



1 Benjamin Franklin Way, Franklin, Ohio 45005, 937-746-9921, FranklinOhio.org

COUNCIL MEETING NOTICE

The City of Franklin, Ohio will conduct its Council Meeting on April 5, 2021 at 6:00 PM. This meeting will be conducted in compliance with Ohio's newly passed Public Meeting Law in response to COVID-19. It is being held virtually. All participants, including the Commission and Franklin Staff, members of the press, and the public, will participate via a video and audio link. All documents to be referenced in the meeting will be posted to the City of Franklin website at www.franklinohio.org before the meeting is called to order. The public will be heard just as it would be heard in a traditional, in person, meeting.

DATE: April 5, 2021
TIME: 6:00 PM.
WHERE: Virtual Meeting - Joining Information

Join from PC, Mac, Linux, iOS or Android:

<https://meetings.ringcentral.com/j/1476300961>

Join by PHONE (Audio only)

US: +1(470) 869-2200

Meeting ID: 147 630 0961

This **MEETING NOTICE** has been published at www.franklinohio.org and provided directly to the press via email at Ed.Richter@coxinc.com. This meeting notice is posted at the City Building, which is currently open to the public under the COVID-19 declared state of Emergency.

Regular Meeting Agenda

1. **Call to Order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the March 15, 2021 Meeting.**
5. **Reception of Visitors.**
6. **Presentation.**
 - A. None.
7. **Public Hearing.**
 - A. RESOLUTION 2021-26 APPROVING JAMES A. STEWART'S, ET AL., RENEWAL APPLICATION FOR PLACEMENT OF 54.657 ACRES OF LAND IN AN AGRICULTURAL DISTRICT (Lynnette Dinkler)
 - a. Exhibit A
 - b. Exhibit B
 - B. ORDINANCE 2021-03 REPEALING IN ITS ENTIRETY CHAPTER 924 TITLED "ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL" OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, AND ENACTING A NEW CHAPTER 924, TITLED "ILLICIT DISCHARGE DETECTION AND ELIMINATION" (Barry Conway)
 - a. Exhibit A
 - b. Exhibit B
 - C. ORDINANCE 2021-04 AMENDING CHAPTER 1103 DEFINITIONS AND SECTION 1107.07 PARKS AND RECREATION DISTRICT OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Barry Conway)
 - a. Exhibit A
 - b. Exhibit B
8. **New Business.**
 - A. RESOLUTION 2021-27 DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022 (Jonathan Westendorf)

B. RESOLUTION 2021-28 AUTHORIZING THE PURCHASE OF A NEW LEAF VAC TRUCK FOR THE PUBLIC WORKS DEPARTMENT FROM BEST EQUIPMENT THROUGH THE SOURCEWELL NATIONAL PURCHASING PROGRAM (Steve Inman)

a. Exhibit A

C. RESOLUTION 2021-29 AUTHORIZING THE PURCHASE OF A NEW JOHN DEERE 310SL BACKHOE FOR THE PUBLIC WORKS DEPARTMENT FROM MURPHY TRACTOR & EQUIPMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM (Steve Inman)

a. Exhibit A

D. RESOLUTION 2021-30 AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES FOR THE POLICE DIVISION FROM GREVE CHRYSLER JEEP DODGE OF VANWERTTHROUGH THE STATE PURCHASING PROGRAM AND THE EQUIPPING OF THE SAME (Brian Pacifico)

a. Exhibit A

E. RESOLUTION 2021-31 AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION (Jonathan Westendorf)

F. RESOLUTION 2021-32 APPROVING SALE OF SURPLUS CITY PERSONAL PROPERTY WITH ESTIMATED VALUE IN EXCESS OF \$1,000 AND AUTHORIZING CITY MANAGER TO AFFECT SALE OF 2006 FORD EXPEDITION (Jonathan Westendorf)

a. Exhibit A

9. Introduction of New Legislation.

A. None.

10. City Manager's Report.

11. Council Comments.

12. Executive Session. To consider the purchase of real property and to receive general legal advice on such real property matter which is in an investigative and information-seeking

nature; and to consider the appointment, employment and compensation of a public employee or official.

13. New Business.

A. RESOLUTION 2021-33 – DECLARING CITY MANAGER, THE CITY’S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY, FORMERLY KNOWN AS 335 S. MAIN STREET, FRANKLIN, OHIO, PERMANENT PARCEL ID#: 04-32-386-015. (Jonathan Westendorf)

a. Exhibit A

14. Adjournment.

CLERK'S JOURNAL

CITY COUNCIL

Brent Centers, Mayor
Todd Hall, Vice Mayor
Michael Aldridge
Denny Centers
Debbie Fouts
Paul Ruppert
Matt Wilcher

CITY STAFF

Jonathan Westendorf, City Manager
Karisa Steed, Assistant to the City Manager
Lynnette Dinkler, Law Director
Cindy Ryan, Finance Director
Brian Pacifico, Acting Police Chief
Barry Conway, City Engineer
Steve Inman, Public Works Director
Khristi Dunn, Clerk of Council

Members of the Franklin City Council met in regular session on Monday, March 15, 2021, 6:00 PM via Virtual Meeting held in compliance with amended Substitute House Bill 197 under the declared state of emergency by the State of Ohio and City of Franklin, Warren County, Ohio with Vice Mayor Todd Hall presiding.

1. Call to Order. Vice Mayor Hall called the regularly scheduled meeting of the Franklin City Council on Monday, March 15, 2021 to order at 6:05 PM.

2. Roll Call. Ms. Dunn called roll which showed:

MRS. DEBBIE FOUTS	PRESENT
MR. MATT WILCHER	PRESENT
MR. DENNY CENTERS	PRESENT
MR. PAUL RUPPERT	PRESENT
VICE MAYOR TODD HALL	PRESENT
MAYOR BRENT CENTERS	ABSENT
MR. MICHAEL ALDRIDGE	PRESENT

Mayor Brent Centers was absent and excused for a planned vacation. Mr. Conway, Ms. Dinkler, Ms. Dunn, Mr. Inman, Lt. Pacifico, Ms. Ryan, Ms. Steed and Mr. Westendorf were also present. There were three guests and one member of the press in attendance.

3. Pledge of Allegiance. The pledge of allegiance was led by Vice Mayor Hall.

4. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the March 1, 2021 Meeting. Vice Mayor Hall asked if there were any amendments to the Clerk's Journal. Hearing none, he

called for a motion. Mr. Aldridge made the motion to approve the Clerk’s Journal and accept the tapes as the Official Minutes of the March 1, 2021 general meeting; seconded by Mr. Wilcher. The vote:

MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes

Motion passed.

5. Reception of Visitors. Vice Mayor Hall opened and closed the Reception of Visitors at 6:07 PM as none asked to be heard.

6. Presentation.

A. None.

7. Public Hearing.

A. ORDINANCE 2021-02 PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY (2021 ANNUAL APPROPRIATIONS ORDINANCE)

In addition to providing appropriations for the remainder of the fiscal year, this Ordinance also approves the current five-year Capital Improvement Plan. The proposed budget is similar to the budget that was approved for 2020 except for the inclusion of new items discussed at the retreat. Mr. Westendorf gave a synopsis of the new items. Mr. D. Centers added that the Finance Committee had reviewed and approved the budget.

Vice Mayor Hall opened and closed the Public Hearing on Ordinance 2021-02 at 6:14 PM as none asked to be heard. He then asked for a motion. Mr. D. Centers made the motion to adopt **ORDINANCE 2021-02** as submitted; seconded by Mr. Ruppert. The vote:

MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes

MR. MATT WILCHER yes

Motion passed.

8. New Business.

A. RESOLUTION 2021-21 AMENDING RESOLUTION 2021-10 ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR THE YEAR 2021

Resolution 2021-10 is being amended to set the rates of pay for 2021. Council authorized bargaining unit increases for the Franklin Law Enforcement Association (R 2021-18); Teamsters Clerical Unit (R2021-19); and Teamsters Service Department (R 2021-20) at the March 1, 2021 meeting resulting in a 2.5% base rate increase. Previously, council authorized increases to non-bargaining unit employees (R 2021-10) at a rate of 1.5%. This legislation amends the organizational listing and pay rates for city officials and employees to reflect the newly adopted terms for bargaining unit members and adds a 1% retroactive increase beginning on January 1, 2021 for non-bargaining unit members in effect balancing all through the end of the year.

Vice Mayor Hall asked if there were any questions. Hearing none, he called for a motion. Mr. Wilcher made the motion to adopt **RESOLUTION 2021-21** as submitted; seconded by Mr. Aldridge. The vote:

MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes

Motion passed.

B. RESOLUTION 2021-22 FINAL LEGISLATION FOR THE ODOT SOUTH DIXIE HIGHWAY RESURFACING

This Resolution is the final legislation required by ODOT for the South Dixie Highway Resurfacing. The project consists of resurfacing South Dixie Highway (C.R. 19) between the Franklin southern corporation limit and Riley Boulevard, including pavement markings, lying within the City of Franklin. This Project is scheduled to be let for bid in April 2021, and the work should be completed by September 2021. The total cost for this Project is currently estimated at \$1,164,205.11 and the City's

estimated share of this would be \$479,358.00. Our ultimate share of the project will be determined when final, actual costs are known. The money for this Project is budgeted in the ODOT Program Fund.

Vice Mayor Hall asked if there were any questions. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-22** as submitted; seconded by Mr. Aldridge. The vote:

VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

Motion passed.

C. RESOLUTION 2021-23 ENDORSING AND ACKNOWLEDGING TRANSFER WILL BE TO AN ECONOMIC DEVELOPMENT PROJECT

This Resolution expresses Council's endorsement and acknowledgement of an Economic Development (TREX) Transfer Application submitted by JBA Merchandising, LLC. The economic impact for the City is estimated by the applicant to be:

Employee City Income Tax = Annual = 2,657.20

Business Profit City Income Tax = Annual = 31,200.00

The former owner of Circle K held a liquor permit for this location. The City would likely experience a loss of business profit city income tax if sales under a liquor permit ceased. Mr. Mark S. Gutentag, attorney for JK Mart, based in Columbus, Ohio, was in attendance to answer questions. Vice Mayor Hall asked if JK Mart has been able to sell liquor since opening. Mr. Gutentag explained that they were able to sell as part of the agreement with Circle K until their own permit could be secured.

Vice Mayor Hall asked if there were any questions. Hearing none, he called for a motion. Mr. Aldridge made the motion to adopt **RESOLUTION 2021-23** as submitted; seconded by Mr. D. Centers. The vote:

MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes

MR. PAUL RUPPERT yes
VICE MAYOR TODD HALL yes

Motion passed.

D. RESOLUTION 2021-24 ADOPTING A POSITION DESCRIPTION FOR POOL ATTENDANT

This Resolution adopts a new position description for the Pool Attendant. The City has regularly employed seasonal staff for this position but has not adopted an official job description. The description was provided by Clemans Nelson.

Vice Mayor Hall asked if there were any questions. Mr. D. Centers clarified that this position was a part-time, seasonal position and was not eligible for benefits. Mr. Westendorf confirmed.

Vice Mayor Hall asked for a motion. Mr. Wilcher made the motion to adopt **RESOLUTION 2021-24** as submitted; seconded by Mrs. Fouts. The vote:

MR. MICHAEL ALDRIDGE yes
MRS. DEBBIE FOUTS yes
MR. MATT WILCHER yes
MR. DENNY CENTERS yes
MR. PAUL RUPPERT yes
VICE MAYOR TODD HALL yes
MAYOR BRENT CENTERS absent

Motion passed.

E. RESOLUTION 2021-25 AMENDING THE POSITION DESCRIPTION FOR POOL PERSONNEL

To accurately represent the chain of command, the Pool Employees Job Descriptions need to be updated to show that they are within the Public Works Department.

Vice Mayor Hall asked if there were any questions. Mr. Aldridge asked if the newly created concession position was included in this Resolution. Mr. Westendorf explained that as it was a newly created description, it was drafted with the correct language and did not need to be amended. Vice Mayor Hall thanked staff for their attention to the matter. Mr. D. Centers asked if these positions were under the Civil Service Commission. Mr. Westendorf responded they are not.

With no further questions, Vice Mayor Hall asked for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-25** as submitted; seconded by Mr. Aldridge. The vote:

MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes

Motion passed.

9. Introduction of New Legislation.

A. ORDINANCE 2021-03 REPEALING IN ITS ENTIRETY CHAPTER 924 TITLED “ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL” OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, AND ENACTING A NEW CHAPTER 924, TITLED “ILLICIT DISCHARGE DETECTION AND ELIMINATION”

B. ORDINANCE 2021-04 AMENDING CHAPTER 1103 DEFINITIONS AND SECTION 1107.07 PARKS AND RECREATION DISTRICT OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

10. City Manager’s Report. Mr. Westendorf thanked Council for passing the proposed budget and endorsing the ideas presented at the retreat. Staff is excited to move forward with the approved projects.

He reported that there has been continued discussion with the school and engineers about the proposed roundabout. There will be a joint Council / School Board meeting to discuss the project in detail.

Constellation has mailed letters regarding the electric aggregation program and staff is fielding questions from citizens.

The Fire & EMS Chief position was posted that day and will be posted for 30 days.

Soar into Spring will be held March 29 – April 3 via Facebook.

The theme for the 4th of July parade will be Stronger. Better. Together. and the applications will be sent out soon. The parade will fall on Saturday, July 3 with fireworks that evening.

The vacant Charter Review Commission positions have been advertised.

Staff is addressing the Utility Billing underbilling issue. Corrections had been made for the March bill. Calculations are being done to determine the amount that was underbilled as not all accounts were affected. Due to this issue, it has been decided to postpone the \$1.00 increase to the trash administrative fee to the fall when the Rumpke amount increases as well.

11. Council Comments.

Mr. Wilcher had no comments.

Mr. D. Centers would like to see gravel added to Phase 1 of the Dial West Community Park to accommodate parking until additional paved parking will be added. Vice Mayor Hall, Mr. Ruppert and Mr. Wilcher agreed.

Mrs. Fouts is excited about the upcoming projects and wished Mr. Westendorf well in his communication with the public and providing clarification on various issues.

Mr. Ruppert also thanked Mr. Westendorf for his community interaction. He told Acting Chief Brian Pacifico that he was in favor of the purchase of the Durangos. He also thanked Ms. Ryan and Mr. Westendorf for their work on the budget.

Mr. Aldridge thanked staff for their work on the proposed projects. He is enjoying the meetings and is proud of the work being done.

Vice Mayor Hall thanked staff for the increased information being shared on Facebook. He agreed with Mr. Aldridge on the exciting things happening in the City and with Mr. Ruppert about the purchase of the Durangos for the Police Division.

12. Adjournment. Vice Mayor Hall called for a motion to adjourn the meeting. Mr. D. Centers made the motion; seconded by Mr. Aldridge. The vote:

MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	absent
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes

Motion passed.

Vice Mayor Hall adjourned the meeting at 6:42 PM.

Brent Centers, Mayor

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: April 5, 2021

Agenda Item: **Resolution 2021-26**
APPROVING JAMES A. STEWART'S, ET AL., RENEWAL
APPLICATION FOR PLACEMENT OF 54.657 ACRES OF LAND
IN AN AGRICULTURAL DISTRICT

Submitted by: Lynnette Dinkler, Law Director

Scope/Description: This Resolution approves the renewal application filed by the Stewart families with the Warren County Auditor for placement of land within an agricultural district (CAUV). The application is for 54.657 acres of farmland owned by the Stewarts, located along Pennyroyal Road, which lie within the City of Franklin. This land has been in an agricultural district since 1995, and is currently zoned A-1, Agricultural. The land is used for agricultural purposes.

Because this land lies within the City, the Stewarts were required by law to seek Council's approval of the original placement of the land in the CAUV and the renewals must also be placed before Council for public hearing and action by legislation in order to obtain the requested renewal. Council may reject such application only upon a showing that the rejection is necessary to prevent a substantial, adverse effect on the provision of municipal services within the City, or the public health, safety or welfare. Additionally, Council may approve with modification. Staff has identified no reason for the application to be rejected or approved with modification.

Approval of this application will allow the land to continue to be taxed at its current agricultural use valuation (CAUV) under Ohio law.

Budget Impact: None.

Exhibits: Application; Map

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-26

**APPROVING JAMES A. STEWART’S, ET. AL., RENEWAL APPLICATION FOR PLACEMENT OF 54.6570
ACRES OF LAND IN AN AGRICULTURAL DISTRICT**

WHEREAS, Ohio Revised Code Section 929.02 allows any person who owns more than ten acres of agricultural land to file an application with the county auditor to place the land in an agricultural district for five years if, during the prior three calendar years, the land has been devoted exclusively to agricultural production, or devoted to and qualified for payments under a land retirement or conservation program;

WHEREAS, if the land of a person who files an application under Ohio Revised Code Section 929.02 is within a municipal corporation, the legislative body of the municipal corporation is required to conduct a public hearing on the application;

WHEREAS, The Stewart families have filed an application with the Warren County Auditor to renew the placement of 54.6570 acres of land owned by them in an agricultural district, which land lies within the City of Franklin;

WHEREAS, the Stewart families have also filed a copy of the renewal application for inclusion in an agricultural district with the Clerk of Council, in accordance with law, and notice of the public hearing on said application has been given, in accordance with law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. The renewal application filed with the Warren County Auditor by James A. Stewart, Jr., et al., to continue the placement of the 54.6570 acres of land that lies within the City of Franklin in an Agricultural District for a period of five (5) years is hereby approved.

Section 2. The Clerk of Council is hereby directed to notify the applicants of this approval, by certified mail, return receipt requested, within five days of the effective date of this Resolution. The Clerk shall also transmit a copy of this Resolution to the Warren County Auditor.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn, Clerk of Council

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

(See page 4 for General Information regarding this Application)

New Application ☐
Renewal Application ☒

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: STEWART, JAMES A., JR., SUSAN S. STEWART, BRUCE STEWART, ROBIN STEWART

Owner's Address: 9359 Vaughn Ln
Franklin, OH 45005

Owner's Email (optional):¹ office@archrec.com

Description of Land as Shown on Property Tax Statement:

<u>Acct # 2138285</u>	<u>48.7250 Ac</u>	<u>Parcel ID 04-27-476-002</u>
<u>Acct # 2138289</u>	<u>5.930 Ac</u>	<u>Parcel ID 04-21-351-012</u>

Location of Property:

Street or Road- Pennycroft Rd - Vaughn Ln.

County- Warren

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
Franklin City 21 FCSD	2138285 04-27-476-002	48.725
Franklin City 21 FCSD	2138289 04-21-351-012	5.932
Total Number of Acres		54.657

- B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
Yes ☒ No ☐

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

- C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?

