR OR REMOVAL FUND.

The City is hereby authorized to utilize the procedure described in Ohio R.C. 3929.86(C) and (D), whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000) unless there is compliance with the following procedures:

(a) When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Ohio R.C. 715.26(F) shall transfer from the insurance proceeds to the Fire Chief in the aggregate two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000), and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure shall transfer from the insurance proceeds the amount specified in the estimate.

Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the City has not commenced to remove, repair or secure the building or other structure.

(b) Upon receipt of the proceeds by the City as authorized by this section, the Fire Chief shall give the proceeds to the Finance Director for deposit in the City Treasury in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the City pursuant to Ohio R.C. 715.261.

When transferring the funds as required in subsection (a) hereof, an insurance company shall provide the City with the name and address of the named insured or insureds, whereupon the City shall contact the named insured or insureds, certify that the proceeds have been received by the City and notify them that the following procedures will be followed: The fund shall be returned to the named insured or insureds when repairs, or removal or securing of the building or other structure has been completed and the required proof received by the designated officer, if the City has not incurred any costs for such repairs, removal or securing. If the City has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the City shall transfer

the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of a municipal corporation to recover any deficiency under Ohio R.C. 715.261. Nothing in this subsection shall be construed to prohibit the municipal corporation and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(c) The Fire Chief of the City is hereby designated as the officer authorized to carry out the duties of this section. The Fire Chief shall file a certified copy of this section with the Superintendent of Insurance of the State.

1525.03 ABANDONED SERVICE STATIONS.

(a) If any gasoline service station shall become abandoned, such station shall be presumed to be a nuisance affecting or endangering surrounding properties and property values, and to be detrimental to the public health, safety, convenience, comfort, prosperity or general welfare of the community, and shall be abated. "Abandoned" is defined as a failure to operate such service station for at least three consecutive months.

(b) Whenever the Building Superintendent finds any service station to be abandoned within the meaning of this section, he shall give notice by certified mail addressed to the owner of record of the premises at his last known address, to abate such abandoned condition within thirty days either by placing the station in operation as a gasoline service station, by adapting and using the building for another permitted business use, or by boarding up the service station structure, removing the pumps and signs, abandoning or removing underground storage tanks in accordance with accepted safe practices as prescribed by the National Fire Protection Association (N.F.P.A. No. 30, Appendix C) under the supervision of the Bureau of Fire Prevention and Arson of the Mansfield Fire Division, and filling depressions to the grade level of the lot.

(c) Abandoned service stations shall be maintained in accordance with the provisions of this section and other City ordinances and the owner shall cut all grass and weeds a minimum of four times each year, at least once between May 1 and June 15, once between June 15 and July 15, once between July 15 and August 30, and once between August 30 and October 15. The parking of motor vehicles, trailers or campers is prohibited and the owner shall place on the building a sign of at least ten square feet notifying the public of this fact. In addition, the owner of such premises shall install barricades or curbing across access driveways sufficient to block motor vehicle access to such property.

(d) Upon the failure, neglect or refusal of any owner to comply with the notice of the Building Superintendent pursuant to subsection (b) hereof and to comply with requirements of subsection (c) hereof, he shall be in violation of this section and upon conviction, shall be punished as provided in Section 1525.99; provided, however, if the service station is in operation at the time notice is given and remains in operation for ninety consecutive days thereafter, the provisions of this section shall not apply.

1525.04 ~~SMOKING IN REST HOMES.~~ RAPID ENTRY KEY BOX SYSTEM (LOCK BOX).

(a) ~~As used in this section, certain terms are defined as follows:~~

(1) ~~"Smoke" or "smoking" means the carrying of a lighted pipe, cigar, cigarette or tobacco in any form.~~

~~(2) "Nursing home", "rest home" and "home for the aging" shall have the definitions set forth in Ohio R.C. 3721.01.~~

~~(b) No person at any time shall smoke within the limits of any building or structure constituting a part of a rest home, a nursing home or a home for the aging.~~

~~(Ord. 69-305. Passed 7-1-69.)~~

(a) Installation. When a property is protected by an automatic alarm system and/or when access to or within a structure or area on that property is unduly difficult because of secured openings, and where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Chief may require a key box to be installed in an approved location. The key box (lock box) shall be a type approved by the Fire Chief.

(b) Contents. The key box (lock box) shall contain:

(1) Keys to locked points of egress, whether in the interior or on exterior of such buildings.

(2) Keys to locked mechanical equipment rooms.

(3) Keys to locked electrical rooms.

(4) Keys to elevator controls and fire alarm control panels.

(5) Keys to other areas as directed by the Fire Chief.

(c) Exemption. Residential property shall be exempt from the requirements of this section.

1525.05 CAUSING FIRE THROUGH NEGLIGENCE IN PLACES OF ASSEMBLAGE OR LODGING.

(a) No person shall, in any hotel, motel, rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility or similar place of abode, by any means whatsoever, through carelessness, neglect or negligence, set fire to, or cause the burning of, any bedding, furniture, rug, curtain, drape or other household furnishing or fitting or any other part of the building or premises in such a manner as to endanger the safety of any person or property.

(b) Posting of Law. It shall be the duty of the manager, owner or lessee of any motel or hotel to post the provisions of subsection (a) hereof in a conspicuous place in each room occupied by guests in such hotel or motel, and it shall be the duty of the manager, owner or lessee of any rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility or similar place of abode, to post the provision of subsection (a) hereof in conspicuous places upon such premises.

(c) Report of Fire; Spreading Alarm. It shall be the duty of a manager, owner or lessee, and of an employee of any manager, owner or lessee, and of an occupant, and of any person in direct control of rooming houses, apartments, hotels, motels, rest homes, department stores, theaters, auditoriums and other public places of assemblage, upon the discovery of any unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, immediately, and with all reasonable dispatch

and diligence, to call or notify the Fire Division concerning such fire and to spread an alarm immediately to all occupants of the building.

1525.06 HOTELS AND MOTELS.

(a) The owner or other responsible person having charge of a hotel or motel as defined in this section shall comply with the following requirements:

(1) Establish an evacuation procedure approved by the Fire Department, which procedure shall include, but not be limited to the following information:

- A. Fire Department notification;
- B. Employee's responsibilities during alarm;
- C. Evacuation routes for patrons;
- D. Safe location for patrons after evacuation;
- E. Proper handling of reset and notification of Fire Department.

(2) Conduct fire drills on a quarterly basis;

(3) Post fire evacuation procedures and exit routes in each rental room;

(4) Locate handicap rooms on a ground floor or on a floor with access to an approved area of refuge;

(5) Mark all rooms or spaces in which flammable or corrosive liquids or hazardous materials are stored with six-inch, red letters in approved Fire Department coding;

(6) Clearly label all electrical panels, in Fire Department approved manner, indicating areas controlled by electrical disconnect; and

(7) Mark and indicate on a plan to be given to the Fire Department all Plenum Chases and laundry chutes.

(b) For purposes of this section, "hotels" and "motels" means every structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, such sleeping accommodations being conducted in the same building or in buildings in connection therewith, and every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests.

1525.07 POSTING MAXIMUM CAPACITY IN PUBLIC BUILDINGS.

(a) The Fire Code Official shall ascertain and establish the maximum number of persons allowed to occupy any public building, place of assembly, business establishment, institution, or any other building open to the public including but not limited to theaters, dance halls, restaurants, hotels or club rooms;

which limits as to occupancy shall be calculated in accordance with the Ohio Building Code as adopted by the City.

(b) The Fire Code Official shall cause signs to be posted in each such establishment affected hereby, indicating the maximum number of persons allowed to occupy the premises at any one time. Such signs shall be in large enough letters so it may be easily read and shall be prominently displayed in the establishment.