Yes ☒ No ☐

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres	0	0	0

- D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes ☒ No ☐

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application, I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner:

Date:

Susan S. Stewart

2-22-21

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. 1592Action of County AuditorApplication Approved ✓ Rejected _____ *Date Application Filed with County Auditor 2-22-21

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature Matt Nolan - AD Date 2-22-21Date Decision Mailed and Emailed¹ to Applicant 2-22-21Email Address¹ _____OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____ * Rejected _____ *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed and Emailed¹ to Applicant _____Email Address¹ _____OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

<p>Cadastral Lines</p> <ul style="list-style-type: none"> Corporate Line Parcel Line Hardware all other values County Line ROW Unknown Width Line Subdivision Ld Line <p>Line Type</p> <ul style="list-style-type: none"> Farm Lot Line Road ROW Township and Range Line Audits Trd Line Overpass Line School Line Trd Line Quil Township Line Subdivision Limit Line Section Line VMS Line Vacated Road Line 	<p>1 inch = 500 feet</p>	<p>Warren County Map</p> <p>The provider makes no warranty or representation with respect to this information, its quality or suitability for a particular purpose. This information is provided AS IS, and the requester assumes the entire risk as to its quality and suitability. The provider will not be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information.</p> <p>The provider shall have no liability for any other information, Programs or data used with or combined with the requested information, including the cost of recovering information, programs or data.</p>
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Legislative Cover Memo

Introduction: March 15, 2021
Public Hearing: April 5, 2021
Effective Date: May 5, 2021

Agenda Item: **Ordinance 2021-03**
REPEALING IN ITS ENTIRETY CHAPTER 924 TITLED “ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL” OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, AND ENACTING A NEW CHAPTER 924, TITLED “ILLICIT DISCHARGE DETECTION AND ELIMINATION”

Submitted by: Barry Conway, City Engineer

Scope/Description: These proposed changes were requested by the Warren County Soil and Water Conservation District and the Warren County Engineer - as directed by Ohio Environmental Protection Agency (OEPA). In 2019 the City of Franklin entered into an agreement with the Warren County Soil and Water Conservation District to administer the requirements of the Clean Water Act and more specifically the requirements the City adheres to as a MS4 (Municipal Separate Storm Sewer System). The County Agency has entered into agreements with most entities in the County to provide this service and at a substantial savings to the entities. As part of this service the District is trying to make ordinances and regulations more consistent across the County, and at the direction of Ohio EPA changes to these ordinances are required for proper compliance with the City’s MS4 permit.

Vote Required for Passage: Per Section 4.03 of the City Charter, the approval of a majority of the members of Council present is required for passage.

Exhibits: Exhibits A and B.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-03

REPEALING IN ITS ENTIRETY CHAPTER 924 TITLED “ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL” OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, AND ENACTING A NEW CHAPTER 924, TITLED “ILLICIT DISCHARGE DETECTION AND ELIMINATION”

WHEREAS, the City of Franklin must comply with the Clean Water Act and directives of the Ohio Environmental Protection Agency;

WHEREAS, as a result, the City’s regulations regarding Illicit Discharges must be updated to remain in compliance with updates to the Clean Water Act;

WHEREAS, the City of Franklin has engaged since 2019 Warren County Soil and Water Conservation District to administer the requirements of the Clean Water Act and, more specifically, the requirements the City adheres to as a Municipal Separate Storm Sewer System;

WHEREAS, this ordinance update is one proposed by the Warren County Soil and Water Conservation District to allow it to effectively and efficiently streamline enforcement not only for the City of Franklin, but other entities within Warren County for which it performs similar services.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Franklin, Ohio, a majority of the members elected thereto concurring, that:

Section 1. Existing Chapter 924 of the Codified Ordinances of the City of Franklin, Ohio, attached hereto as Exhibit A, is repealed in its entirety.

Section 2. The attached Exhibit B, Chapter 924, titled “Illicit Discharge Detection and Elimination,” replaces the repealed Chapter 924 and is enacted into law. Said Chapter shall be added to the Codified Ordinances of the City of Franklin under Part Nine – Streets, Utilities and Public Service Code, Title Three – Utilities.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall become effective on May 5, 2021.

INTRODUCED: March 15, 2021

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2021-03 passed by that body on April 5, 2021.

Khristi Dunn, Clerk of Council

Approved as to form: _____
Lynnette Dinkler, Law Director

EXHIBIT A

CHAPTER 924

~~Illicit Discharge and Illegal Connection Control~~

~~924.01 Purpose and scope.~~

~~924.02 Applicability.~~

~~924.03 Definitions.~~

~~924.04 Disclaimer of liability.~~

~~924.05 Conflicts, severability, nuisances and responsibility.~~

~~924.06 Responsibility for administration.~~

~~924.07 Discharge and connection prohibitions.~~

~~924.08 Monitoring of illicit discharges and illegal connections.~~

~~924.09 Enforcement and penalties.~~

~~924.10 Penalties not exclusive.~~

~~924.01 PURPOSE AND SCOPE.~~

~~(a) The purpose of these regulations is to provide for the health, safety and general welfare of the citizens of the City of Franklin through the regulation of illicit discharges to the municipal stormwater sewer system (MS4). These regulations establish methods for controlling the introduction of pollutants into the storm water system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, as required by the Ohio Environmental Protection Agency (Ohio EPA).~~

~~(b) The objectives of these regulations are to prohibit illicit discharges and illegal connections to the MS4, and to establish legal authority to carry out inspections, monitoring procedures and enforcement actions necessary to ensure compliance with these regulations.~~

~~(Ord. 2009-20. Passed 9-21-09; Ord. 2011-18. Passed 10-3-11.)~~

~~924.02 APPLICABILITY.~~

~~These regulations shall apply to all residential, commercial, industrial and/or institutional facilities responsible for discharges to the MS4 and on any lands within the corporate limits of the City of Franklin; excepting those discharges generated by activities detailed in Section 924.07(a)(1) to (a)(3) of this Chapter.~~

~~(Ord. 2009-20. Passed 9-21-09; Ord. 2011-18. Passed 10-3-11.)~~

~~924.03 DEFINITIONS.~~

~~The words and terms used in this Chapter, unless otherwise expressly stated, shall have the following meaning:~~

~~(a) Best Management Practices (BMP's): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.~~

~~(b) City or Community: The City of Franklin, Ohio, its officers, employees, designated representatives, boards and commissions.~~

~~(c) Environmental Protection Agency (EPA): The United States EPA and/or the State of Ohio EPA, or any duly authorized official of said agencies.~~

~~(d) Floatable Material: In general this term means any foreign matter that may float or remain suspended in the water column and includes, but is not limited to, plastic, aluminum cans, wood products, bottles and paper products.~~

~~(e) Hazardous Material: Any material including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.~~

~~(f) Illicit Discharge: As defined at 40 C.F.R. 122.26 (b)(2), means any discharge to an MS4 that is not composed entirely of storm water; except for those discharges to an MS4 pursuant to a NPDES permit or as otherwise noted in Section 924.07 of this Chapter.~~

~~(g) Illegal Connection: Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.~~

~~(h) Municipal (Separate) Stormwater Sewer System (MS4): As defined at 40 C.F.R. 122.26(b)(8), a municipal separate stormwater sewer system means a conveyance or system of conveyances, including roads with drainage systems, municipal street, catch basins, curbs, gutters, ditches, man made channels or storm drains that is:~~

- ~~(1) Owned or operated by a state, city, town, borough, county, parish, district, municipality, township, district, association or other public body that was created by, or pursuant to, state law and that has jurisdiction over sewage and/or industrial wastes, including special districts under state law such as a sewer district or similar entity, or a Native American tribe or an authorized Native American tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharge to waters of the United States;~~
- ~~(2) Designed or used for collecting or conveying storm water;~~
- ~~(3) Not a combined sewer; and~~
- ~~(4) Not part of a Publicly Owned Treatment Works (POTW), as defined at 40 C.F.R. 122.2.~~

~~(i) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by the EPA, or by a state under authority delegated pursuant to 33 USC Section 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group or general area wide basis.~~

~~(j) Off Lot Discharging Home Sewage Treatment System: A system designed to treat home sewage on site and discharge treated wastewater effluent off of the property into a storm water or surface water conveyance or system.~~

~~(k) Owner/Operator: Any individual, agent, firm, association, organization, corporation, or partnership or other entity recognized by law that alone, jointly, or severally with others:~~

- ~~(1) Has legal or equitable title to any premises, building, structure, dwelling or dwelling unit, with or without accompanying actual possession thereof; or~~
- ~~(2) Has charge, care or control of any premises, building, structure, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee or guardian of the estate of the beneficial owner.~~

~~The person(s) shown on the records of the Warren County Recorder to be the owner(s) of a particular property shall be presumed to be the person(s) in control of that property.~~

~~(l) Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure and noxious or offensive matter of any kind.~~

~~(m) Premises: A lot, plot or parcel of land with its appurtenances, building, dwellings and/or structures thereon, and including any yards.~~

~~(n) Storm Water: Any surface flow, runoff and/or drainage consisting entirely of water from any form of natural precipitation that results from such precipitation.~~

~~(o) Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions.~~

~~(Ord. 2009-20. Passed 9-21-09; Ord. 2011-18. Passed 10-3-11.)~~

~~924.04 DISCLAIMER OF LIABILITY.~~

~~Compliance with the provisions of this Chapter shall not relieve any person from responsibility for damage to any persons or property otherwise imposed by law. The provisions of this Chapter are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.~~

~~(Ord. 2009-20. Passed 9-21-09; Ord. 2011-18. Passed 10-3-11.)~~

~~924.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.~~

~~(a) Where this Chapter is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City, shall prevail.~~

~~(b) If any clause, section or provision of this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.~~

~~(c) This Chapter shall not be construed as authorizing any Owner/Operator to maintain a nuisance on their property, and compliance with the provisions of this Chapter shall not be a defense in any action to abate such nuisance.~~

~~(d) Failure of the City to observe or recognize hazardous or unsightly conditions, or to recommend corrective measures, shall not relieve the Owner/Operator from the responsibility for the condition or damage resulting therefrom and shall not result in the City, its officers, employees or agents being responsible for any condition or damage resulting therefrom.~~

~~(Ord. 2009-20. Passed 9-21-09; Ord. 2011-18. Passed 10-3-11.)~~

~~924.06 RESPONSIBILITY FOR ADMINISTRATION.~~

~~The City shall administer, implement and enforce the provisions of this Chapter. The City may contract with the Warren County Board of Health or other outside agency to conduct inspections, monitor and assist with enforcement actions.~~

~~(Ord. 2009-20. Passed 9-21-09; Ord. 2011-18. Passed 10-3-11.)~~

~~924.07 DISCHARGE AND CONNECTION PROHIBITIONS.~~

~~(a) Prohibition of Illicit Discharges. No Owner/Operator shall discharge, or cause to be discharged, any illicit discharge into the City's MS4. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited; except as herein described:~~

~~(1) Waterline flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City to be significant contributors of pollutants to the MS4.~~

~~(2) Discharges specified, in writing, by the City as being necessary to protect public health and safety.~~

~~(3) Discharges from off lot discharging home sewage treatment systems permitted by the Warren County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02(6), until such time as the Ohio EPA issues an NPDES permitting mechanism for residential one-, two- or three-family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Warren County Board of Health.~~

~~(4) In compliance with the City's Storm Water Management Regulations, discharges from all off lot discharging home sewage treatment systems must either be eliminated or have coverage under an~~

appropriate NPDES permit, issued and approved by the Ohio EPA. When such permit coverage is available, discharges from off lot discharging home sewage treatment systems will no longer be exempt from the requirements of this Chapter.

~~(b) Prohibition of Illegal Connections. The construction, use, maintenance or continued existence of illegal connections to the MS4 is prohibited. This prohibition expressly includes, but is not limited to, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. An Owner/Operator is considered to be in violation of this regulation if the Owner/Operator connects a line conveying illicit discharges to the MS4, or allows such connection to continue. (Ord. 2009 20. Passed 9 21 09; Ord. 2011 18. Passed 10 3 11.)~~

~~924.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.~~

- ~~(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This Program shall include the mapping of the MS4 (including MS4 outfalls and home sewage treatment systems); the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial and institutional facilities for the sources of any dry weather flows found as the result of these inspections.~~
 - ~~(b) Inspection of Residential, Commercial, Industrial or Institutional Facilities:~~
 - ~~(1) The City shall be permitted to enter and inspect facilities subject to this Chapter as often as may be necessary, at reasonable times and upon reasonable notice to the Owner/Operator, to determine compliance with this Chapter. This right of entry shall be subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the City is authorized to pursue recourse as provided by law including, but not limited to, seeking an administrative search warrant, injunctive relief and/or criminal remedies.~~
 - ~~(2) The City shall have the right to set up at facilities subject to this Chapter such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City.~~
 - ~~(3) The City shall have the right to require the facility's Owner/Operator to install sampling and/or monitoring equipment as the City deems necessary. This sampling and/or monitoring equipment shall be maintained at all times in safe and proper operating condition by the Owner/Operator at the Owner/Operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City to ensure their accuracy.~~
 - ~~(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or monitored shall be promptly removed by the facility's Owner/Operator at the written or oral request of the City and shall not be replaced. The cost of clearing such access shall be borne by the facility Owner/Operator.~~
 - ~~(5) Unreasonable delays in allowing the City access to a facility subject to this Chapter for the purposes of illicit discharge inspection may be a violation of this Chapter.~~
 - ~~(6) Any costs associated with these inspections shall be assessed to the facility Owner/Operator. If such costs are not paid within thirty (30) days of the date of the invoice sent to the Owner/Operator, the City may cause a lien to be placed upon the property of the facility.~~
- ~~(Ord. 2009 20. Passed 9 21 09; Ord. 2011 18. Passed 10 3 11.)~~

~~924.09 ENFORCEMENT AND PENALTIES.~~

- ~~(a) Notice of Violation and Correction Order.~~
 - ~~— (1) When the City finds that a premises is in violation of any provision of this Chapter, or that an Owner/Operator has violated any provision of this Chapter or has failed to meet any requirement of this Chapter, the City may order compliance by written Notice of Violation and/or Correction Order. Such notice must specify the violation and shall be hand delivered and/or sent by certified mail to the Owner/Operator of the premises. Such Notice and/or Order may require the following actions:~~
 - ~~— A. The performance of monitoring, analyses and reporting;~~
 - ~~— B. The elimination of illicit discharges or illegal connections;~~

~~C. The "cease and desist" of any violation discharges, practices or operations;~~

~~D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and/or~~

~~E. The implementation of source control or treatment BMPs.~~

~~(2) If abatement of a violation and/or restoration of affected property is required, the Correction Order shall set forth a deadline within which such remediation or restoration must be completed. Said Order shall further advise that should the Owner/Operator fail to remediate and/or restore within the established deadline, legal action for enforcement may be initiated.~~

~~(3) Any Owner/Operator receiving Notice of Violation and/or Correction Order must meet compliance standards within the time established in the Notice of Violation and/or Correction Order.~~

~~(b) Appeals: Any Owner/Operator who is adversely affected by the issuance of a Notice of Violation and/or Correction Order under this Chapter may appeal to the Appeals Board. Such appeal shall be in writing and shall be filed within twenty (20) days of the issuance of the Notice of Violation and Correction Order.~~

~~(c) Prosecution of Violations. Upon the failure of any Owner/Operator to comply with a Notice of Violation and Correction Order, or upon a violation of any section of this Chapter, the City may institute the appropriate proceeding, whether in law or in equity, to penalize, restrain, correct or abate such violation.~~

~~(d) Penalties. Unless otherwise provided in this Chapter, the penalties for failure to comply with a Notice of Violation and Correction Order, and/or for a violation of this Chapter shall be as follows:~~

~~Whoever violates this section is guilty of an unclassified misdemeanor, and in addition to any other penalties allowed by law, the Court shall fine the person as follows:~~

~~(1) On a first offense, not less than twenty five dollars (\$25.00);~~

~~(2) On a second offense within one (1) year, not less than fifty dollars (\$50.00);~~

~~(3) On a third offense within one (1) year, not less than one hundred dollars (\$100.00);~~

~~(4) On a fourth offense within one (1) year, not less than two hundred dollars (\$200.00);~~

~~(5) On a fifth offense within one (1) year, not less than four hundred dollars (\$400.00);~~

~~(6) On a sixth offense within two (2) years, not less than six hundred dollars (\$600.00);~~

~~(7) On a seventh offense within two (2) years, not less than eight hundred dollars (\$800.00);~~

~~(8) On an eighth offense or higher within two (2) years, not less than one thousand dollars (\$1,000).~~

~~Each day the violation continues shall be considered a separate offense. The application of the penalties herein described shall not prevent the abatement of prohibited conditions.~~

~~(Ord. 2009 20. Passed 9 21 09; Ord. 2011 18. Passed 10 3 11.)~~

~~924.10 PENALTIES NOT EXCLUSIVE.~~

~~The penalties listed in this Chapter are not exclusive of any other remedies available under any applicable Federal, State or local law, and it is within the discretion of the City to seek cumulative remedies. If an Owner/Operator has violated or continues to violate this Chapter, the City may institute an appropriate action, whether in law or in equity, to restrain, correct or abate a violation, or petition for an injunction, to any court of competent jurisdiction.~~

~~(Ord. 2009 20. Passed 9 21 09; Ord. 2011 18. Passed 10 3 11.)~~

EXHIBIT B

CHAPTER 924

Illicit Discharge and Illegal Connection Control

924.01	Title.	924.11	Suspension of MS4 Access
924.02	Statutory Authority.	924.12	Industrial or Construction Activity Discharges
924.03	Purpose.	924.13	Monitoring for Illicit Discharges and Illicit Connections
924.04	Applicability.	924.14	Notification of Spills
924.05	Disclaimer of Liability.	924.15	Enforcement
924.06	Conflicts, Severability, Nuisances and Responsibility.	924.16	Appeal of Notice of Violation
924.07	Definitions.	924.17	Cost of Abatement of the Violation
924.08	Administration.	924.18	Violations Deemed a Public Nuisance
924.09	Prohibition of Illicit Discharges	924.19	Remedies not Exclusive.
924.10	Prohibition of Illicit Connections		

924.01 TITLE

These regulations and amendments thereto, shall be cited as the City of Franklin (City) Illicit Discharge Detection and Elimination regulations and may hereinafter be referred to as “these regulations”.

924.02 STATUTORY AUTHORITY

These regulations are promulgated in accordance with Section 4 of Article XVIII of the Ohio Constitution and chapter 3745-39 of the Ohio Administrative Code to implement Phase II of the storm water program of the National Pollutant Discharge Elimination System established in 40 C.F.R. Part 122.

924.03 PURPOSE

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm water discharges to the City’s municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the NPDES permit process. The objectives of this ordinance are:

- a) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- b) To prohibit illicit connections and discharges to the MS4;
- c) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this ordinance.

924.04 APPLICABILITY

These regulations are intended to conform to the requirements found in the Ohio Environmental Protection Agency (Ohio EPA) Phase II General Permit for Municipal Separate Storm Sewer Systems (MS4) and the associated OEPA Construction General Permit. As the OEPA permits are routinely updated, any inconsistencies in the requirements, definitions or verbiage between these regulations as compared to the OEPA permits shall assume the current permit language prevails.

This ordinance shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City, except for those discharges generated by the activities detailed in Section 200 (a) to (c) of this ordinance.

924.05 DISCLAIMER OF LIABILITY

Compliance with the provisions of these regulations shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of these regulations are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.

924.06 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of these regulations should be considered minimum requirements, and where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

These regulations shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of these regulations shall not be a defense in any action to abate such a nuisance.

Failure of the City or its designated agent to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

924.07 DEFINITIONS

For the purposes of these regulations, the following terms shall have the meaning herein indicated; otherwise, words or terms not defined, or interpreted by these regulations or statutory or administrative law, shall have their customary meaning as interpreted by Ohio common law, or in the event no common law exists then as found in the most recent editions of published dictionaries.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Environmental Protection Agency - The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA) or any duly authorized official of said agency.

Floatable Materials - Any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

Hazardous Materials - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Household Sewage Treatment System (HSTS) - A system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

Illicit Connection - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4.

Illicit discharge - Any discharge to the Stormwater System not composed entirely of stormwater except the following: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(b)(20)], uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, charity car wash events, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, home sewer treatment systems that discharge in accordance with Warren County Combined Health District Codes and permits, and discharges or flows from fire-fighting activities.

Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4) - As defined at 40 C.F.R. 122.26 (b)(8), means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:

Owned or operated by a State, County, town, borough, , parish, district, municipality, township, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States; designed or used for collecting or conveying storm water; Which is not a combined sewer; and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

NPDES – National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

Site owner, property owner or owner – Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Water - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Wastewater - Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

924.08 ADMINISTRATION

The City will follow the Warren County Illicit Discharge Detection and Elimination Manual (IDDE Manual) that outlines the County's approach to identify and addressing illicit discharges from the MS4.

924.09 PROHIBITION OF ILLICIT DISCHARGES

No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

a) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from firefighting activities. These discharges are exempt until such time as they are determined by the City to be significant contributors of pollutants to the MS4.

b) Discharges specified in writing to the City, or it's designated agent, as being necessary to protect public health and safety.

c) Dye testing is an allowable discharge but requires a notification to the City, or it's designated agent, prior to the time of the test.

d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

924.10 PROHIBITION OF ILLICIT CONNECTIONS

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. A person is considered to be in violation of this ordinance if the person connects a line conveying illicit discharges to the MS4 or allows such a connection to continue.

924.11 SUSPENSION OF MS4 ACCESS

The City or it's designated agent may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the City or it's designated agent may take such steps as deemed necessary to prevent or minimize damage to the MS4, or to minimize danger to persons.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City, or it's designated agent, will notify a violator of the proposed termination of its MS4 access. The violator may petition the City or it's designated agent for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City or it's designated agent.

924.12 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.

924.13 MONITORING FOR ILLICIT DISCHARGES AND ILLICIT CONNECTIONS

The City has established a program to detect and eliminate illicit discharges and illicit connections to the MS4. This program includes the mapping of the MS4, including MS4 outfalls and receiving waters and household sewage treatment systems connected to the MS4; the routine inspection of storm water outfalls to the MS4, and a process to

identify and eliminate any discovered illicit discharges.

a) The City, or its designated agent, shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

b) The City, or its designated agent, shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City.

c) The City, or its designated agent, shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

d) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City or its designated agent and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

e) Unreasonable delays in allowing the City, or its designated agent, access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

f) If the City, or its designated agent, is refused access to any part of the facility from which storm water is discharged, and the City demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief from any court of appropriate jurisdiction.

924.14 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the MS4 said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City or its designated agent in person or by phone no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City or its designated agent within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

924.15 ENFORCEMENT

a) Notice of Violation. When the City, or its designated agent, finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City or its designated agent may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

- 1) The performance of monitoring, analyses, and reporting;
- 2) The elimination of illicit discharges or illicit connections;
- 3) That violating discharges, practices, or operations cease and desist;
- 4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
- 5) The implementation of source control or treatment BMPs.

b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline, determined at the discretion of the enforcing agent, within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

c) Any person receiving a Notice of Violation must meet compliance standards within the time established at the discretion of the enforcing agent in the Notice of Violation.

d) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation. If an owner/operator has violated or continues to violate the provisions of this regulation, the City or its designated agent may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation or other appropriate relief. The court may order the implementation of control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule of this regulation or administrative order issued under these regulations shall be considered a separate violation subject to a civil fine.

924.16 APPEAL OF NOTICE OF VIOLATION

Any person aggrieved by requirement, determination, or any other administrative action or inaction by the City or its designated agent in relation to these regulations may appeal to the court of common pleas. Such an appeal shall be made in conformity with the Ohio Revised Code Chapters 2505 and 2506.

924.17 COST OF ABATEMENT OF THE VIOLATION

Within 30 days after the City's, or its designated agent's, abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the City, or its designated agent, or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City or its designated agent by reason of such violation.

924.18 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

924.19 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies, including criminal penalties as authorized in section 743.99 of the Ohio Revised Code where applicable.

Legislative Cover Memo

Introduction: March 15, 2021

Public Hearing: April 5, 2021

Effective Date: May 5, 2021

Agenda Item: **Ordinance 2021-04**
AMENDING CHAPTER 1103 DEFINITIONS AND SECTION
1107.07 PARKS AND RECREATION DISTRICT OF THE CITY OF
FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Submitted by: Barry Conway, City Engineer

Scope/Description: This Ordinance would amend Chapter 1103, Definitions and Section 1107.07, Parks and Recreation District of the Unified Development Ordinance. These amendments would add additional definitions and also additional uses and standards to the UDO for Private Parks and Event Centers.

Vote Required for Passage: Per Section 4.12 of the City Charter, the passage, amendment, or rejection of this Ordinance requires the affirmative vote of not less than four members of the Council.

Exhibits: Exhibits A and B.

Recommendation: These amendments originated at Planning Commission, who held a public hearing on the proposed changes at its March 8, 2021 meeting. At that meeting, Planning Commission voted unanimously (7-0) to recommend Council approve these amendments.

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-04

**AMENDING CHAPTER 1103 DEFINITIONS AND SECTION 1107.07 PARKS AND RECREATION DISTRICT
OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, Section 1115.04 of the City's Unified Development Ordinance (UDO) allows amendments to the text of the UDO to be initiated by Planning Commission, upon its own motion;

WHEREAS, the Franklin City Planning Commission initiated, upon its own motion, Planning Commission Case PC-21-01, making certain amendments to Chapter 1103, Definitions and Section 1107.07 Parks and Recreation District of the UDO;

WHEREAS, the procedures with regard to amendments to the UDO, as set forth in Section 1115.04 of the UDO have been followed;

WHEREAS, The Franklin City Planning Commission, at its March 8, 2021, regular meeting, voted 7-0 to approve Planning Commission Case No. PC 21-01, recommending Council approval of the proposed text amendments, and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt Planning Commission's recommendations and make certain amendments to the City's Unified Development Ordinance,

THE CITY OF FRANKLIN HEREBY ORDAINS, at least four (4) members of the Council elected thereto concurring, that:

Section 1. Chapter 1103 and Section 1107.07 Parks and Recreation District of the City of Franklin Unified Development Ordinance are hereby amended, as shown on the attached Exhibit A and B.

Section 2. Existing Chapter 1103 definitions and Section 1107.07 Parks and Recreation District of the Unified Development Ordinance are hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall go into effect on May 5, 2021.

INTRODUCED: March 15, 2021

ADOPTED: April 5, 2021

ATTEST: _____

Khristi Dunn, Clerk of Council

APPROVED: _____

Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2021-04 passed by that body on April 5, 2021.

Khristi Dunn, Clerk of Council

Approved as to form: _____

Lynnette Dinkler, Law Director

Exhibit A

Chapter 1103: Definitions

Interpretation:

- (a) For the purposes of this UDO, the following terms, phrases, words and their derivations shall be interpreted as follows:
- (1) Words used in the singular shall include the plural, and the plural the singular;
 - (2) Words used in the present tense shall include the future tense;
 - (3) Words in the masculine gender shall include the feminine;
 - (4) The words “shall” and “will” are mandatory and not discretionary;
 - (5) The word “may” is permissive;
 - (6) “Person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
 - (7) “Used” or “occupied” includes “intended,” “designed” or “arranged to be used or occupied;”
 - (8) “Building” includes “structure” and “structure” includes “building;”
 - (9) “Dwelling” includes “residence” and “residence” includes “dwelling;” and
 - (10) “Lot,” “plot” and “parcel” are interchangeable.
- (b) In case of any difference in meaning or implication between the text of this UDO and any caption or illustration, the text shall control.
- (c) Terms not herein defined shall have the meaning customarily assigned to them.

In addition, as used in this UDO, the following definitions apply unless otherwise indicated:

- ~~.001~~ Acceptance of Application – An APPLICATION is not accepted by the CITY until all the information required for submittal is provided and verified by the APPLICANT.
- ~~.002~~ Acceptance of Public Way or RIGHT-OF-WAY or Utility – No public way, RIGHT-OF-WAY, STREET or utility (including, but not limited to, water and sewer) shall be considered accepted by the CITY until such improvements have been constructed, inspected by the CITY ENGINEER or his designee, and formally accepted, by ordinance, by COUNCIL.
- ~~.003~~ Accessory Facilities – These uses are permitted in the Office-Research Park District. Such uses include facilities for custodial, gardening, maintenance and caretaker services for the BUILDINGS, STRUCTURES and grounds on the site. Such uses also include conference centers with temporary lodging, communication centers, training facilities, maintenance shops and machine shops.
- ~~.004~~ Accessory Use/Structure – A use or detached, subordinate BUILDING or STRUCTURE on the same LOT as the principal use and of a nature customarily incidental and subordinate to the MAIN USE or MAIN BUILDING (See also DETACHED GARAGES AND SHEDS and GARAGE, PRIVATE).
- ~~.005~~ Activity Space – Floor space provided in a child-care facility that is designed, intended for use, or primarily used for open play or general care area.
- ~~.006~~ Adjacent Property – For the purposes of this UDO, a subject property is adjacent to another property or a ZONING DISTRICT when it is contiguous to the other property, across the STREET from the other property, or across a railroad RIGHT-OF-WAY from the other property.
- ~~.007~~ ADT – Average daily traffic volumes of VEHICLES on a STREET.
- ~~.008~~ Adult Arcade – Any place to which the public is permitted or invited where either or both:
- A. Motion picture machines, projectors, video or laser disc players; or
 - B. Other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five (5) or fewer individuals at one time;
- and where the images shown and/or live entertainment presented are characterized by the depiction or description of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS.
- ~~.009~~ Adult Bookstore or Adult Media (Video) Store or Adult Novelty Store – A commercial establishment that has forty percent (40%) or more of its STOCK-IN TRADE OR INVENTORY in, derives forty percent (40%) or more of its revenues from, devotes forty percent (40%) or more of its interior business or advertising to, or maintains forty percent (40%) of its sales or display space for the sale or rental, for any form of consideration, of ADULT ENTERTAINMENT, ADULT MEDIA or SEXUALLY

- ORIENTED NOVELTIES OR TOYS. The existence of other principal business purposes that do not involve the offering for sale, rental or viewing of materials exhibiting or describing ADULT ENTERTAINMENT, ADULT MEDIA or SEXUALLY ORIENTED NOVELTIES OR TOYS and still be categorized as an Adult Bookstore, Adult Media Store or Adult Novelty Store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials.
- ~~.010~~ Adult Cabaret – A nightclub, BAR, juice bar, RESTAURANT, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
- A. Persons who appear in a state of NUDITY or state of SEMI-NUDITY; or
 - B. Live entertainment characterized by the depiction or description of SPECIFIED ANATOMICAL AREAS or SPECIFIED SEXUAL ACTIVITIES; or
 - C. Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - D. Exhibiting films, motion pictures, video cassettes, video discs, DVDs, CDs, slides or other photographic or electronic reproductions, whether analog or digital, which are characterized by the depiction or description of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS.
- ~~.011~~ Adult Entertainment – The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, DVDs, CDs or other photographic or electronic reproductions, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of SPECIFIED ANATOMICAL AREAS or SPECIFIED SEXUAL ACTIVITY.
- ~~.012~~ Adult Entertainment Establishment – An ADULT ARCADE, ADULT BOOKSTORE, ADULT NOVELTY STORE, ADULT MEDIA (VIDEO) STORE, ADULT CABARET, ADULT MOTION PICTURE THEATER, ADULT THEATER, NUDE OR SEMI-NUDE MODEL STUDIO or SEXUAL ENCOUNTER ESTABLISHMENT. An establishment in which a medical practitioner, psychologist, psychiatrist or similar profession licensed by the State of Ohio engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to ORC 4731.15, is not an Adult Entertainment Establishment.
- ~~.013~~ Adult Family Home – A residential facility providing accommodations and personal care services for one to five (1-5) unrelated individuals that is licensed by the State as a residential facility and that meets the criteria specified in ORC 5119.34(A)(9)(b).
- ~~.014~~ Adult Group Home – A residential facility providing accommodations and personal care services for six to sixteen (6-16) unrelated individuals that is licensed by the State as a residential facility and that meets the criteria specified in ORC 5119.34(A)(9)(b).
- ~~.015~~ Adult Media – Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, DVDs and CDs, slides or other visual representations that are distinguished or characterized by an emphasis on the depiction or description of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS.
- ~~.016~~ Adult Motel – A HOTEL/MOTEL or similar commercial establishment that:
- A. Offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS; and has a SIGN visible from the public RIGHT-OF-WAY which advertises the availability of this sex-oriented type of photographic reproductions; or
 - B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- ~~.017~~ Adult Motion Picture Theater – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS.
- ~~.018~~ Adult Theater – A theater, concert hall, auditorium, or similar commercial establishment that regularly features:
- A. Persons who appear in a state of NUDITY or SEMI-NUDITY;
 - B. Live performances which are characterized by the depiction or description of SPECIFIED ANATOMICAL AREAS, SPECIFIED SEXUAL ACTIVITIES, or

- C. Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment.
- ~~.019~~ Agriculture – Agriculture means farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs; ornamental trees, flowers, sod or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Agriculture shall not be permitted in any residential ZONING DISTRICT with the following exceptions:
- A. The raising of fruit or vegetables for private use;
 - B. Limited agricultural uses permitted as-of-right in the R-1A, Estate Residential Districts for LOTS of two (2) acres or more (see Section 1113.07, Supplementary Regulations); and
 - C. The keeping of small farm animals may be allowed as a CONDITIONAL USE Permit in the R-1A, Estate Residential District for LOTS under two (2) acres (see Section 1113.01, Conditional Uses).
- ~~.020~~ Alcohol and Drug Addiction Treatment Facilities – A licensed facility that provides inpatient treatment, including room and board, to individuals addicted to substances of abuse, including alcohol, legal drugs and/or illicit drugs, which treatment may include counseling, psychology, social work, psychiatry, internal medicine and the administration of medications for treatment purposes.
- ~~.021~~ Alteration – Any change, addition or modification in CONSTRUCTION or type of occupancy; or any change in the structural members of a BUILDING, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”
- ~~.022~~ Alternative Finance Service Provider – Any type of business other than a CHECK-CASHING BUSINESS, CREDIT SERVICE ORGANIZATION, SHORT-TERM LOAN LENDER, MORTGAGE LOAN LENDER, as those terms are defined in this UDO, that cashes checks, provides credit services, or makes short term loans, small loans, mortgage loans or other loans secured by personal check, electronic access to the borrower’s bank account, or by title to the borrower’s car or other personal property. Alternative Finance Service Provider does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- ~~.023~~ Ancillary Business Offices – An OFFICE use that is:
- A. Subordinate in area, extent and purpose to the principal use;
 - B. Contributes to the comfort, convenience, efficiency or necessity of the principal use; and
 - C. Is located on the same LOT and in the same ZONING DISTRICT as the principal use.
- ~~.024~~ Antenna – Any exterior transmitting or receiving device mounted on a TOWER, BUILDING or STRUCTURE and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- ~~.025~~ Antenna Support Structure – Any BUILDING or other STRUCTURE, other than a TOWER, that can be used for location of WIRELESS TELECOMMUNICATIONS FACILITIES.
- ~~.026~~ Appeals Board – The quasi-judicial board, appointed in accordance with the City Charter, which hears and decides VARIANCE applications, hears and decides appeals of any administrative zoning decision by any CITY official, and reviews and resolves disputes over the interpretation of this UDO, all as outlined in this UDO (Also known as the “Board of Zoning, Building and Housing Appeals”).
- ~~.027~~ Applicant (or owner) – The owner(s) of the property, or their designated representative(s), who applies for a certificate of zoning compliance, zoning amendment, SUBDIVISION, CONDITIONAL USE, VARIANCE or other approval pursuant to this UDO.
- ~~.028~~ Application – The process by which an APPLICANT submits a request and indicates a desire to be granted approval under the provisions of this UDO. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an APPLICANT to the CITY concerning such a request.
- ~~.029~~ Approval Authority – An official, organization, group, board or other authority designated to review and approve/disapprove APPLICATIONS.
- ~~.030~~ Aquifer – A geologic formation, group of geologic formations, or part of a geologic formation that contains enough saturated permeable material to yield significant quantities of water.