1525.08 Recordkeeping.

A record of periodic inspections, tests, servicing and other operations and maintenance for fire protection systems shall be maintained on the premises for not less than 3 years. Records shall be made available for inspection by the Fire Code Official, and a copy of the records shall be provided to the Fire Code Official upon request.

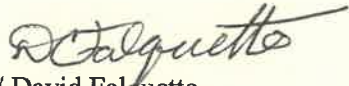
Service providers who inspect, test and maintain fire protection system must be licensed by the Ohio Fire Marshal's office and register as a contractor with the City of Mansfield. All compliant and non-compliant test reports are required to be sent to the Fire Code Official in the prescribed form and format adopted by the Mansfield Fire Department.

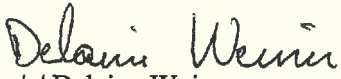
1525.99 PENALTY.


Whoever violates or fails to comply with any provision of this chapter is guilty of a misdemeanor of the first degree. Each day on which a violation occurs or continues shall be deemed a separate offense.

SECTION 4. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>16 November 2021</u>
1 st Reading	<u>7 December 2021</u>
2 nd Reading	<u>21 December 2021</u>
PASSED	<u>21 December 2021</u>

SIGNED 
/s/ David Falquette
President of Council

ATTEST 
/s/ Delaine Weiner
Assistant Clerk of Council

APPROVED 
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

*Publication Required.

BILL #21-265

RESOLUTION # 21-264

BY: ALL MEMBERS OF COUNCIL

Honoring Jon VanHarlingen upon his retirement from the Mansfield City Council.

**BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That this Council, on behalf of the government and the citizens of the Mansfield community, is privileged to honor Jon VanHarlingen upon his retirement, effective December 31, 2021, following eight (8) years of dedicated service in the position of Third Ward Councilman.

Jon VanHarlingen began his first term on City Council on December 1, 2013 when he was elected as Third Ward Councilman and was re-elected on November 7, 2017 for his second four-year term. During his tenure on Council, he served as Chairman, Vice Chairman and Member of the Municipal & Public Utilities Committee; Vice Chairman and member of the Parks & Recreation Committee; Vice Chairman and member of the Public Affairs Committee; Vice Chairman of the Street & Traffic and Zoning Committees; but being the Chairman of the Finance Committee was his passion.

In addition, he also served as a member of the Board of Tax Appeals and the Historic Preservation Committee. His knowledge and experience as a result of his 34 years as an employee of the City of Mansfield were invaluable in his understanding of government accounting and City policies and procedures. He has been instrumental in conducting budget hearings for all City departments and elected officials and was considered the watchdog of the finances not only for the Third Ward but for the entire City of Mansfield. He was a champion to his constituents in the Third Ward and looked out for the interests of all of the voters within the City. His knowledge and experience will be sorely missed on this Council.

Mansfield City Council has been fortunate to have such a dedicated member, and his presence and hard work will be missed by all. We extend to him many thanks for his devoted service and wish him continued success in his future endeavors.

SECTION 2. That this Resolution shall take effect immediately.

PASSED 21 December 2021

SIGNED /s/ David Falquette
President of Council

ATTEST /s/ Delaine Weiner
Assistant Clerk of Council

APPROVED /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM John R. Spon
Law Director
City of Mansfield, Ohio

Phillip E. Scott
Phillip E. Scott
Jason Lawrence
Jason Lawrence
Kimberly Moton
Kimberly Moton
Cheryl Meier
Cheryl Meier
Alomar Davenport
Alomar Davenport
John R. Spon
John R. Spon

David Falquette
David Falquette
Laura Burns
Laura Burns
Stephanie L. Zader
Stephanie L. Zader
David L. Remy
David L. Remy
Timothy L. Theaker
Timothy L. Theaker

BY: MR. LAWRENCE

Authorizing payment of the claim of Connie Eichar, 646 Bennington Drive Mansfield, OH 44904 and declaring an emergency.