- .031 Architect – A PERSON registered to engage in the practice of architecture under the provisions of ORC Chapter 4703.
- .032 Arts and Crafts Studio – A commercial establishment that provides, as its PRIMARY ACTIVITY, goods produced on the premises for retail sale to the general public on the premises. Such use is completely enclosed in a BUILDING and does not use equipment that would cause noxious effects, such as smoke, odor or noise that would be deterred on surrounding properties. Such uses comprise a part of use groups B, F-2 or M of the Ohio Building Code, and include uses such as art studios and pottery shops.
- .033 Assembly Space – Floor space provided in a BUILDING that is designed, intended for use, or used primarily for group assembly, including space with both fixed and movable seating.
- .034 Assisted-Living, Life Care or Continuing Care Facilities – A residential facility, other than a single-family home, for the aged or infirm, or any other reasonably independent individual in need of limited care, that provides health monitoring services and assistance with daily activities (such as taking medicine, meals, dressing, grooming, and bathing) and may provide other services (such as recreational, social, educational and cultural activities, transportation and financial services) and which is not equipped for surgical care or for treatment of acute disease or serious injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.
- .035 Authorized Agent – An official, organization, or group designated to provide technical guidance in the development and implementation of site DEVELOPMENT PLANS and/or STORMWATER POLLUTION PREVENTION PLANS and to review and approve/disapprove such plans as authorized.
- .036 Automobile – See GASOLINE SERVICE STATION, MOTOR VEHICLE and VEHICLE.
- .037 Awning – A hood or cover that projects from the wall of a BUILDING and which can be retracted, folded, or collapsed against the face of the supporting BUILDING.
- .038 Banner – A non-rigid cloth, plastic or canvas SIGN typically related to a special event or promotion. National FLAGS, state or municipal FLAGS shall not be considered banners, nor shall the official FLAG of any institution or business be considered a banner.
- .039 Bar (or Tavern) – A commercial establishment that provides, as its PRIMARY ACTIVITY, the sale of alcoholic beverages for consumption on the premises inside of a BUILDING. Such use comprises a part of use group A-2 of the Ohio Building Code.
- .040 Base Flood – The flood having a one percent (1%) chance of being equaled in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or the one hundred (100) year flood.
- .041 Base (100-year) Flood Elevation (BFE) – The water surface elevation of the BASE FLOOD in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In *Zone AO* areas, the base flood elevation is the natural GRADE elevation plus the depth number (from 1 to 3 feet).
- .042 Basement – Any area of the BUILDING having its floor subgrade below ground level on all sides.
- .043 Bed and Breakfast – An existing single-family residence that provides one to five (1-5) rooms (limited to two individuals or one FAMILY per unit/room) for occasional paying guests on an overnight basis, for periods not to exceed seven (7) consecutive days, with breakfast being available on premises at no additional cost.
- .044 Billboard – An off-premise, outdoor SIGN exceeding fifty square feet (50 sq. ft.) in area. Billboards are prohibited under this UDO.
- .045 Block – An area of land within a SUBDIVISION that is entirely bounded by STREETS or highways (except alleys) or a combination of STREETS, highways or ways and/or rivers, streams, railroad RIGHT-OF-WAYS or other exterior boundaries of the SUBDIVISION.
- .046 BMP – Best Management Practices for stormwater, as defined by this UDO and the Ohio EPA.
- .047 Boarding House – A residential facility that provides sleeping rooms for rent. Boarding houses are not permitted in any ZONING DISTRICT.
- .048 Buffer – A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. CONSTRUCTION activities in this area are restricted or prohibited (See GREENBELT).
- .049 Buffer Lot – A LOT on a PLAT across the end of a STREET proposed to be extended by future platting, or a LOT along the length of a STREET where only part of the width has been dedicated, retained by the owner but conditionally dedicated on the PLAT for STREET purposes when the STREET is extended or widened.

- .050 Buffer Yard – Landscape areas adjoining or surrounding a land use and unoccupied in its entirety by any BUILDING or STRUCTURE.
- .051 Building – Any STRUCTURE designed or intended for the support, enclosure, shelter or protection of PERSONS, animals, chattels or property. When separated by a firewall, each portion of such building so separated shall be deemed as a separate building.
- .052 Building Frontage – The wall of the BUILDING that determines where SIGNS may be placed and the total allowable area of such SIGNS. Only walls that face a STREET, driveway or PARKING AREAS that serves the use shall be considered as building frontage, as determined by the ZONING OFFICIAL. Building frontage shall be measured for the length of the BUILDING occupied by the use or tenant(s), and shall be computed as near to ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the ZONING OFFICIAL, in his sole discretion, shall select building frontage on the basis of interior layout of the BUILDING, traffic on adjacent STREETS or other indicators.
- .053 Building Height – The vertical distance measured from the established GRADE to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a BUILDING is located on sloping terrain, the height may be measured from the average ground level of the GRADE at the building wall.
- .054 Building Line – A line established on a PARCEL which is parallel to a street RIGHT-OF-WAY line for the purpose of prohibiting CONSTRUCTION of a BUILDING between such line and an EASEMENT, RIGHT-OF-WAY or public area.
- .055 Business, Professional – These uses include, but are not limited to, administrative offices, clerical/financial offices, and professional services offices (ARCHITECTS, attorneys, ENGINEERS, dentists, physicians, etc.). All operations are carried on in a completely enclosed BUILDING and comprise a part of the use group B of the Ohio Building Code.
- .056 Business, Retail – A commercial establishment that provides, as its PRIMARY ACTIVITY, sales of goods to other commercial establishments. Such use is completely contained within a BUILDING and comprises a part of use group B or M of the Ohio Building Code. Examples of such uses include, but are not limited to, office furniture stores and office supply stores.
- .057 Business, Service – A commercial establishment that provides, as its PRIMARY ACTIVITY, sales of services to other commercial establishments. Such use is completely contained within a BUILDING and comprises a part of the use group B or M of the Ohio Building Code. Examples of such uses include, but are not limited to, uniform and linen services.
- .058 Business Sign – A SIGN directing attention to a business, product, service or activity conducted or sold on the LOT where the SIGN is displayed.
Campground – A publicly or privately owned parcel of land designed, designated, maintained, intended, or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in tents, trailers, travel trailers, motor home, cabins or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile home park. Campgrounds are prohibited under this UDO.
- .059 Canopy – A projection from a BUILDING made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.
- 0.60 Canopy Sign – A SIGN directing attention to a business, product, service or activity conducted or sold on the LOT where the SIGN is displayed that is mounted on a MARQUEE, attached to or printed on the fascia or valence of a CANOPY or MARQUEE, or hanging from the soffit (i.e. underside) of such structure.
- .061 Cemeteries – Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and MORTUARIES, if operated in connection with and within the boundaries of such cemetery.
- .062 Changeable Copy Sign (manual) – A SIGN, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the SIGN, including without limitation, a reader board with changeable letters.
- .063 Changeable Copy Sign (mechanical or electronic) – A SIGN, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the SIGN, including without limitation, an electronic or mechanical message center.
- .064 Check-Cashing Business – Any business that is licensed, or is required to be licensed, under ORC 1351.21 through 1351.30 to cash checks. Check-cashing business does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio

- Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- ~~.065~~ Church and Similar Place of Worship – A BUILDING, together with its ACCESSORY USES/STRUCTURES, where PERSONS regularly assemble for religious worship, and which, together with its ACCESSORY USES/STRUCTURES, is maintained and controlled by a religious body organized to sustain public worship. Nursery, kindergarten, DAY CARE and compulsory (grades 1 through 12) schools may be permitted as ACCESSORY USES to a church.
- ~~.066~~ City – The incorporated municipality of Franklin, Ohio. For the purposes of this UDO, the term “City” shall also include Franklin City Council, Planning Commission, Appeals Board, Technical Review Committee, Historic District Review Board and/or City administrative staff or employees.
- ~~.067~~ City Engineer – The person holding the title of City Engineer of the City of Franklin, or his designee.
- ~~.068~~ City Manager – The person holding the title of City Manager of the City of Franklin, or his designee.
- ~~.069~~ Clear Sight Triangle – The triangular area formed by a diagonal line connecting two points located on intersecting lines of a RIGHT-OF-WAY, EASEMENT of access, or pavement edge of an access drive, each point being twenty feet (20’) from the intersecting lines and extending vertically from a height of three feet (3’) above GRADE to ten feet (10’) above GRADE.
- ~~.070~~ Co-location – The use of a wireless telecommunications facility by more than a single wireless telecommunications provider.
- ~~.071~~ Colleges and Universities – An institution, other than a trade school, that provides full-time or part-time education beyond SENIOR HIGH SCHOOL.
- ~~.072~~ Commercial Entertainment – A commercial establishment that provides, as its PRIMARY ACTIVITY, space for various types of sporting and/or leisure activities. Such use is completely contained within a BUILDING and comprises part of use group A or B of the Ohio Building Code, whichever is appropriate. Examples of such uses include, but are not limited to, skating rinks, bowling alleys, indoor PLAYGROUNDS and MOVIE THEATERS.
- ~~.073~~ Commercial Recreation – see RECREATION, COMMERCIAL.
- ~~.074~~ Commercial Training – A commercial establishment (excluding any SENIOR HIGH SCHOOLS, COLLEGES OR UNIVERSITIES) that provides, as its PRIMARY ACTIVITY, any type of training, vocational, self-help or special interest to the general public for a fee. Such use is completely contained within a BUILDING and comprises part of use group E of the Ohio Building Code. Examples of such uses include, but are not limited to, dance studios, beauty schools, and martial arts studios.
- ~~.075~~ Common Open Space – Squares, greens, neighborhood PARKS and linear environmental corridors, which may be owned and maintained by the CITY, a HOMEOWNERS’ ASSOCIATION, CONDOMINIUM OWNERS’ ASSOCIATION or DEVELOPER.
- ~~.076~~ Community Centers/Facilities – A place, STRUCTURE, area or other facility used for social and recreational programs open to the public and designed to accommodate and serve significant segments of the community. A community center may also be referred to as a convention center or a civic center.
- ~~.077~~ Comprehensive Development Plan or Comprehensive Land Use Plan – The plan, which may consist of several maps, data and other descriptive matter, for the physical DEVELOPMENT of the CITY and which has been adopted by the PLANNING COMMISSION and COUNCIL to indicate the general locations for proposed planning areas, major STREETS, PARKS, schools, public building sites and other similar information.
- ~~.078~~ Conditional Use – A use that may be permitted within a ZONING DISTRICT (other than a principally permitted use), which is required to fulfill additional requirements because of its potential impact on the surrounding community. Such a use requires APPLICATION for a conditional use and approval by the PLANNING COMMISSION.
- ~~.079~~ Condominium – A form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to ORC 5311. and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.
- ~~.080~~ Condominium Owners’ Association – The organization that administers condominium property and that consists of all the owners of units in a condominium property.
- ~~.081~~ Conservation Development (or Planned Residential Conservation Overlay District) – A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated with more flexible standards, such as building arrangements and SETBACKS, than those that would normally

- apply under single-family residential ZONING DISTRICT regulations, allowing for the flexible grouping of houses in order to conserve OPEN SPACE and existing natural resources.
- ~~.082~~ Construction – For the purposes of this UDO, construction is deemed to begin when all necessary EXCAVATION and piers or footing of one or more principal BUILDINGS, or the installation of required infrastructure, has been completed or substantially begun.
- ~~.083~~ Construction Sign – A SIGN directing attention to CONSTRUCTION upon property where the SIGN is displayed, and bearing the name, address, sub-lot number or other identifier of the contractor.
- ~~.084~~ Consumer Retail – A commercial establishment (excluding a RESTAURANT or VEHICLE DEALER) that provides, as its PRIMARY ACTIVITY, sales of goods to the general public. Such uses generally require locations on or near major thoroughfares or their intersections. Such use is completely contained within a BUILDING and comprises a part of the use group M of the Ohio Building Code. Examples of such use include, but are not limited to, supermarkets, stores that sell hardware, apparel, footwear, jewelry, toys, sporting goods, automotive parts, cosmetics and toiletries, and appliances and home furnishings, department stores and discount stores.
- ~~.085~~ Convenience Store – A retail sales business that sells household consumer merchandise, beverages, cigarettes, packaged foods, and/or the preparation and sales of delicatessen sandwiches, ice cream counters or other foods, and other related items. (See also GASOLINE SERVICE STATION/CONVENIENCE STORE).
- ~~.086~~ Corner Lot – See LOT.
- ~~.087~~ Council – The Council of the City of Franklin, Ohio.
- ~~.088~~ Covering – Any clothing or wearing apparel, including pasties, but not including any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- ~~.089~~ Credit Service Organization – Any business that is registered, or is required to be registered, under ORC 4712.01 to 4712.14 to provide credit services as defined in ORC 4712.01(C). Credit service organization does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- ~~.090~~ Critical Storm – A storm that is calculated by means of the percentage increase in volume of runoff by a proposed earth disturbing activity or DEVELOPMENT AREA. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.
- ~~.091~~ Crosswalk – A RIGHT-OF-WAY, dedicated to public use, which crosses a BLOCK to facilitate pedestrian access to adjacent STREETS and ADJACENT PROPERTIES.
- ~~.092~~ Crown – The upper mass or head of a tree.
- ~~.093~~ Cultivar – A cultivated variety of plant material grown for its special form and characteristics.
- ~~.094~~ Cul-de-sac – A short STREET having one open end and being permanently terminated by a vehicular turn-around.
- ~~.095~~ Curb Radius – The curved edge of STREETS at an intersection measured at the outer edge or face of the street curb or of the parking lane.
- ~~.096~~ Cut – An EXCAVATION; the difference between a point on the original GRADE and a designated point of lower elevation on the final GRADE.
- ~~.097~~ Day Care Center, Adult – Any place where adult day care services are provided, with or without compensation, for a daily average of five (5) or more adults, excluding relatives of the owner or administrator of the center.
- ~~.098~~ Day Care Center, Child – Any place where child day care and/or learning experiences are provided, with or without compensation, for a daily average of five (5) or more infants, preschool children or school-age children (outside of school hours), excluding children of the owner or administrator of the center.
- ~~.099~~ Deciduous – Plant material that normally sheds its foliage at the end of the growing season.
- ~~.100~~ Deck – A platform, without a roof, that is either:
- A. Freestanding or directly adjacent to a principal BUILDING; or
 - B. Attached to the BUILDING.
- ~~.101~~ Dedication – The granting, by the property owner, of land by fee simple, or an EASEMENT therein, for the use of the public and accepted by COUNCIL for such use by, or on behalf of, the public.
- ~~.102~~ Detention Basin – A normally dry bottom impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater and gradually releasing the stored water at a controlled rate.

- ~~103~~ Detention Facility – A DETENTION BASIN or alternative STRUCTURE designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.
- ~~104~~ Developer – Any PERSON, corporation, association, partnership or other entity who creates or proposes to create a residential, commercial, industrial or mixed use development, all or a portion of which will be located within the CITY.
- ~~105~~ Development – Any man-made change to improved or unimproved real estate including, but not limited to, BUILDINGS or other STRUCTURES, MINING, dredging, FILLING, grading, paving, EXCAVATION or drilling operations or storage of equipment and materials.
- ~~106~~ Development Area – Any contiguous area owned by one PERSON or operated as one development unit included within the scope of the regulations of this UDO, upon which earth-disturbing activities are planned or underway.
- ~~107~~ Development Plan – A plan submitted with an APPLICATION for a Planned Unit Development Overlay District, in accordance with the requirements of Section 1109.05 of this UDO, or a Planned Residential Conservation Overlay District (see CONSERVATION DEVELOPMENT), in accordance with the requirements of Section 1109.06 of this UDO.
- ~~108~~ District – See ZONING DISTRICT.
- ~~109~~ Direct Recharge Area – That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.
- ~~110~~ Directional Sign – A SIGN intending to direct the safe flow of vehicular and pedestrian traffic, including, but not limited to, “enter,” “exit,” “one way” and “narrow” signs.
- ~~111~~ DNR - the Ohio Department of Natural Resources.
- ~~112~~ Drive-Through Retail – A commercial establishment that provides either all or some portion of its goods and/or services for use to the general public at an outside service window or drive-through bays. Such goods and services may also be obtained inside the BUILDING. Such use comprises a part of use groups B, A-2 or M of the Ohio Building Code. Examples of such uses include, but are not limited to, drive-through party stores, banks with drive-throughs, freestanding ATM’s, and/or car washes, whether automatic or manual, but does not include food-related retail (See also FAST FOOD RESTAURANTS).
- ~~113~~ Dwelling or Dwelling Unit – Any BUILDING or portion thereof designed, intended or used primarily for residential purposes (i.e., human habitation), including cooking and sanitary facilities. The term does not include a TENT, cabin, trailer, mobile home, BOARDING HOUSE, HOTEL/MOTEL. For the purposes of this UDO, dwellings shall be defined as the following types:
- A. *Dwelling, Multi-family* – A BUILDING or portion thereof designed, intended or used primarily for residential purposes to be occupied by more than three (3) families living independently of one other.
 - B. *Dwelling, Row House (or Town House)* – A BUILDING or portion thereof designed, intended or used primarily for residential purposes. Row house dwellings are situated so that their sidewalls are shared with other like STRUCTURES, all having their own separate entrances and being separate LOTS OF RECORD.
 - C. *Dwelling, Single-Family* – A BUILDING designed, intended or used primarily for residential purposes to be occupied by one (1) FAMILY.
 - D. *Dwelling, Three-Family* – A BUILDING or portion thereof designed, intended or used primarily for residential purposes to be occupied by not more than three (3) families living independently of one another.
 - E. *Dwelling, Two-Family* – A BUILDING or portion thereof designed, intended or used primarily for residential purposes to be occupied by two (2) families living independently of one another.
 - F. *Dwelling Unit, Upper Floor* – A single unit or multiple units above ground level of an existing STRUCTURE providing complete, independent living facilities for one or more individuals and including the permanent provision for living, sleeping, eating, cooking and sanitation.
- ~~114~~ Earth-Disturbing Activity – Any grading, EXCAVATION, FILLING, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
- ~~115~~ Easement – A right-of-use over or in the property of another, granted by the owner for specific public or semi-public purposes and accepted by COUNCIL for such use by, or on behalf of, the public.
- ~~116~~ Efficiency or Efficiency Unit – Efficiencies shall be regulated by the Ohio Building Code, and those provisions of the Building Code regulating efficiencies shall take precedence over the provisions of this UDO.