WHEREAS, a claim has been filed against the City of Mansfield by Connie Eichar for damage to a vehicle allegedly caused by an unrepaired pothole, and

WHEREAS, upon investigation by City employees and others and discussions and negotiations with the claimant, the Claims Committee of City Council has recommended payment of the claimed loss upon the terms hereinafter set forth.

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

SECTION 1. That the Finance Director be, and she is hereby, authorized to draw her warrant on Fund Account 101-006-651.30-07 (Claims Against the City) in favor of Connie Eichar in the sum of ninety-five and 23/100 dollars (\$95.23) which shall constitute a full and complete satisfaction for any and all claims and damages which said Connie Eichar and her heirs, administrators, executors, successors and assigns ever had, now have or may hereafter have against the City of Mansfield for the damage to a vehicle allegedly caused by an unrepaired pothole on or about September 10, 2021.

SECTION 2. That receipt of such draft of the City shall be conditioned upon execution of a full release from liability from any and all claims and damage which the claimant, her heirs, administrators, executors, successors and assigns ever had, now have, or may hereafter have against the City of Mansfield for damage, injury or loss to person or property caused as indicated in Section 1 above.

SECTION 3. That a copy of this Ordinance shall be served upon the claimant at the time of the delivery of said warrant.

SECTION 4. That by reason of the immediate need to expedite payment in order to complete settlement of this claim, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 21 December 2021
1st Reading 21 December 2021
2nd Reading _____
PASSED 21 December 2021

SIGNED




/s/ David Falquette
President of Council

ATTEST 

/s/ Delaine Weiner
Assistant Clerk of Council

APPROVED



/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #21-267*

ORDINANCE # 21-266

BY: MR. VAN HARLINGEN

Authorizing renewal of an Agreement with the Richland County Commissioners for Payment of Counsel Fees for Indigent Criminal Defendants, and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 05-005, passed January 4, 2005, City Council authorized the execution of an Agreement between the City and the Richland County Commissioners relative to the payments of legal fees and expenses to counsel appointed by the Municipal Court of Mansfield, to represent indigent persons charged with violations of the ordinances of the City of Mansfield, or state statutes, and

WHEREAS, said Agreement was for the period of one year, subject to annual renewal and appropriation of funding, with said Agreement having been renewed for fifteen (15) consecutive periods, and


WHEREAS, this Council finds that it is in the best interest of the City to renew such Agreement for an additional period of one year as of January 21, 2022.


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

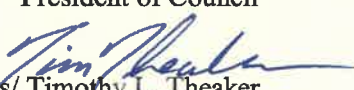
SECTION 1. That the Agreement between the City of Mansfield and the Richland County Commissioners for the Payment of Counsel Fees for Indigent Criminal Defendants shall be renewed under the terms and conditions as approved in Ordinance No. 05-005, passed January 4, 2005 for the additional period of one year, effective as of January 21, 2022, and the Safety-Service Director is authorized to sign any documents that may be necessary to effect such renewal.

SECTION 2. That due to the fact that the current term of the renewed Agreement is set to expire on January 21, 2022, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 21 December 2021
1st Reading 21 December 2021
2nd Reading 21 December 2021
PASSED 21 December 2021


SIGNED /s/David Falquette
President of Council

ATTEST 
/s/ Delaine Weiner
Assistant Clerk of Council


APPROVED /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

*publication required.

AGREEMENT FOR PAYMENT OF COUNSEL FEES
FOR INDIGENT CRIMINAL DEFENDANTS
(Pursuant to Ohio Revised Code 120.33)

THIS AGREEMENT entered into on this ____ day of _____ between the Board of County Commissioners, Richland County, Ohio, with a mailing address of 50 Park Avenue East, Mansfield, Ohio 44902 (hereinafter referred to as "County"), and the City of Mansfield, Ohio, with a mailing address of 30 North Diamond Street, Mansfield, Ohio 44902 (hereinafter referred to as "City"),

WHEREAS, on December 4, 1980, pursuant to Ohio Revised Code 120.33, the County has adopted a Resolution, as found in Richland County Commissioners' Volume 45, Page 96-7, providing for the representation of indigent persons accused of crimes under a court-appointed attorney's system, the establishment of a schedule of fees to be paid to counsel for legal services so provided, and the authority by which the County may contract with the City with respect to legal fees for counsel appointed to represent indigent persons charge with violation of ordinances of municipal corporations, and

WHEREAS, the County has adjusted the schedule of fees to be paid counsel for such legal services from time-to-time, and

WHEREAS, on December 21, 2021, the City enacted Ordinance #21-_____ authorizing it to enter into this Agreement, and

WHEREAS, the parties hereto are desirous of entering into a contract pursuant to Ohio Revised Code 120.33 relative to the payment of legal fees and expenses to counsel appointed by the Municipal Court of Mansfield, Ohio, to represent indigent person charged with violations of the ordinances of the City of Mansfield, Ohio.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that in consideration of the mutual covenants contained herein and other good and valuable consideration, the parties agree as follows:

1. Pursuant to Ohio Revised Code 120.33 and the aforesaid resolutions, the County shall pay all legal fees of counsel appointed by the Municipal Court of Mansfield, Ohio to represent indigent persons charged with violations of the ordinances of the City of Mansfield, Ohio, plus authorized expenses.
2. The City agrees to reimburse the County for all legal fees and expenses which are paid by the County according to Item One above, within thirty (30) days of receipt of an invoice prepared by the County for such fees and expenses.

3. The County Agrees to pay the City all reimbursement received from the State Public Defender for said legal fees and expenses pursuant to Ohio Revised Code 120.33 within thirty (30) days of such reimbursement.
4. Reimbursement by the municipal corporation for representation of such indigent persons shall not exceed the fee schedule in effect and adopted by the Richland County Commissioners.
5. This agreement shall be effective January 21, 2022 and shall remain in effect until January 20, 2023.
6. The County shall not assign all or any part of this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld.
7. If the County shall fail to fulfill in reasonable, timely, and proper manner, its obligations under the Agreement, or if the County shall substantially violate any of the covenants, agreements, or stipulations of the Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the County of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by the City shall not constitute a waiver of any other right or remedy it may have at laws or in equity for breach of the Agreement by the County.
8. If the City shall fail to fulfill in reasonable, time and proper manner, its obligations under this Agreement, or if the City shall substantially violate any of the covenants, agreements or stipulations of this Agreement, the County shall thereupon have the right to terminate this Agreement by giving written notice to the City of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by the County shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of the Agreement by the City.
9. All appointments made hereunder shall conform with the Standards of Indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.
10. All amendments to this Agreement agreed upon by the parties shall be in writing and made a part of the Agreement.

ENTERED INTO at Mansfield, Ohio, the day and year first written herein.

City of Mansfield, Ohio

RICHLAND COUNTY, OHIO
BOARD OF COMMISSIONERS

by _____

by _____ Mayor
Commissioner Date

Date: _____

by _____
Finance Director, who
certifies sufficient funds have
been appropriated

by _____
Commissioner Date

Date: _____

by _____
Commissioner Date

APPROVED AS TO FORM:

APPROVAL:

Law Director
City of Mansfield, Ohio

State Public Defender Date

Prosecuting Attorney
Richland County Ohio

BILL #21-268

ORDINANCE # 21-267

BY: MR. VAN HARLINGEN

Authorizing the acceptance of funding from the Ohio Office of Criminal Justice Services (OCJS) for the Northern Ohio Violent Crime Consortium (NOVCC), in the amount of seventy thousand, three hundred seventy-four and 00/100 dollars (\$70,374.00) to reduce violence in high crime areas and assist the Mansfield Police Department's effort to create safer neighborhoods, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

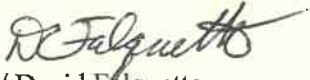
SECTION 1. That funding from the Ohio Office of Criminal Justice Services (OCJS) for the Northern Ohio Violent Crime Consortium (NOVCC), to reduce violence in high crime areas and assist the Mansfield Police Department's effort to create safer neighborhoods, in the amount of seventy thousand, three hundred seventy-four and 00/100 dollars (\$70,374.00) be, and the same is hereby, accepted, and the appropriate officers are authorized to execute any and all documents pertaining to the receipt and use of said funds.