- 117 Elderly Housing – An age-restricted residential development in any housing form that qualifies for an exemption as “housing for older persons” under the *Federal Fair Housing Amendments Act of 1988*, 42 USC 3607(b), and any amendments thereto.
- 118 Elementary School – A school or institution serving students between kindergarten through sixth grade (K - 6th).
- 119 Emergency – A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause SUBSTANTIAL DAMAGE to property, which calls for immediate action.
- 120 Engineer – A PERSON licensed by the State of Ohio and registered as a professional engineer under ORC 4733.
- 121 Environmental Sciences – These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: laboratories engaged in testing and research, pharmaceutical laboratories, and bionomic laboratories. All operations are carried on in a completely enclosed BUILDING and comprise a part of the use group B, F-1 or F-2 of the Ohio Building Code.
- 122 EPA – The Ohio Environmental Protection Agency.
- 123 Equipment Shelter and/or Cabinet – The STRUCTURE in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.
- 124 Essential Services – The erection, CONSTRUCTION, ALTERATION or maintenance by public utilities or by governmental entities of underground, surface or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including TOWERS, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith (but not including BUILDINGS) that are necessary for the furnishing of adequate service by such utilities or governmental entities for the general health, safety or welfare.
- 125 Evergreen – Plant material that has foliage that remains green throughout the year.
- 126 Excavation – Any breaking of ground except common household gardening and ground care.
- 127 Executive Order 11988 (Floodplain Management): This order was issued by President Carter in 1977, and requires that no federally-assisted activities be conducted in, or have the potential to, affect identified SPECIAL FLOOD HAZARD AREAS unless there is no practicable alternative.
- 128 FAA – The Federal Aviation Administration, and any legally appointed, designated or elected agent or successor.
- 129 FCC – The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.
- 130 Family – One or more individuals occupying a single DWELLING UNIT, provided that unless all individuals are related by blood, marriage or adoption, no family shall contain over five (5) individuals but further provided that a family related by blood, marriage or adoption may have a total of two (2) non-related individuals living with it.
- 131 Family Home for the Physically and Mentally Disabled – A residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services and supervision in a family setting for at least six, but not more than eight individuals (6-8), with mental retardation or developmental disability.
- 132 Farm Market – The offering for sale of fresh agricultural products directly to the consumer in an open-air market.
- 133 Fast Food Restaurants – An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state of consumption within the restaurant building, within a MOTOR VEHICLE parked on the premises, or off the premises as a carry-out order, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposal containers. Examples of such uses include drive-through restaurants that prepare and/or dispense food or beverages and do not provide a place for all its customers to eat inside the BUILDING, or which serve food or beverages for carry out, or drive-in eating and drinking places, establishments where customers may serve themselves and may eat or drink the food or beverages on the premises, and ice cream stands.
- 134 FEMA - Federal Emergency Management Agency.
- 135 Fill or Filling – Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting GRADE conditions; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final GRADE.

- ~~136~~ Final Plat – A final map of all or part of the SUBDIVISION prepared and certified by an ENGINEER or SURVEYOR in accordance with the requirements and regulations of this UDO, which is submitted to the CITY for final approval before recording at the office of the Warren County Recorder.
- ~~137~~ Five-Year Capture Area – The area around PROTECTED PUBLIC WATER SUPPLY/WELL FIELDS delineated by the five-year travel time contour.
- ~~138~~ Flag – Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of domestic government, political subdivision or other governmental agency, and attached to or designed to be flown from a flagpole or similar device.
- ~~139~~ Flag, International – Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a foreign country or government, and attached to or designed to be flown from a flagpole or similar device.
- ~~140~~ Flashing – A SIGN or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
- ~~141~~ Flashing Sign – Any ILLUMINATED SIGN that exhibits changing light and/or color effects.
- ~~142~~ Flood or Flooding – A general or temporary condition of partial or complete inundation of normally dry land areas from:
- A. The overflow of inland or tidal waters, and/or
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
- ~~143~~ Flood Insurance Rate Map (FIRM) – An official map on which the Federal Emergency Management Agency or the US Department of Housing and Urban Development has delineated the areas of special flood hazard.
- ~~144~~ Flood Insurance Risk Zones – Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
- A. *Zone A* – SPECIAL FLOOD HAZARD AREAS inundated by the 100-year flood; BASE FLOOD ELEVATIONS are not determined.
 - B. *Zones A1-30 and Zone AE* – SPECIAL FLOOD HAZARD AREAS inundated by the 100-year flood; BASE FLOOD ELEVATIONS are determined.
 - C. *Zone AO* – SPECIAL FLOOD HAZARD AREAS inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - D. *Zone AH* – SPECIAL FLOOD HAZARD AREAS inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); BASE FLOOD ELEVATIONS are determined.
 - E. *Zone A99* – SPECIAL FLOOD HAZARD AREAS inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under CONSTRUCTION; no BASE FLOOD ELEVATIONS are determined.
 - F. *Zone B and Zone X (shaded)* – Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the BASE FLOOD.
 - G. *Zone C and Zone X (unshaded)* – Areas determined to be outside the 500-year floodplain.
- ~~145~~ Flood Insurance Study (FIS) – The official report in which the Federal Emergency Management Agency or the US Department of Housing and Urban Development has provided flood profiles, FLOODWAY boundaries (sometimes shown on FLOOD HAZARD BOUNDARY AND FLOODWAY MAPS), and the water surface elevations of the BASE FLOOD.
- ~~146~~ Floodplain – SPECIAL FLOOD HAZARD AREAS that are subject to periodic inundation. CONSTRUCTION and DEVELOPMENT within the Floodplain requires a Floodplain Development Permit.
- ~~147~~ Floodplain Overlay Map or Flood Hazard Boundary Map (FHBM) – Usually the initial map, produced by FEMA or the U.S. Department of Housing and Urban Development (HUD) for a community depicting approximate SPECIAL FLOOD HAZARD AREAS; the City's Floodplain Overlay District Map, as included in the UDO.
- ~~148~~ Flood Protection Elevation – The Flood Protection Elevation, or FPE, is the BASE FLOOD ELEVATION plus [x] feet of FREEBOARD. In areas where no BASE FLOOD ELEVATIONS exist from any authoritative source, the flood protection elevation can be historical flood elevations, or BASE FLOOD ELEVATIONS determined and/or approved by the Floodplain Administrator.
- ~~149~~ Floodway – A floodway is the channel of a river or other WATERCOURSE and the adjacent land areas that have been reserved in order to pass the BASE FLOOD discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase

- in the water surface elevation of the BASE FLOOD discharge is no more than a designated height. In no case shall the designated height be more than one foot (1') at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- 150 Floor Area, Gross – The sum of the horizontal areas of each floor of a BUILDING, measured from the exterior faces of the exterior walls or from the centerline of walls separating two BUILDINGS. The gross floor area measurement is exclusive of areas of unfinished BASEMENTS, unfinished cellars, unfinished attics, attached GARAGES, space used for off-street PARKING and loading, breezeways, PORCHES and DECKS, and ACCESSORY STRUCTURES. Unfinished basements, unfinished cellars, and unfinished attics shall be counted as storage space for purposes of determining required PARKING SPACES.
 - 151 Floor Area, Seating Capacity – Floor area that is used or intended for use to serve patrons, clients or customers and all that area devoted to employee workspace. Such floor area as is used or intended to be used principally for the storage or merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from the computation of floor area. Measurement of useable floor area shall be the horizontal areas of the several floors of the BUILDINGS, measured from the exterior faces to the exterior walls.
 - 152 Food Service/Catering – Establishments that prepare, as their primary economic function, meals, snacks, and beverages for immediate consumption that are transported to an off-premises site or at banquet halls with catering staff. Examples of events catered by these establishments include weddings, trade shows, parties and luncheons.
 - 153 Foster Family Home for the Physically and Mentally Disabled – A residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) individuals with mental retardation or a developmental disability.
 - 154 Foster Home, Certified – A private residence certified under ORC 5103., in which children are received apart from their parents, guardian, or legal custodian by an individual reimbursed for providing the children non-secure care, supervision or training twenty-four (24) hours a day. "Foster home" does not include care provided for a child in the home of an individual other than the child's parent, guardian, or legal custodian while the parent, guardian or legal custodian is temporarily away.
 - 155 Freeboard – A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and FLOODWAY conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a WATERSHED.
 - 156 Front Lot Line – see LOT.
 - 157 Front Yard – see YARD.
 - 158 Game Court – A recreational facility designed to be used for court games, including tennis, racquetball, basketball and volleyball. "Game court" includes both indoor and outdoor facilities.
 - 159 Garages and Sheds, Detached – A BUILDING or STRUCTURE, or part thereof, used or designed to be used for parking and storage (See also ACCESSORY USE/STRUCTURE and GARAGE, PRIVATE).
 - 160 Garage, Parking – A space, STRUCTURE or series of structures for the temporary storage or parking of MOTOR VEHICLES, which is not primarily for COMMERCIAL VEHICLES or for dead storage of VEHICLES, and which has no public shop or service in connection therewith, other than for supplying motor fuels and lubricants, air, water and other operating commodities wholly within the BUILDINGS to the patrons of the garage only, which commodities are not readily visible from or advertised for sale on the exterior of the BUILDING.
 - 161 Garage (Private) – An ACCESSORY STRUCTURE or portion of a MAIN BUILDING designed or used for the storage of motor-driven VEHICLES, boats and similar VEHICLES owned or used by the occupants of the BUILDING to which it is accessory.
 - 162 Garage, Service – Any premises used for the storage or care of motor-driven VEHICLES, or where any such VEHICLES are equipped for operation, repaired or kept for remuneration, hire or sale.
 - 163 Gasoline Service Stations – An establishment or business with one or more fueling positions and of which the sale and storage of automotive fuel for NONCOMMERCIAL MOTOR VEHICLES is the principal activity.

- ~~164~~ Gasoline Service Stations/Convenience Stores – An establishment or business with one or more fueling positions, the business of which is the sale and storage of automotive fuel for NONCOMMERCIAL MOTOR VEHICLES is the principal activity, and which also offers for retail sale other related MOTOR VEHICLE products, household consumer merchandise, beverages, cigarettes, packaged foods, and/or the preparation and sales of delicatessen sandwiches, ice cream counters or other foods, and other related items. (See also CONVENIENCE STORE).
- ~~165~~ General Industry – An industrial establishment that provides, as its PRIMARY ACTIVITY, space for the assembly, manufacturing, processing or warehousing of goods or products, and which typically involve external impacts such as noise, dust, smoke, fumes, odors, heavy truck and/or rail traffic or other objectionable characteristics. Such use may have outdoor storage and/or operation space and comprises a part of use groups F-1, F-2, H-1, H-2, H-3, H-4 or H-5 of the Ohio Building Code. Examples of such uses include goods produced by factory assembly, paper mills, fabrication and assembly of metal products.
- ~~166~~ General Retail – A commercial establishment (excluding a RESTAURANT or MOTOR VEHICLE) that has, as its PRIMARY ACTIVITY, the sale of goods to the general public. Such use may include some outside display and/or storage space and comprises a part of use group M of the Ohio Building Code. Examples of such uses include garden shops, BUILDING supply stores and contractor showrooms.
- ~~167~~ Golf Course – A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with trees, greens, fairways and hazards. A golf course may include a clubhouse and shelters as ACCESSORY USES (See also RECREATION, COMMERCIAL).
- ~~168~~ Grade (ground level) – The average of the finished ground level at the center of all walls of a BUILDING. In case walls are parallel to and within five feet (5') of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined within this UDO.
- ~~169~~ Greenbelts – A strip or PARCEL of land, privately restricted or publicly dedicated as OPEN SPACE, located between a residential development and other incompatible uses, for the purpose of protecting and enhancing the residential environment (See also BUFFER).
- ~~170~~ Grocery Food and Beverage – Establishments that retail food and beverage merchandise from fixed point-of-sale locations and that have special equipment (e.g., freezers, refrigerated display cases and refrigerators) for displaying food and beverage goods. Such establishments have trained staff in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority.
- ~~171~~ Ground Satellite Station – Any ANTENNA or earth station designed, constructed or modified to bring in or receive satellite television signals.
- ~~172~~ Ground Sign – A PERMANENT SIGN supported by one or more poles, posts or braces permanently anchored or secured to the ground. Such SIGNS shall be flush with the base, which shall be brick or concrete, and shall not exceed four feet (4') in height from the ground to the top of the SIGN, as measured from the GRADE. PERMANENT RESIDENTIAL SUBDIVISION OR PLANNED UNIT DEVELOPMENT IDENTIFICATION SIGNS shall be ground signs.
- ~~173~~ Group Home – See ADULT FAMILY HOME (1-5 individuals); ADULT GROUP HOME (6-16 individuals); FAMILY HOME FOR THE PHYSICALLY AND MENTALLY DISABLED (6-8 individuals); FOSTER FAMILY HOME FOR THE PHYSICALLY AND MENTALLY DISABLED (1-5 individuals); and GROUP HOME FOR THE PHYSICALLY AND MENTALLY DISABLED (9-16 individuals).
- ~~174~~ Group Home for the Physically and Mentally Disabled – A residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen (9-16) individuals with mental retardation or a developmental disability.
- ~~175~~ Half-Street – A Street having a lesser RIGHT-OF-WAY width than required for a STREET of full width.
- ~~176~~ Hard Surface – A bituminous surface, Portland cement concrete, brick pavers or other surface as approved by the CITY ENGINEER. "Hard Surface" does not include gravel.
- ~~177~~ Health and Personal Care Services – A business whose PRIMARY ACTIVITY is the provision of services to the public or it members for the provision of personal care services or health maintenance services, and may include the sale of goods as a secondary activity. Examples of such uses include spas, salons, exercise facilities, and weight management centers.
- ~~178~~ Health Care and Human Services – A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human health needs

- including, but not limited to, diagnostic centers, treatment centers, physical therapy centers, extended care centers, intermediate care facilities, outpatient services or central service facilities serving one or more institutions, but does not include ALCOHOL AND DRUG ADDICTION TREATMENT FACILITIES.
- ~~179~~ Health Commissioner – The Warren County Commissioner of Health or his authorized representative.
- ~~180~~ Height, or Above Ground Level (AGL) – When referring to a TOWER or other STRUCTURE, the distance measured from the finished GRADE at the base of the TOWER or STRUCTURE to the highest point on the TOWER or other STRUCTURE, including the base pad and any ANTENNA.
- ~~181~~ Historic Structure – Any STRUCTURE that is:
- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
 - D. Individually listed on the inventory of historic places maintained by the CITY'S historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- ~~182~~ Home Occupation Type-A/Family Home Occupation – A Home Occupation Type-A shall be considered an ACCESSORY USE not requiring a CONDITIONAL USE Permit (See Section 1113.03 of this UDO).
- ~~183~~ Home Occupation Type-B/Retail Home Occupation – A Home Occupation Type-B requires a CONDITIONAL USE Permit (See Section 1113.03 of this UDO).
- ~~184~~ Homeowners' Association – A private, nonprofit corporation of homeowners established by a DEVELOPER or group of DEVELOPERS, with local government approval, whose purpose is to own, operate and maintain various common properties, including, but not limited to, COMMON OPEN SPACE, private streets and recreation facilities. The association/corporation holds title to common property.
- ~~185~~ Hospital or Sanitarium – An establishment for the medical, surgical or psychiatric care of bed patients for a continuous period longer than twenty-four (24) hours, which is open to the general public twenty-four (24) hours each day for emergency care, has a minimum of ten (10) patient beds, an average of two thousand (2,000) patient days per annum, and has on duty a registered nurse twenty-four (24) hours each day.
- ~~186~~ Hotel/Motel – A BUILDING occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provision made for cooking in any individual room or apartment. A hotel may include RESTAURANTS or cocktail lounges, public banquet halls, ballrooms or meeting rooms.
- ~~187~~ Hydrologic and Hydraulic Engineering Analysis – An analysis performed by an professional ENGINEER, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or FLOODWAY boundaries.
- ~~188~~ Identification Sign – A SIGN, other than a NAMEPLATE SIGN, indicating the identity or name, whether through logo, type, graphics or other symbols, address and activity occupying the BUILDING, store, service or establishment.
- ~~189~~ Illuminated Sign – A SIGN that has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign proper, or that is illuminated by the reflector method.
- ~~190~~ In-Law Suites – A secondary DWELLING UNIT established in conjunction with, and clearly subordinate to, a primary DWELLING UNIT, which is only occupied by a member(s) of the FAMILY of the dwelling's owner(s), who is related to the owner(s) by blood, marriage or adoption.
- ~~191~~ Incorporated Territory – Land included within the boundaries of the CITY.
- ~~192~~ Industry – See GENERAL INDUSTRY and LIGHT INDUSTRY.
- ~~193~~ Information Technology – These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: telecommunications, data processing and computing centers, computer electronic parts, equipment and electronics manufacturing, computer programming and software development, and internet-related businesses. All operations are carried on in a completely enclosed BUILDING and comprise a part of the use group B, F-1 or F-2 of the Ohio Building Code.

- ~~194~~ Informational Sign – A SIGN conveying a message relative to a danger or hazard existing on the property, or indicating a condition on the property that requires the exercise of ordinary due care, or providing public safety information, or other public information.
- ~~195~~ Informational Window Sign – Window signage with a total area of four square feet (4 sq. ft.) or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment.
- ~~196~~ Interior Lot – see LOT.
- ~~197~~ Joint Identification Sign – A SIGN intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two (2) or more uses within one BUILDING or on one property or the name of the BUILDING or its address for property occupied by two (2) or more businesses.
- ~~198~~ Junior High School – A school/institution serving students between seventh and eighth grade, or between seventh and ninth grade.
- ~~199~~ Junk - Old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash waste, iron, steel and other old or scrap ferrous or nonferrous materials.
- ~~200~~ Junkyard - An establishment or place of business, other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk, and includes garbage dumps and sanitary landfills. The term "junk yard" shall also include scrap metal processing facilities which are located within 1,000 feet of the nearest edge of the right-of-way of a highway in the interstate or primary system.
- ~~201~~ Kennels – Any premises where domestic animals, such as dogs and cats, are boarded, trained or bred.
- ~~202~~ Landfill – The burial of non-hazardous and non-medical farm, residential, institutional, commercial or industrial waste.
- ~~203~~ Landing Field – A specific area designated for the take-off and landing of aircraft.
- ~~204~~ Landscaping – The use of natural plant materials including, but not limited to, groundcovers, shrubs, and trees (DECIDUOUS and EVERGREEN). Landscaping also involves the placement, preservation and maintenance of said plant materials and includes such elements as fences, walls, lighting and earth mounding.
- ~~205~~ Large-Format Retail – A business that exceeds fifty thousand gross square feet (50,000 sq. ft.), excluding outside sales or storage, restrooms and other non-public areas.
- ~~206~~ Letter of Map Change (LOMC) – A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective FLOOD INSURANCE RATE MAPS, FLOOD HAZARD BOUNDARY AND FLOODWAY MAPS, and FLOOD INSURANCE STUDIES. LOMC's are broken down into the following categories:
- A. *Letter of Map Amendment (LOMA)*: A revision based on technical data showing that a property was incorrectly included in a designated SPECIAL FLOOD HAZARD AREA. A LOMA amends the current effective FLOOD INSURANCE RATE MAP and establishes that a specific property is not located in a SPECIAL FLOOD HAZARD AREA.
- B. *Letter of Map Revision (LOMR)*: A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and FLOODWAY delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a STRUCTURE or PARCEL has been elevated by FILL above the BASE FLOOD ELEVATION and is, therefore, excluded from a SPECIAL FLOOD HAZARD AREA.
- C. *Conditional Letter of Map Revision (CLOMR)*: A formal review and comment by FEMA as to whether a proposed project complies with the minimum NATIONAL FLOOD INSURANCE PROGRAM floodplain management criteria. A CLOMR does not amend or revise effective FLOOD INSURANCE RATE MAPS, FLOOD HAZARD BOUNDARY AND FLOODWAY MAPS, or FLOOD INSURANCE STUDIES.
- ~~207~~ Life Sciences – These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: biotechnology, biopharmaceutical, biomedical, pharmaceuticals, and/or laboratories engaged in testing and research, and the manufacture of medical instruments, appliances, apparatus or filters. All operations are carried on in a completely enclosed BUILDING and comprise a part of the use group B, F-1 or F-2 of the Ohio Building Code.
- ~~208~~ Light Industry – A commercial or industrial establishment that provides, as its PRIMARY ACTIVITY, space for the assembling or processing of goods for sale, or service industries, that do not produce any