SECTION 2. That of the funds accepted by Section 1 hereof, the sum of seventy thousand, three hundred seventy-four and 00/100 dollars (\$70,374.00) shall currently be, and the same is hereby, appropriated from the unappropriated Grant Fund (#224) to the following classifications:

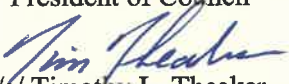
<u>224.15.30 Mansfield Police Grant</u>	
Personal Services	\$2,500.00
Contractual Services	<u>\$67,874.00</u>
Total	\$70,374.00

SECTION 3. That by reason of the immediate necessity for ratifying the acceptance of said grant funds and applying them to the project costs in accordance with grant requirements, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>21 December 2021</u>
1 st Reading	<u>21 December 2021</u>
2 nd Reading	<u>21 December 2021</u>
PASSED	<u>21 December 2021</u>

SIGNED 
/s/ David Falquette
President of Council

ATTEST 
/s/ Delaine Weiner
Assistant Clerk of Council

APPROVED 
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #21-269

ORDINANCE # 21-268

BY: MR. VAN HARLINGEN

Approving the expenditure of \$100,812.02, and the re-allocation of \$460,000.00, of funds received under the American Rescue Plan Act in the manner prescribed by and consistent with the requirements of the American Rescue Plan Act, and declaring an emergency.

WHEREAS, the City has received the 1st payment of \$10,497,701.00 in American Rescue Plan money to spend on program related expenditures, and


WHEREAS, the City has created a list of appropriate expenditures for Council approval.

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


SECTION 1. This City Council does hereby approve the expenditure of \$100,812.02, and the re-allocation of \$460,000.00, of funds received under the American Rescue Plan Act, as now appear on the detailed list attached hereto, in accordance with the requirements of section 9901 of the "American Rescue Plan Act," and any applicable regulations.

SECTION 2. That by reason of the immediate necessity for making eligible emergency expenditures under the American Rescue Plan Act disbursements, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 21 December 2021
1st Reading 21 December 2021
2nd Reading _____
PASSED 21 December 2021

SIGNED 
/s/ David Falquette
President of Council

ATTEST 
/s/ Delaine Weiner
Assistant Clerk of Council

APPROVED 
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #21-271

ORDINANCE # 21-270

BY: MR. VAN HARLINGEN

Authorizing the Public Works Director to accept a donation from the Richland Area Chamber of Commerce in the amount of twenty-one thousand and 00/100 dollars (\$21,000.00) for the purpose of the West End Target Area Project, and declaring an emergency.

WHEREAS, the Richland Area Chamber of Commerce is providing a check for donations solicited by Chuck Hahn for construction of the West End Target Area Project in the amount of \$21,000.00.


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

SECTION 1. That the Public Works Director be, and he is hereby, authorized to accept the following funds in the aggregate amount of twenty-one thousand and 00/100 dollars (\$21,000.00), for which the City expresses its sincere appreciation for the Richland Area Chamber of Commerce donation as well as Chuck Hahn.

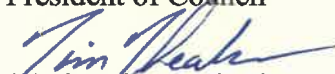
SECTION 2. That the sum of twenty-one thousand and 00/100 dollars (\$21,000.00) dollars as accepted in Section 1 hereof be, and the same is hereby, deposited in the Community Development Fund (#207).

SECTION 3. That being an appropriation necessary for current expenses, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

Caucus 21 December 2021
1st Reading 21 December 2021
2nd Reading 21 December 2021
PASSED 21 December 2021

SIGNED 
/s/ David Falquette
President of Council

ATTEST 
/s/ Delaine Weiner
Assistant Clerk of Council

APPROVED 
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #21-273

RESOLUTION # 21-272

BY: MR. VAN HARLINGEN

Expressing the intent of the City of Mansfield to sell unneeded, obsolete and unfit personal property by means of Internet Auction, and authorizing the Safety-Service Director to list such property for sale with GovDeals, Inc., and declaring an emergency.

WHEREAS, through the adoption of Ordinance #04-090, passed May 4, 2004, this Council authorized the sale of unneeded, obsolete and unfit personal property belonging to the City to be sold by means of Internet Auction, and

WHEREAS, through the adoption of Ordinance #04-091, passed May 4, 2004, this Council authorized the City of Mansfield to enter into a contract with GovDeals, Inc., 100 Capital Commerce Blvd #110, Montgomery Alabama 36117 (telephone: 800-613-0156) to provide a means for the sale of surplus, unneeded, obsolete and unfit personal property by means of an Internet-based auction system, which contract has been automatically extended and is still in effect, and

WHEREAS, since 2004, the City has continued to sell its unneeded, obsolete and unfit personal property by means of an Internet Auction conducted under contract with Gov Deals, Inc., and

WHEREAS, this Council has been advised that various departments and divisions throughout the City currently have surplus, unneeded, obsolete and unfit personal property and some forfeited and abandoned property belonging to the City that can be sold via an Internet Auction, and

WHEREAS, this Council finds that it would be in the best economical interest of the City that an Internet Auction of such personal property take place and that such auction should continue to be done by means of the contract with Gov Deals, Inc.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That the City has unneeded, obsolete and unfit personal property, including some forfeited and abandoned property, belonging to the City of Mansfield that can and should be disposed of by means of an Internet Auction, and the Safety-Service Director be, and she is hereby, authorized to list such personal property for sale with GovDeals, Inc, with the terms and conditions for such sales being established in Exhibit "A" as attached hereto and made a part hereof.

BY: MR. DAVENPORT/ MR.VAN HARLINGEN

Ratifying and authorizing the execution by the Public Works Director on behalf of the City, the Participation Agreement for the Settlement with manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J") pursuant to the use of potential opioid litigation settlement funds and consistent with the material terms proposed National Opioid Settlement Agreement available at <https://nationalopioidsettlement.com/>, and declaring an emergency.

WHEREAS, the City of Mansfield, Ohio is a Charter Municipality formed and organized pursuant to the Constitution and laws of the State of Ohio; and its Charter; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City is delirious of adopting, and hereby reaffirms its adoption of a settlement relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J") to resolve governmental entity claims in the State of Ohio; and

WHEREAS, that in order to meet the timelines established to confirm participation in said Proposed Settlement, the Public Works Director, on behalf of the City executed the proper Participation Form on November 10, 2021.


**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That the execution of the Proposed Settlement on behalf of the City by the Public Works Director on November 10, 2021 is hereby ratified, found to be authorized and accepted, pursuant to the terms of the Janssen Settlement Agreement.

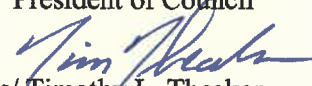
SECTION 2. That it is found and determined that all formal actions of the Council relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 3. That by reason of the immediate necessity to enter this agreement for is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, this measure is determined to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 21 December 2021
1st Reading 21 December 2021
2nd Reading 21 December 2021
PASSED 21 December 2021


SIGNED /s/ David Falquette
President of Council


ATTEST /s/ Delaine Weiner
Assistant Clerk of Council


APPROVED /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #21-275

ORDINANCE # 21-274

BY: MR. SCOTT

Authorizing the Safety-Service Director to purchase, according to STS pricing contract criteria, from Jim Shorkey Auto Group, five (5) 2022 Dodge Chargers for the Police Department, and declaring an emergency.