- noise, dust, odor, fumes, vapors, smoke, vibrations, glare, heat, noise, odor, heavy truck or rail traffic, or other objectionable effects on the outside of the BUILDING. All operations are carried on in a completely enclosed BUILDING and comprise a part of use group F-1 or F-2 or the Ohio Building Code. Examples of such uses include food processing, beverage bottling, upholstering, carpets and rugs, business machines, dry cleaning and dyeing, and construction machinery.
- ~~209~~ Live Viewing Booth – Any private or semi-private booth, or any viewing room of less than one hundred fifty square feet (150 sq. ft.) of floor space, to which the public may gain admittance, wherein a live performance is presented to five (5) or fewer individuals at any one time.
- ~~210~~ Loading Space – An off-street space on the same LOT with a BUILDING or group of BUILDINGS for the temporary parking of a COMMERCIAL VEHICLE while loading and unloading merchandise or materials.
- ~~211~~ Lot – The basic development unit; A PARCEL of land with fixed boundaries occupied, or to be occupied by, a MAIN BUILDING, or a group of such BUILDINGS and ACCESSORY STRUCTURES, or used for the principal use and uses accessory thereto, together with such OPEN SPACES as are required under the provisions of this UDO. Every lot shall abut upon and have permanent access to a public STREET and have a minimum frontage of forty feet thereon.
- A. *Corner Lot*: A lot that has at least two (2) contiguous sides abutting upon a STREET for its full length.
- B. *Interior Lot*: A lot other than a corner or through lot.
- C. *Through Lot*: Any lot having frontage on two or more STREETS, as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to STREETS shall be considered frontage, and FRONT YARDS shall be provided as required.
- ~~212~~ Lot Area – The total horizontal area within the LOT LINES of a LOT.
- ~~213~~ Lot Coverage – The part or percent of a LOT occupied by BUILDINGS, including ACCESSORY STRUCTURES.
- ~~214~~ Lot Depth – A distance measured in the mean direction of the SIDE LOT LINES from the mid-point of the FRONT LOT LINE to the mid-point of the REAR LOT LINE.
- ~~215~~ Lot Line – The lines bounding a LOT or, in some instances, the RIGHT-OF-WAY line or public EASEMENT line on a LOT.
- ~~216~~ Lot Line, Front – The line separating a LOT from the STREET. In the case of a CORNER LOT or double frontage lot, the FRONT LOT LINE means the line separating such LOT from both STREETS.
- ~~217~~ Lot Line, Rear – The LOT LINE opposite the FRONT LOT LINE. In the case of a LOT pointed at the rear, the rear lot line shall be an imaginary line parallel to the FRONT LOT LINE, not less than ten feet (10') long, lying farthest from the FRONT LOT LINE and wholly within the LOT. In the case of a CORNER LOT, the rear lot line is opposite the FRONT LOT LINE of least dimension.
- ~~218~~ Lot Line, Side – Any LOT LINE other than the FRONT LOT LINE or REAR LOT LINE. A side lot line separating a LOT from a STREET is a street lot line. A side lot line separating a LOT from another LOT or lots is an interior side lot line.
- ~~219~~ Lot of Record – A PARCEL of land, the dimensions of which are shown on a document or map on file with the Warren County Recorder's Office or in common use by CITY or Warren County officials, and which actually exists as so shown, or any part of such PARCEL held in a record ownership separate from that of the remainder thereof.
- ~~220~~ Lot Width – The horizontal distance between the SIDE LOT LINES, measured at the two points where the BUILDING LINE or SETBACK line intersects the SIDE LOT LINES.
- ~~221~~ Lowest Floor – The lowest floor of the lowest enclosed area (including BASEMENT) of a STRUCTURE. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of VEHICLES, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- ~~222~~ Main Building – A BUILDING in which is conducted the principal use of the LOT upon which it is situated.
- ~~223~~ Main Use – The principal use to which the premises are devoted and the principal purpose for which the premises exist.
- ~~224~~ Major Subdivision –
- A. The division of any PARCEL of land shown as a unit or as contiguous units on the last preceding tax roll, into three (3) or more LOTS, sites or PARCELS, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership; or the division of

any PARCEL of land into two (2) or more LOTS, sites or PARCELS of any size that involves the creation of any new STREETS, public RIGHT-OF-WAYS or EASEMENTS of access; provided, however, that the division or partition of land into PARCELS of more than five (5) acres not involving any new STREETS, public RIGHT-OF-WAYS or EASEMENTS of access, and the sale or exchange of PARCELS between adjoining lot owners, where such sale does not create additional building sites, shall be exempt from the platting procedures of this UDO but shall not be exempt from the improvement, DEVELOPMENT or redevelopment standards of this UDO.

- B. The improvement of one or more PARCELS of land for residential, commercial or industrial STRUCTURES or groups of structures involving the division or allocation of land for the opening, widening or extension of any STREET or streets, except private streets serving industrial structures; and/or the division or allocation of land as COMMON OPEN SPACE for common use by owners, occupants or lease holders or as EASEMENTS for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(See also MINOR SUBDIVISION; SUBDIVISION, MAJOR; and SUBDIVISION, MINOR).

~~225~~ Major Tree – A living tree with a trunk diameter of at least fifteen inches (15”), measured two feet (2’) above ground level.

~~226~~ Manufactured Home – A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, 88 Stat. 700, 42 USCA 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 USCA 5415, certifying compliance with all applicable federal construction and safety standards.

~~227~~ Manufactured or Mobile Home Park – As specified in the Ohio Administrative Code 4781-12-01, a manufactured or mobile home park means any tract of land upon which three or more MANUFACTURED HOMES or MOBILE HOMES, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, BUILDING, STRUCTURE, VEHICLE, or enclosure used or intended for use as part of the facilities of the park. Manufactured Home Parks and Mobile Home Parks are not permitted under this UDO.

~~228~~ Marquee – A permanent roofed STRUCTURE attached to and supported by the BUILDING and projecting beyond the BUILDING LINE or over public property.

~~229~~ Marquee Sign – A SIGN attached to or constructed in a MARQUEE (See also CANOPY SIGN).

~~230~~ Material Sciences – These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: plastics/polymer research and engineering, laser technology and application, robotic research, and the manufacturing, processing and/or packaging of medical, optical, scientific, electronic or electromagnetic devices, equipment, systems or supplies. All operations are carried on in a completely enclosed BUILDING and comprise a part of the use group B, F-1 or F-2 of the Ohio Building Code.

~~231~~ Memorial Sign – A SIGN designed, intended or used to preserve the memory of a PERSON, place or event, including landmark plaques and historical plaques.

~~232~~ Medical Center/Clinic – A commercial or noncommercial establishment that provides, as its PRIMARY ACTIVITY, health-related services to the general public on an outpatient basis. Such use shall not provide space for overnight treatment and may be set up with emergency vehicle receiving areas and trauma treatment facilities. Such use comprises a part of use group B of the Ohio Building Code. Examples of such uses include clinics and emergency clinics.

~~233~~ Medical and Health-Related Office – A commercial or noncommercial establishment that provides, as its PRIMARY ACTIVITY, health-related services to the general public on an outpatient basis. Such use shall not provide space for overnight treatment and comprises a part of use group B of the Ohio Building Code. Examples of such uses include doctors’ offices and dentists’ offices.

~~234~~ Menu Board – A permanently mounted SIGN displaying the bill of fare for a RESTAURANT, FAST FOOD RESTAURANT or instructions or services for other drive-thru or drive-in establishments.

~~235~~ Microcell – The lines that connect a provider's TOWERS/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

~~236~~ Mining and Extraction – All or any part of the process involved in the mining of minerals and raw materials by removing overburden and mining directly from the deposits, open-pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, or underground mining and

surface work incidental to an underground mine. Such uses are not permitted in the CITY under this UDO.

- ~~237~~ Minor Subdivision – The division of any PARCEL of land shown as a unit or as contiguous units on the last preceding tax roll along an existing and improved public STREET, into not more than two (2) LOTS or PARCELS, any one of which is less than five (5) acres; or the division of any PARCEL of land into two (2) or more LOTS of more than five (5) acres not involving any new STREETS, public RIGHT-OF-WAYS or EASEMENTS of access; or the sale or exchange of PARCELS between adjoining lot owners, where such sale does not create additional building sites; or the combination or replatting of two (2) or more LOTS or PARCELS into a single LOT when such LOTS or PARCELS are under the ownership of the same owner and the combination or replatting does not involve any new STREETS, public RIGHT-OF-WAYS or EASEMENTS of access (See also MAJOR SUBDIVISION; SUBDIVISION, MAJOR; SUBDIVISION, MINOR).
- ~~238~~ Mobile Home – means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet (35') in length or, when erected on site, is three hundred twenty or more square feet (320 sq. ft.), is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit as defined in ORC 3781.06(C).
- ~~239~~ Monopole – A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- ~~240~~ Monument Sign – A PERMANENT SIGN supported by one or more poles, posts or braces permanently anchored or secured to the ground. Such signs shall be flush with the base, which shall be brick or concrete, and shall not exceed six feet (6') in height from the ground to the top of the sign. Such signs shall be measured from the GRADE, not any mounding.
- ~~241~~ Mortgage Loan Lender – Any business that is licensed, or is required to be licensed, under ORC 1321.51 to 1321.60 to make mortgage loans. Mortgage loan lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- ~~242~~ Mortuaries – An establishment providing services such as preparing the human dead for burial and/or cremation and arranging and managing funerals, hospitality and reception areas in connection therewith and which may include limited caretaker facilities. This definition includes crematoriums and columbariums.
- ~~243~~ Motor Vehicle – Any VEHICLE, including mobile homes and RECREATIONAL VEHICLES, which is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. Motor vehicle does not include motorized bicycles, equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at the speed of twenty-five miles per hour (25 mph) or less, threshing machinery, hay-baling machinery, corn sheller, hammermill and agricultural tractors, machinery used in the production of horticultural, agricultural, and vegetable products, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten (10) miles and at a speed of twenty-five miles per hour (25 mph) or less (See also VEHICLE).
- ~~244~~ Motor Vehicle, Collector's – Any MOTOR VEHICLE or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation, and that displays current, valid license tags issued under ORC 4503.45, or a similar type of MOTOR VEHICLE that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.
- ~~245~~ Motor Vehicle, Commercial – Any MOTOR VEHICLE that has motor power and is designed and used for carrying freight or merchandise, or that is used as a commercial tractor, as that term is defined by ORC 4501.01.
- ~~246~~ Motor Vehicle, Noncommercial – Any MOTOR VEHICLE, including a farm truck as defined by ORC 4503.04, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

- ~~247~~ Motor Vehicle-Oriented Business – Any commercial business that by design, type of operation, or nature of business has one of its functions as the provision of services to a number of MOTOR VEHICLES or their occupants in a short time span, or the provision of services to the occupants of MOTOR VEHICLES while they remain in the VEHICLES. Such uses may include the retail sale of lubricants and MOTOR VEHICLE accessories, and the provision of routine maintenance and/or service of MOTOR VEHICLES. Repairs, such as those described in VEHICLE REPAIR SERVICE shall not be permitted.
- ~~248~~ Movie Theater – A STRUCTURE used for dramatic, operatic, motion pictures or other performances, for which admission to is a paid service and concession services only are provided (See also COMMERCIAL ENTERTAINMENT).
- ~~249~~ Moving Sign – Any SIGN, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.
- ~~250~~ Multi-Use Tower – A self-supporting lattice, guyed or MONOPOLE structure, constructed from GRADE that supports more than one Wireless Telecommunications Facility.
- ~~251~~ Nameplate Sign – A SIGN indicating the name, address and profession of the individual or individuals residing on the premises, or legally occupying the premises, or indicating a HOME OCCUPATION legally existing on the premises in a residential ZONING DISTRICT.
- ~~252~~ National Flood Insurance Program (NFIP) – The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from FLOODING. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to BUILDINGS and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all DEVELOPMENT in SPECIAL FLOOD HAZARD AREAS, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- ~~253~~ New Construction – STRUCTURES for which the START OF CONSTRUCTION commenced on or after the initial effective date of the *City of Franklin Flood Insurance Rate Map*, effective as November 5, 1980, and any subsequent amendments thereto, and includes any subsequent improvements to such STRUCTURES.
- ~~254~~ Nonconforming Building – A BUILDING, or portion thereof, lawfully existing on the effective date of this UDO, or amendments thereto, and that does not conform to the lot, dimensional, height, YARD, are or lot coverage regulations of the DISTRICT in which it is located.
- ~~255~~ Non-Routine Maintenance – Activities necessary not more frequently than every twenty-four (24) months to keep STRUCTURES and equipment in good repair.
- ~~256~~ Non-Structural Controls – Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive CONSTRUCTION efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.
- ~~257~~ Nude or Semi-Nude Modeling Studio – Any place where a individual who appears SEMI-NUDE or who displays SPECIFIED ANATOMICAL AREAS is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include:
- A. A proprietary school licensed by the State of Ohio, or a COLLEGE, junior college or university supported entirely or in part by public taxation;
 - B. A private COLLEGE or university that offers educational programs in which credits are transferable to a COLLEGE, junior college, or university supported entirely or partly by taxation; or
 - C. An establishment holding classes in a STRUCTURE that has no SIGN visible from the exterior of the STRUCTURE and no other advertising that indicates a SEMI-NUDE person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one SEMI-NUDE model is on the premises at any one time.
- ~~258~~ Nudity, State of Nudity or Nude – Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque COVERING; exposing to view any portion of the areola of the female breast with less than a fully opaque COVERING; exposing to view

- male genitals in a discernibly turgid state, even if entirely covered by an opaque COVERING; or exposing to view any device, costume, or COVERING that gives the appearance of or simulates any of these anatomical areas.
- ~~259~~ Nursing Home – See SKILLED NURSING FACILITY. A HOSPITAL shall not be construed to be a nursing home.
- ~~260~~ ODOT – The Ohio Department of Transportation.
- ~~261~~ Office/Administrative Space – Space provided in a BUILDING designed, intended or used primarily for office functions.
- ~~262~~ Ohio Building Code (OBC) – Wherever the term “Ohio Building Code” or “Building Code” appears in this UDO, it shall mean the Ohio Building Code, for commercial and industrial uses, or Residential Code of Ohio, for residential uses, as determined applicable by the ZONING OFFICIAL.
- ~~263~~ Opacity – The degree to which a STRUCTURE, use or view is screened from ADJACENT PROPERTIES.
- ~~264~~ Open Space – An area substantially open to the sky, which may be on the same LOT with a BUILDING. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts or any other recreational facilities; STREETS, STRUCTURES and the like shall not be included.
- ~~265~~ ORC – Ohio Revised Code, including any subsequent amendments thereto.
- ~~266~~ Overlay District – A district described on the CITY’S ZONING MAP within which, through superimposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying ZONING DISTRICT.
- ~~267~~ Parcel – A LOT, or contiguous group of LOTS in single ownership or under single control, and usually considered a unit for the purposes of development.
- ~~268~~ Park – Any public or private land available for recreational, educational, cultural or aesthetic use.
- ~~269~~ Parking (Area) – Any part of a site used by VEHICLES not totally enclosed within a STRUCTURE. This includes PARKING SPACE and aisles, drives, loading areas and VEHICLE storage areas, driveways and permitted off-street PARKING SPACES for single- and two-family residential uses.
- ~~270~~ Parking Space – An off-street space, either within a STRUCTURE or in the open, available for the parking of one MOTOR VEHICLE and having an area of not less than one hundred seventy square feet (170 sq. ft.), exclusive of passageways, driveways and maneuvering space.
- ~~271~~ Parkland – A tract of land designated and used by the public for active or passive recreation.
- ~~272~~ Passive Space – OPEN SPACE provided in a PARK or other development that does not contain any active recreational equipment, GAME COURTS or playing fields. Passive space may include benches, picnic areas and tot lots.
- ~~273~~ Peak Rate of Runoff – The maximum rate of runoff for any twenty-four (24) hour storm of a given frequency.
- ~~274~~ Pennant – A triangular shaped BANNER.
- ~~275~~ Permanent Residential Subdivision or Planned Unit Development Identification Signage – Those signage features specifically relating to the denotation of a major entrance or entrances to a residential SUBDIVISION (See also GROUND SIGN).
- ~~276~~ Permanent Sign – A SIGN designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, and includes BUSINESS SIGNS, CANOPY/MARQUEE SIGNS, CHANGEABLE COPY SIGNS, DIRECTIONAL SIGNS, GROUND SIGNS, ILLUMINATED SIGNS, IDENTIFICATION SIGNS, MEMORIAL SIGNS, MONUMENT SIGNS, PROJECTING NAMEPLATE SIGNS, SHINGLE SIGNS, WALL SIGNS and certain WINDOW SIGNS.
- ~~277~~ Person – Any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit, including State and local governments and agencies. An agency is further defined as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, State COLLEGE or university, community COLLEGE district, technical COLLEGE district, or State community COLLEGE. Agency does not include the Ohio General Assembly, the State Controlling Board, the Adjutant General’s Department or any court (ORC 111.15).
- ~~278~~ Personal Service – A commercial establishment that provides, as its PRIMARY ACTIVITY, a service either to an individual or to an individual’s personal property (excluding MOTOR VEHICLES, boats or other VEHICLES). Such use shall be completely contained within a BUILDING and comprises a part of use group B of the Ohio Building Code. Examples of such uses include shoe repair shops, watch repair shops, banks, and savings and loan institutions.