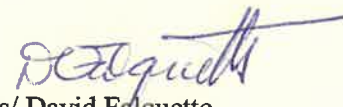
**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That the Safety-Service Director be, and he is hereby, authorized to purchase, without competitive bidding, from Jim Shorkey Auto Group, 1339 Route 30 North Huntingdon, PA 15642, five (5) 2022 Dodge Chargers, for the Police Department, at a cost not to exceed three hundred seventy-five thousand, eight hundred thirty-six and 15/100 dollars (\$375,836.15).


SECTION 2. That the amount authorized under Section 1, not to exceed three hundred and seventy-five thousand, eight hundred thirty-six and 15/100 dollars (\$375,836.15), shall be paid from the American Rescue Plan Act (ARPA) Fund (#221) revenue replacement dollars, previously appropriated with Ordinance #21-206.

SECTION 3. That by reason of the immediate necessity for purchasing this equipment as quickly as possible to perform necessary police operations, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 21 December 2021
1st Reading 21 December 2021
2nd Reading _____
PASSED 21 December 2021

SIGNED 
/s/ David Falquette
President of Council

ATTEST 
/s/ Delaine Weiner
Assistant Clerk of Council

APPROVED 
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

**City of Mansfield, Ohio
American Rescue Plan Act of 2021 (Revenue Replacement)**

Description	Ordinance	Appropriations	Approved Expenditures	Remaining Balance
ARPA Revenue Replacement Appropriation	21-206	\$ 5,013,194.55		\$ 5,013,194.55
MPD Mobile Security Unit (3 year lease)	21-224		(\$70,200.00)	\$ 4,942,994.55
Airport Taxiway/Taxilane Drawings and Cost Estimates	21-243		(\$15,000.00)	\$ 4,927,994.55
Five (5) Police Cruisers - 2022 Dodge Chargers			(\$375,836.15)	\$ 4,552,158.40

BY: ALL MEMBERS OF COUNCIL

Honoring Jason Lawrence upon his retirement from the Mansfield City Council.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That this Council, on behalf of the government and the citizens of the Mansfield community, is privileged to honor Jason Lawrence upon his retirement, effective December 31, 2021, after six (6) years of service with the Mansfield City Council.

Jason Lawrence began his first term on City Council in the fall of 2014 when he was appointed to the fifth ward seat to finish out an unexpired term of another council member. In 2017 Mr. Lawrence was retained by election to his seat for his first full four-year term. Councilman Lawrence was the Chairman of the Public Affairs, Zoning, Streets and Municipal & Public Utilities Committees and is currently Chairman of Claims Committee. He was the vice chairman of the Claims, Employee Relations, Rules and Public Affairs committees. He was a member of the Rules, Parks & Recreation, Finance & Audit and Public Affairs Committees.

Mansfield City Council has been fortunate to have such a dedicated member and his hard work on behalf of this City has been greatly appreciated. He has our congratulations on his retirement from Council and our heartfelt thanks for his years of loyal service. We wish him good health and happiness in his future endeavors. We extend to him our congratulations upon his retirement and our heartfelt thanks for his many years of loyal service.

SECTION 2. That this Resolution shall take effect immediately.

PASSED 21 December 2021

SIGNED /s/ David Falquette
President of Council

ATTEST /s/ Delaine Weiner
Assistant Clerk of Council

APPROVED /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM John R. Spon
Law Director
City of Mansfield, Ohio

Phillip E. Scott
Phillip E. Scott
Jon Van Harlingen
Jon Van Harlingen
Kimberly Moton
Kimberly Moton
Cheryl Meier
Cheryl Meier
Alomar Davenport
Alomar Davenport
John R. Spon
John R. Spon

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Laura Burns
Laura Burns
Stephanie L. Zader
Stephanie L. Zader
David L. Remy
David L. Remy
Timothy L. Theaker
Timothy L. Theaker