- ~~279~~ Planning Commission – The administrative board and quasi-judicial board, appointed in accordance with the City Charter, which hears and decides CONDITIONAL USE applications, makes recommendations to COUNCIL on all legislative zoning matters, and reviews planning-related issues, all as outlined in this UDO.
- ~~280~~ Plat – A SUBDIVISION of land legally approved and recorded.
- ~~281~~ Playground – A private or publicly owned area for recreational use primarily by children.
- ~~282~~ Pole Sign – A SIGN supported by one or more poles, posts or braces permanently mounted on or in the ground that exceeds six feet (6') in height. Pole signs are not permitted under this UDO, except when approved in the Highway Sign Overlay District.
- ~~283~~ Political Sign – A SIGN that advocates for or against the election of a candidate, recall or retention of an officeholder, passage or defeat of a ballot measure, or that solicits signatures for initiative, referendum or recall petitions.
- ~~284~~ Potable Water – Water that is satisfactory for drinking, culinary and domestic purposes meeting current drinking water standards.
- ~~285~~ Porch – An unheated, open-air platform, enclosed with a roof that is either:
- A. Freestanding and directly adjacent to a principal BUILDING; or
 - B. Attached to the BUILDING, that has railings or walls on the sides not exceeding thirty-eight inches (38") in height from the platform.
- The area between the roof and the railings or walls may be covered with screening or netting material only, and cannot be enclosed with windows or detachable glass sash.
- ~~286~~ Portable Shed – A shed that is not anchored to the ground, or does not have a permanent base, and that is capable of being moved around the property as a single unit.
- ~~287~~ Pre-Development Conditions – Site conditions, as they existed prior to manmade alterations and/or earth disturbing activities.
- ~~288~~ Pre-existing Towers and Pre-existing Antennas – Any TOWER or ANTENNA for which a building permit or special use permit has been properly issued prior to the effective date of this UDO, including permitted TOWERS or ANTENNAS that have not yet been constructed, so long as such approval is current and not expired.
- ~~289~~ Preliminary Plat – A preliminary map showing the proposed layout of a SUBDIVISION in sufficient detail to allow review by the PLANNING COMMISSION.
- ~~290~~ Primary Activity – An activity that comprises more than fifty percent (50%) of the total FLOOR AREA of a BUILDING.
- Private Recreational Facilities and Private Park and Event Center - Any private land at least twenty (20) contiguous acres in size available and developed for educational purposes through recreational, spiritual, cultural and/or aesthetic uses, which use(s) are privately owned and privately operated with or without the intention of earning a profit in furtherance of such use. A combination of related uses may be incorporated, such as temporary and permanent lodging, indoor and outdoor recreation, camp offices, gymnasiums, auditoriums, cafeterias and additional similar uses and ancillary uses related thereto. Private Recreational Facilities, and Private Park and Event Center may, but is not required, to have a Parkland. Campgrounds are prohibited under this UDO, however a temporary site for tents or similar non-permanent shelters for outdoor lodging shall be a permitted ancillary use.**
- ~~291~~ Private Stable – A STRUCTURE used, designed or constructed for the keeping of animals, particularly horses, for the private use and enjoyment of the owner of the property. Such uses are not commercial enterprises and shall not be greater than thirteen thousand square feet (13,000 sq. ft.) in size.
- ~~292~~ Private Swimming Pools – A swimming pool exclusively used, without paying an additional charge for admission, by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a HOTEL/MOTEL; an ACCESSORY USE.
- ~~293~~ Private Traffic and On-Site Directional Signs – A TEMPORARY SIGN or PERMANENT SIGN that provides information regarding location, instructions for use, or functional/directional data.
- ~~294~~ Professional and Business Office – A commercial establishment that provides, as its PRIMARY ACTIVITY, space for any professional and/or business operation where the product is a person's knowledge or skill and not a commodity. Such use shall be completely contained within a BUILDING. "Professional and business office" does not include health-related services, and such use

- comprises a part of use group B of the Ohio Building Code. Examples of such uses include, but are not limited to, law offices, real estate offices and corporate headquarters.
- ~~295~~ Projecting Nameplate Sign – A SIGN indicating only the name and/or address of a business or occupant(s) that extends outward, perpendicular to the BUILDING face, not more than four feet (4') beyond the BUILDING and not less than eight feet (8') above the sidewalk or ground level.
- ~~296~~ Property Line – A legally recorded boundary of a LOT, tract or other PARCEL of land.
- ~~297~~ Protected Public Water Supply – A public water system which services at least fifteen (15) service connections used by year-round residents, or regularly serves at least twenty-five (25) year round residents, and having a five (5) year capture area defined through appropriate hydrologic studies.
- ~~298~~ Public Recreation – see RECREATION, PUBLIC.
- ~~299~~ Public Utility – Any PERSON, firm or corporation, municipal department or board of commission duly authorized to furnish to the public, under State or Municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water service.
- ~~300~~ Real Estate Sign – A SIGN announcing the sale, rental or lease of the LOT where the sign is displayed, or announcing the sale, rental or lease of one or more STRUCTURES, or a portion thereof, located on such LOT, and indicating the owner, realty agent, telephone number or “open house” information.
- ~~301~~ Real Property Services - An establishment that provides, as its PRIMARY ACTIVITY, off-site services to the real property of individuals or corporations and which may include limited, on-site retail sales. Such uses comprise a part of use group B of the Ohio Building Code. Examples of such uses include companies that perform CONSTRUCTION, LANDSCAPING, concrete and/or asphalt work.
- ~~302~~ Rear Lot Line – see LOT LINE, REAR.
- ~~303~~ Rear Yard - see YARD.
- ~~304~~ Recreation, Commercial – A commercial establishment that provides, as its PRIMARY ACTIVITY, outdoor space for various types of sporting and/or leisure activities, though a portion of the activities may be carried on within an enclosed BUILDING. Such uses include, but are not limited to, golf courses, go-cart racing, putt-putt golf, paint ball facilities, wedding and banquet facilities and driving ranges that are privately owned and operated with the intention or earning a profit by providing entertainment or entertainment space for the public.
- ~~305~~ Recreation, Public – Includes all uses that are commonly provided for the public at PARKS, PLAYGROUNDS, COMMUNITY CENTERS, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- ~~306~~ Recreational Vehicle – A vehicle which is:
- A. Built on a single chassis;
 - B. Four hundred square feet (400 sq. ft.) or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent DWELLING but as temporary living quarters for recreational, camping, travel, or seasonal use.
- ~~307~~ Recycling Center - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed, and/or bundled.
- ~~308~~ Recycling Plant - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products, glassware, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may be used for production.
- ~~309~~ Regulated Substances – Chemicals and mixtures of chemicals that are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not Regulated Substances. Regulated Substances include:
- A. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.
 - B. Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard.
 - C. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one percent (1.0%) or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent (0.1%) or greater of the composition on a weight per unit weight basis.

- D. Ingredients of mixtures prepared within the Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one percent (0.1%) of the mixture on a weight per unit weight basis if carcinogenic, or less than one percent (1.0%) of the mixture on a weight per unit weight basis if non-carcinogenic.
- E. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).
- ~~310~~ Rental Room – A part of a DWELLING UNIT used as a lodging facility by someone not in the FAMILY housekeeping unit. Such rooms may or may not have separate entrances and do not have separate cooking facilities. Such uses are prohibited under this UDO.
- ~~311~~ Replacement Cost – The cost of replacing a STRUCTURE or BUILDING at current costs at the time of the loss, identical to the one that was destroyed, without application of depreciation.
- ~~312~~ Research and Development Facility – A commercial establishment that provides, as its PRIMARY ACTIVITY, space for the development of information and/or products that are used by business and industry. Such use shall be completely contained in a BUILDING, does not produce goods or services for direct retail sale and comprises a part of use groups B or F-2 of the Ohio Building Code. Examples of such uses include, but are not limited to, biological testing labs, corporate research and development facilities.
- ~~313~~ Residential Area – The DISTRICTS outlined for residential development under this UDO.
- ~~314~~ Residential Treatment Facility – A residential facility that provides residential services to more than nine (9) individuals who are mentally retarded, developmentally disabled or physically handicapped, and who cannot otherwise care for themselves or are convalescing or undergoing rehabilitation and/or treatment. Such individuals are provided services to meet their individual needs, and they must not have been previously convicted of a felony or require institutional care or treatment. A residential treatment facility shall be licensed by and/or has accountability to a governmental agency for the clientele served. It does not include HOSPITALS or facilities that administer treatment as their primary function to in-patients, outpatients or on a daycare basis.
- ~~315~~ Restaurant – A commercial establishment that provides, as its PRIMARY ACTIVITY, prepared food for consumption on the premises inside of a BUILDING. A restaurant shall not include drive-through facilities or any other facilities for eating or picking up food outside of the BUILDING, except upon approval of a DRIVE-THROUGH RETAIL CONDITIONAL USE by the PLANNING COMMISSION. A restaurant comprises a part of use group A-2 of the Ohio Building Code (See also FAST FOOD RESTAURANTS).
- ~~316~~ Retail - See BUSINESS RETAIL, CONSUMER RETAIL, DRIVE-THROUGH RETAIL, GENERAL RETAIL, LARGE-FORMAT RETAIL.
- ~~317~~ Revolving Sign – A SIGN that revolves three hundred sixty degrees (360°) but does not exceed eight (8) revolutions per minute.
- ~~318~~ Right-of-way – A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
- ~~319~~ Riparian – Of, on, or relating to, the bank of a natural course of water.
- ~~320~~ Riparian Buffer – Riparian buffers are the areas of vegetation directly separating land from water and immediately adjacent land that is frequently inundated (the floodways of streams). Vegetation in riparian buffers typically consists of plants that either are emergent aquatic plants, or herbs, trees and shrubs that thrive in close proximity to water.
- ~~321~~ Roof Line – The lowest point of a roof that is closest to the ground.
- ~~322~~ Roof Sign – A SIGN erected upon or above a roof or parapet wall of a BUILDING, which sign is wholly or partially supported by such BUILDING. Roof signs are prohibited under this UDO.
- ~~323~~ Salvage Material – Clean packing materials such as, but not limited to, cardboard boxes and paper, newspaper, plastic, rags, tires, scrap iron and other metals, glass, and similar materials, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, and similar materials, which can be rejuvenated or returned for reconstitution.
- ~~324~~ Salvage/Scrap Yard – A facility, but not including a junkyard, recycling center, recycling plant, or scrap metal processing facility licensed under authority of ORC 4737.05 to 4737.12 or regulated under authority of the City, as defined by Section 713.01 of the City of Franklin Codified Ordinances, and not including motor vehicle salvage as defined by Section 715.01 of the City of Franklin Codified

Ordinances, where SALVAGE MATERIALS are bought, sold, exchanged, collected, salvaged, stored, baled, packed, disassembled, or handled.

- .325 Satellite Parking – PARKING SPACES located off-site of the BUILDING that it is designed to serve.
- .326 Scrap Metal Processing Facility - An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.
- .327 Secondhand Dealer – Any PERSON, partnership, corporation or other entity that engages in the purchase, sale, receiving or exchange of secondhand articles or precious metals, as the same are defined in Chapter 723 of the Codified Ordinances.
- .328 Security Sign – A SIGN indicating that the property is protected by a security surveillance system of any nature.
- .329 Sediment Basin – A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.
- .330 Self-Service Storage Facility or Mini-Warehouse – A facility consisting of a BUILDING or group of BUILDINGS, usually in a controlled-access compound, that may contain varying sizes of individual, self-contained, enclosed, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares, that are owned, leased or rented.
- .331 Semi-Nudity, State of Semi-Nudity, Semi-Nude Condition or Semi-Nude – Exposing to view, with less than a fully opaque COVERING, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- .332 Senior High School – A school/institution serving students between ninth grade and twelfth grade (9-12), or between tenth grade and twelfth grade (10-12).
- .333 Setback or Setback Line – The minimum distance that a BUILDING may be constructed from a LOT LINE.
- .334 Sex Store – A business offering goods for sale or rent and that meet any of the following tests:
 - A. More than ten percent (10%) of the STOCK-IN TRADE OR INVENTORY, or more than ten percent (10%) of the gross public FLOOR AREA of the business, consists of SEXUALLY-ORIENTED NOVELTIES OR TOYS; or
 - B. It offers for sale items from any two (2) of the following categories: ADULT ENTERTAINMENT, ADULT MEDIA, SEXUALLY-ORIENTED NOVELTIES OR TOYS, lingerie, or apparel or other items marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items constitutes more than fifteen percent (15%) of the STOCK-IN-TRADE OR INVENTORY of the business or occupies more than fifteen percent (15%) of the gross public FLOOR AREA; or
 - C. Which advertises or holds itself out in any forum as a SEXUALLY-ORIENTED BUSINESS by use of such terms as “sex toys,” “marital aids,” “X-rated,” “XXX,” “adult,” “sex,” “nude,” or otherwise advertises or holds itself out as a SEXUALLY-ORIENTED BUSINESS.
 - D. Sex Store shall not include any establishment which, as a substantial portion of its business, offers for sale or rental to individuals employed in the medical, legal or education professions anatomical models, including representations of human genital organs or female breasts, or other models, displays, and exhibits produced and marketed primarily for use in the practice of medicine or law or for use by an educational institution.
- .335 Sexual Encounter Establishment – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is NUDE or SEMI-NUDE; or
 - B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is NUDE or SEMI-NUDE; or
 - C. A place where two (2) or more persons may congregate, associate or consort for the purpose of engaging in SPECIFIED SEXUAL ACTIVITIES; or
 - D. A place where two (2) or more persons appear NUDE or SEMI-NUDE for the purpose of displaying their NUDE or SEMI-NUDE bodies for the their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of Ohio engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to ORC 4731.15, is not a Sexual Encounter Establishment.

- .336 Sexually-Oriented Business – An ADULT ARCADE, ADULT BOOKSTORE, ADULT CABARET, ADULT ENTERTAINMENT ESTABLISHMENT, ADULT MEDIA (VIDEO) STORE, ADULT MOTION PICTURE THEATER, ADULT NOVELTY STORE, ADULT THEATER, NUDE OR SEMI-NUDE MODEL STUDIO, SEX STORE, or SEXUAL ENCOUNTER ESTABLISHMENT. “Sexually Oriented Business” does not include an ADULT MOTEL, as defined above.
- .337 Sexually-Oriented Novelties or Toys – Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate or arouse human genital organs or female breasts or for sadomasochistic use or abuse of self or others.
- .338 Shingle Sign – A SIGN supported by one or two poles, measuring not more than four feet (4’) from the ground to the top of the sign or STRUCTURE. The shingle is a small IDENTIFICATION SIGN, exceeding not more than two square feet (2 sq. ft.) in area, and shall denote only the name, occupation of the professional occupant of the BUILDING, and shall not be illuminated.
- .339 Short-Term Loan Lender – Any business that is licensed, or is required to be licensed, under ORC 1321.35 to 1321.48 to make short-time loans. Short-term loan lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- .340 Side Lot Line – See LOT LINE, SIDE.
- .341 Side Yard - See YARD.
- .342 Sign – Any display, figure, painting, drawing, placard, poster or other device placed on the ground or on any tree, wall, bush, rock, post, fence, BUILDING, STRUCTURE or thing whatsoever, which is designed, intended or used to convey a message, advertise, inform or direct attention to a PERSON, institution, organization, activity place, object or product. “Placed,” as used in this definition, includes erecting, constructing, posting, painting, printing, tracking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever.
- .343 Sight Distance – The minimum extent of an unobstructed vision (on a horizontal plane) along a STREET from a point five feet (5’) above the centerline of a STREET.
- .344 Sign Structure – Any STRUCTURE that supports, or is capable of supporting, any SIGN as defined in this UDO. A sign structure may be a single pole, or may or may not be an integral part of the BUILDING.
- .345 Site Development Plan – The written document or set of plans that meet the requirements of this UDO, provide information on the location of the area proposed for DEVELOPMENT and the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.
- .346 Site Plan – A plan showing uses and STRUCTURES proposed for a PARCEL of land, as required by the regulations involved. Includes LOT LINES, STREETS, building sites, reserved OPEN SPACE, BUILDINGS, major landscape features – both natural and man-made – and, depending on the requirements, the location of proposed utility lines.
- .347 Skilled Nursing Facility – (Nursing Home) A residential facility used for the care of the aged, infirm, chronically ill, incurably ill or any other individual dependent on regular and ongoing nursing care; and which is not equipped for surgical care or for treatment of acute disease or serious injury; and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.
- .348 Sketch Plan – An informal plan or sketch showing the existing features of a site and its surroundings and the general layout of a proposed MINOR SUBDIVISION.
- .349 Sleeping Area – Floor space provided in a BUILDING designed, intended or used primarily as a place to sleep. “Sleeping area” includes all bedroom space and all other areas where beds are permanently kept.
- .350 Small Loan Lender – Any business that is licensed, or is required to be licensed, under ORC 1321.01 to 1321.19 to make small loans. Small Loan Lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio

- Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- ~~351~~ Small Loan Operations – Small Loan Operations shall include ALTERNATIVE FINANCE SERVICE PROVIDERS, CHECK-CASHING BUSINESSES, CREDIT SERVICE ORGANIZATIONS, MORTGAGE LOAN LENDERS, SHORT-TERM LOAN LENDERS and SMALL LOAN LENDERS. Small Loan Operations shall not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.
- ~~352~~ Special Flood Hazard Area – Also known as “Areas of Special Flood Hazard,” it is the land in the floodplain subject to a one percent or greater chance of FLOODING in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on FLOOD INSURANCE RATE MAPS, FLOOD INSURANCE STUDIES and FLOOD HAZARD BOUNDARY AND FLOODWAY MAPS as *Zones A, AE, AH, AO, AI-30, and A99*. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a WATERCOURSE.
- ~~353~~ Specified Anatomical Areas – This term is used to describe:
- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - B. Less than completely and opaquely covered human genitals, pubic region, buttocks, including the cleft, anus, or female breast below a point immediately above the top of the areola.
- ~~354~~ Specified Criminal Activity – Any of the following offenses: Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal laws of any local jurisdiction, state, or country for which less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.
- ~~355~~ Specified Sexual Activities – Means any of the following:
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - C. Excretory functions as a part of or in connection with any of the activities set forth in A. or B., above.
- ~~356~~ Stables – Any ACCESSORY STRUCTURE having stalls or compartments where animals, excluding dogs and cats, are boarded, trained or bred (See also KENNELS).
- ~~357~~ Start of Construction – The date the building permit was issued, provided the actual start of CONSTRUCTION, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent CONSTRUCTION of a STRUCTURE on a site, such as the pouring of slab or footings, the installation of piles, the CONSTRUCTION of columns, or any work beyond the stage of EXCAVATION; or the placement of a MANUFACTURED HOME on a foundation. Permanent CONSTRUCTION does not include land preparation, such as clearing, grading, and FILLING; nor does it include the installation of STREETS and/or walkways; nor does it include EXCAVATION for a BASEMENT, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of ACCESSORY STRUCTURES, such as DETACHED GARAGES OR SHEDS not occupied as DWELLING UNITS or not part of the main STRUCTURE. For a SUBSTANTIAL IMPROVEMENT, the actual start of construction means the first ALTERATION of any wall, ceiling, floor, or other structural part of a BUILDING, whether or not that ALTERATION affects the external dimensions of a BUILDING.
- ~~358~~ Stock-In Trade or Inventory – The individual items offered for sale or rental in the area of an establishment open to the public.

- ~~359~~ Stop-Work Order – An order issued that requires that all work on the site must cease, except work associated with bringing the site into compliance with the approved SWP3, SITE DEVELOPMENT PLAN or construction plans.
- ~~360~~ Story – The part of the BUILDING included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a BASEMENT is more than six feet (6') above GRADE, such BASEMENT shall be considered a story.
- ~~361~~ Story, Half – An uppermost story lying under a sloping roof having an area of at least two hundred square feet (200 sq. ft.) with a clear height of seven feet, six inches (7'6"). For the purposes of this UDO, the usable FLOOR AREA is only that area having at least four feet (4') of clearance height between the floor and the ceiling.
- ~~362~~ Storm Frequency – The average period of time, in years, within which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- ~~363~~ Stormwater Management Plan (SMP) – The written document meeting the requirements of this UDO regulation that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize FLOODING and erosion.
- ~~364~~ Storm Water Pollution Prevention Plan (SWP3) – The document required by the Ohio EPA for compliance with its *NPDES Construction Activity General Permit #OHC000002*. The requirements of the SWP3 are required as part of the local jurisdiction's Stormwater Management Plan, as described above, and in this UDO.
- ~~365~~ Streamer – Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have PENNANTS and/or BANNERS attached.
- ~~366~~ Street – An improved public way or RIGHT-OF-WAY dedicated to public use, which provides for vehicular and pedestrian access to abutting properties.
- A. Alley: Any dedicated public way affording a secondary means of access to abutting property, either to the back or side of properties abutting on another street, and not intended for general traffic circulation.
 - B. Collector Street: A street, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from minor/local streets to major streets.
 - C. Expressways: A thoroughfare that possesses extra-wide rights-of-way carrying high traffic volumes of unobstructed, limited access vehicular movement.
 - D. Major Street: An arterial street intended for large volumes of through traffic and to carry cross-town traffic from several neighborhoods, thereby servicing collector streets. Such streets are intended for carrying heavy loads and large volumes of traffic, for both the immediate CITY area and the region beyond. Any street with a width, existing or proposed, of eighty (80) feet shall be considered a major thoroughfare.
 - E. Marginal Access Street: A minor street that is parallel and adjacent to a major street or thoroughfare, and which provides access to abutting properties and protection from major or collector streets.
 - F. Minor Street: A local street that primarily provides access to residential or other abutting property.
- ~~367~~ Street Line – The edge of the pavement along the front of the property.
- ~~368~~ Street Setback Measurements – All BUILDINGS and STRUCTURES shall hereafter be constructed in accordance with the required FRONT YARD SETBACKS in the DISTRICT in which it is to be located, measured from the dedicated RIGHT-OF-WAY line or the STREET LINE, whichever is greater, on expressways, major streets, collector streets, marginal access streets, minor streets and alleys.
- ~~369~~ Structural Controls – Any human-made facility, STRUCTURE, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and DETENTION BASINS, rock-check dams, SWALES, and constructed wetlands.
- ~~370~~ Structure – Anything constructed or erected. Its use requires location on the ground or attachment to something having location on the ground including, but not limited to a walled or roofed BUILDING, MANUFACTURED HOME, or gas or liquid storage tank that is principally above ground.
- ~~371~~ Subdivider – Any PERSON, partnership, corporation, association or other legal entity that creates or proposes to create a SUBDIVISION, all or a portion of which will be located within the CITY (See also DEVELOPER).

- ~~372~~ Subdivision, Major – A platting of land for the purposes of DEVELOPMENT and transfer of ownership. A major subdivision is any subdivision that does not meet the requirements of a MINOR SUBDIVISION. It requires approval of a PRELIMINARY PLAT by the PLANNING COMMISSION, approval of a FINAL PLAT by the PLANNING COMMISSION, ACCEPTANCE by COUNCIL, and recording of the FINAL PLAT prior to the transfer of land (See also MAJOR SUBDIVISION).
- ~~373~~ Subdivision, Minor – A division of a PARCEL of land that is approved by the CITY ENGINEER and does not require a PLAT or the combination or replatting of two (2) or more PARCELS into a single LOT that is approved by the CITY ENGINEER (See MINOR SUBDIVISION).
- ~~374~~ Subdivision Regulations – Chapter 1111., including any amendments thereto, contained in this UDO.
- ~~375~~ Substantial Damage – Damage, of any origin, sustained by a STRUCTURE whereby the cost of restoring the STRUCTURE to its “before-damaged” condition would equal or exceed fifty percent (50%) of the REPLACEMENT COST of the STRUCTURE before the damage occurred.
- ~~376~~ Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a STRUCTURE, the cost of which equals or exceeds fifty percent (50%) of the REPLACEMENT COST of the STRUCTURE before the START OF CONSTRUCTION of the improvement. This term includes structures, which have incurred SUBSTANTIAL DAMAGE, regardless of the actual repair work performed. The term does not, however, include:
- A. Any improvement to a STRUCTURE that is considered NEW CONSTRUCTION;
 - B. Any project for improvement of a STRUCTURE to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the APPLICATION for a DEVELOPMENT permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - C. Any ALTERATION of a HISTORIC STRUCTURE, provided that the ALTERATION would not preclude the structure's continued designation as a HISTORIC STRUCTURE.
- ~~377~~ Superblock – A residential BLOCK of exceptionally large size, in both dimensions, with access to interior LOTS by CUL-DE-SACS or loop streets and providing one or more COMMON OPEN SPACES.
- ~~378~~ Support Commercial Uses – Support RETAIL and PERSONAL SERVICE uses conducted primarily for the convenience of the employees of a permitted use, if such use serves the immediate area and the sum of all such uses occupy no more than ten thousand square feet (10,000 sq. ft.) of any BUILDING. Examples of such uses include retail, athletic clubs and gyms, personal service shops (barber, dry cleaner, salon, etc.), business services (printing, photocopying, mailing and packaging, etc.), child care center, cafeteria or RESTAURANT, financial institution, MEDICAL CLINIC.
- ~~379~~ Surveyor – A PERSON licensed by the State of Ohio and registered as a professional surveyor under ORC 4733.
- ~~380~~ Swale – A low-lying stretch of vegetated land that gathers and carries surface water.
- ~~381~~ Tavern – See BAR.
- ~~382~~ Temporary Sign – A SIGN announcing or advertising special events or sales, intended to be used and in fact used for a time period of sixty (60) days or less within one calendar year per location.
- ~~383~~ Temporary Vegetation – Short-term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.
- ~~384~~ Tent – Any STRUCTURE used for living or sleeping purposes, or for sheltering a public gathering, constructed wholly or in part from canvas, tarpaulin or other similar materials. It includes shelter provided for circuses, carnivals, sideshows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.
- ~~385~~ Time and Temperature Display – A cabinet containing illuminated numerals FLASHING alternately to show the time and temperature.
- ~~386~~ Through Lot – See LOT.
- ~~387~~ Total Area of a Sign – “Sign area” shall be measured as outlined in Section 1111.08(f) of this UDO.
- ~~388~~ Tower – Any STRUCTURE that is designed and constructed primarily for the purpose of supporting one or more ANTENNAS for telephone, radio and similar communication purposes, including self-supporting lattice, towers, guyed-towers, or MONOPOLES; the term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telecommunications towers, alternative tower structures, and the like; the term includes the STRUCTURE and any support thereto.

- ~~.389~~ Traditional Neighborhood – A compact, mixed-use neighborhood where residential, commercial and civic BUILDINGS are within close proximity to each other.
- ~~.390~~ Transportation or Communication Utility – A STRUCTURE or facility used by a PUBLIC UTILITY or quasi-public utility to store, distribute or generate electricity, gas or telecommunications and related equipment, or to pump or chemically treat water. This use does not include storage or treatment of sewage, solid waste or hazardous waste.
- ~~.391~~ Travel-Time Contour – A locus of points from which water takes an equal amount of time to reach a given destination such as a well or WELL FIELD.
- ~~.392~~ Treatment Space – Floor space provided in a BUILDING that is designed, intended or used primarily for the treatment of human and/or animal illness.
- ~~.393~~ Truck Stop/Truck Service or Gasoline Center – A business that provides the sale and storage of fuel, overnight or hourly parking, and/or other special services catering to COMMERCIAL VEHICLES, specifically Semi Trucks and Semi-Trailers, are prohibited under this UDO.
- ~~.394~~ UDO – See Unified Development Ordinance.
- ~~.395~~ Underground Storage Tank – Underground storage tank shall have the same meaning as in ORC 3737.87.
- ~~.396~~ Unified Development Ordinance – The combining of development regulations and procedures, including zoning and subdivision regulations, sign and floodplain regulations, administrative and hearing procedures, etc. into one unified code and ordinance in the *City of Franklin Unified Development Ordinance*.
- ~~.397~~ Use – The purpose for which land or a BUILDING is arranged, designed or intended, or for which land or a building is or may be occupied.
- ~~.398~~ Variance – A grant of relief from the standards of these regulations consistent with the variance conditions herein.
- ~~.399~~ Variety Store (or Point-Price Retailer) – A commercial establishment that sells a wide range of inexpensive household goods, often selling or advertising all goods at a single price, which is reflected in the name of the establishment.
- ~~.400~~ Vehicle (Motor-Driven) – Any automobile, truck, motorcycle, trailer, truck camper, RECREATIONAL VEHICLE, bus or boat (See also MOTOR VEHICLE).
- ~~.401~~ Vehicle, Inoperable – Any MOTOR VEHICLE that does not have a current registration and/or cannot move under its own power.
- ~~.402~~ Vehicle Dealer – The use of any BUILDING, or part thereof, land area or other premises for the display and/or retail sale, lease or rental of new or used VEHICLES including MOTOR VEHICLES, motorcycles, RECREATIONAL VEHICLES, boats and farm implements. Secondary supporting uses may also exist upon the same site, such as maintenance/repair service areas, parts storage areas, and financial services areas, which activities shall be conducted within a completely enclosed area. Such use shall not include VEHICLE WRECKING or junk business.
- ~~.403~~ Vehicle Impound Lot – A business that engages in impounding or storing, usually temporarily, of legally impounded VEHICLES, whether publicly or privately impounded, or abandoned VEHICLES.
- ~~.404~~ Vehicle Repair Services – A commercial establishment that provides, as its PRIMARY ACTIVITY, repair or restoration of VEHICLES, including the rebuilding or reconditioning of engines and/or transmissions; collision services, including body, frame or fender straightening or repair; overall painting; vehicle steam cleaning; upholstery; and replacement of parts and motor service of passenger cars and trucks not exceeding one and one-half ton capacity. Such uses may have outdoor display and/or storage, but may not include any junk or wrecking business, and all repair and/or restoration activities shall be conducted within a completely enclosed BUILDING or STRUCTURE. Such uses comprise a part of the use group S-1 of the Ohio Building Code.
- ~~.405~~ Vehicle Wrecking – The dismantling or wrecking of used VEHICLES or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, wrecked or INOPERABLE VEHICLES or their parts; excepting that VEHICLE IMPOUND LOTS are not included in this definition. Vehicle Wrecking is not permitted under this UDO.
- ~~.406~~ Veterinary Services – A place used for grooming and/or for the care, diagnosis and treatment of sick, ailing, infirm or injured animals and those that are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation or recuperation of such animals. Such use may also include boarding that is incidental to the PRIMARY ACTIVITY. Such uses include animal hospitals/clinics, veterinarian offices and grooming services.

- ~~407~~ Video Booth – Any private or semi-private booth or any viewing room of less than one hundred fifty square feet (150 sq. ft.) of floor space or area to which the public may gain admittance, wherein a still or motion picture machine, projector, video monitor, or similar equipment is available for the purpose of showing still or motion pictures, videos, or similar images or photographic reproductions to five (5) or fewer individuals at any one time
- ~~408~~ Viewing Booth – LIVE VIEWING BOOTH or VIDEO BOOTH.
- ~~409~~ Viewshed – The area surrounding a WIRELESS TELECOMMUNICATIONS FACILITY or ANTENNA SUPPORT STRUCTURE, within which the facility or STRUCTURE is visible from off-site.
- ~~410~~ Violation – The failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with the regulations contained in this UDO.
- ~~411~~ Wall Sign – A SIGN attached to a BUILDING face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on BUILDINGS and any extensions thereon.
- ~~412~~ Watercourse – Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.
- ~~413~~ Watershed – A locus of points from which water takes an equal amount of time to reach a given destination such as a well or WELL FIELD.
- ~~414~~ Well Field – Means a tract of land that contains a number of wells for supplying water.
- ~~415~~ Wholesale Business – A commercial establishment that provides, as its PRIMARY ACTIVITY, storage, break-of-bulk and distribution operations to other commercial establishments. Such use may have some outdoor storage space and comprises a part of use group S of the Ohio Building Code. Examples of such uses include truck terminals and warehouses.
- ~~416~~ Window Sign – A SIGN, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a SIGN, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the BUILDING within two feet (2') of the window and intended to be viewed through the window from the exterior of the premises.
- ~~417~~ Wireless Telecommunications Facilities – Any cables, wires, lines, wave guides, ANTENNAS, microwave dishes and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a PERSON seeks to locate or has installed upon a TOWER or ANTENNA SUPPORT STRUCTURE; however, the term Wireless Telecommunications Facilities shall not include:
- A. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;
 - B. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
 - C. Antennas used by amateur radio operators.
- ~~418~~ Yard – The OPEN SPACE on the same LOT with a MAIN BUILDING unoccupied and unobstructed from the ground upward except as otherwise provided in this UDO, and a defined herein:
- A. *Front yard*: An OPEN SPACE extending the full width of the LOT, the depth of which is the minimum horizontal distance between the FRONT LOT LINE and the nearest point of the MAIN BUILDING. There shall be a front yard on each STREET side of a CORNER LOT. No ACCESSORY STRUCTURE shall project beyond the SETBACK line on either STREET.
 - B. *Rear yard*: An OPEN SPACE extending the full width of the LOT, the depth of which is the minimum horizontal distance between the REAR LOT LINE and the nearest point of the MAIN BUILDING. In the case of a CORNER LOT, the rear yard shall be opposite of the front of the BUILDING.
 - C. *Side yard*: An OPEN SPACE between a MAIN BUILDING and the SIDE LOT LINE, extending from the FRONT YARD to the REAR YARD, the width of which is the horizontal distance from the nearest point of the SIDE LOT LINE to the nearest point of the MAIN BUILDING.
- ~~419~~ Zero Lot Line House (or Townhouse) – A BUILDING designed, intended or used primarily for residential purposes. The DWELLING UNIT is a single-family detached unit that is placed against one of the SIDE LOT LINES to allow more open yard space.

- ~~.420~~ Zoning District – A portion of the incorporated area of the CITY within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this UDO.
- ~~.421~~ Zoning Map – The official map showing the ZONING DISTRICTS within the incorporated areas of the CITY and which is a part of the UDO.
- ~~.422~~ Zoning Official – The person holding the title of Zoning Official of the City of Franklin, or his designee.

Exhibit B

1107.07 Parks and Recreation District.

- (a) Parks and Recreation District: The Parks and Recreation District is a special purpose zoning district intended to designate and protect lands dedicated to the public or open to public use for no fee *or for private parks and event centers*. The purpose of this District is to preserve and enhance such major open space and public *and private* recreational *educational, cultural and aesthetic* areas by protecting the natural amenities they possess.
- (b) Permitted Uses: Permitted uses in the Parks and Recreation District include:
- (1) Public parks and recreation facilities;
 - (2) ***Private Recreational Facilities and Private Park and Event Center;***
 - (3) Nature preserves, hiking trails, bike trails, and wildlife areas;
 - (4) Ball fields, swimming pools, other public athletic fields;
 - (5) Public boat launches and anchoring places;
 - (6) Parking facilities associated with any of the above-listed uses;
 - (7) Restroom facilities or other amenities associated with any of the above listed uses; and
 - (8) And public uses deemed to by a similar use in accordance with section 1115.10(d).
- (c) Accessory Uses: Accessory Uses in the Parks and Recreation District include:
- (1) Fences - An accessory use permit is required except where the use is provided by a governmental entity.
 - (2) Barbed-Wire Fences - An accessory use permit is required.
- (d) Development Standards:
- (1) Playground equipment must be set back from all adjacent residential lots a minimum of twenty-five feet (25').
 - (2) Building setbacks shall be:
 - A. Front - Twenty-five feet (25');
 - B. Rear - Forty feet (40');
 - C. Side/Total - Ten feet/Twenty-five feet (10':25').
 - (3) Swimming pools must be at least ten feet (10') from any adjacent residential property and must meet the requirements of section 1113.05(k).
 - (4) ***For Private Recreational Facilities and Private Park and Event Center, one RV hookup per every five (5) acres may be provided for Administrative purposes.***

(Ord. 2009-12. Passed 7-6-09; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01. Passed 3-17-14.)

Legislative Cover Memo

Meeting Date:	April 5, 2021
Agenda Item:	Resolution 2021-27 DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022
Submitted by:	Jonathan Westendorf, City Manager
Scope/Description:	This is the first step in the street light assessment process for 2021. The street lighting assessment program is used for lighting public ways and can also be used to purchase new street lights. This process is used for all assessment projects normally done for road improvements, as required by the ORC.
Budget Impact:	The City pays for 2% of the assessed cost to cover the City's share of the improvement and the cost of lighting intersections, and the remaining 98% of the cost is paid by special assessment levied on all properties within the City. The assessments are levied by a percentage of the tax value of the property and are paid in two semi-annual installments.
Exhibits:	None.
Vote Required for Approval:	Per Section 727.12 of the Ohio Revised Code, this Resolution of Necessity requires the concurrence of three-fourths of the members elected to Council for passage.
Recommendation:	Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-27

**DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS
BY THE LIGHTING THEREOF FOR THE YEAR 2022**

WHEREAS, Section 727.01 of the Ohio Revised Code grants the legislative authority of a municipal corporation the special power to levy and collect special assessments for the improvement of any street, alley, public road, place, boulevard, parkway, or park entrance by the lighting thereof;

WHEREAS, Section 727.12 of the Ohio Revised Code states that when it is deemed necessary by the legislative authority of a municipal corporation to levy and collect special assessments for improvements by street lighting that plans and an estimate of cost be prepared and filed in the office of the Clerk of the City of Franklin and open to the inspection of all persons interested; and

WHEREAS, in accordance with Section 727.12 of the Ohio Revised Code, a street lighting plan and estimate of cost are on file in the office of the Clerk of Council of the City of Franklin and are open to the inspection of all persons interested; and

WHEREAS, Section 727.12 of the Ohio Revised Code, states that after such filing, this Council may declare the necessity for such improvement by the passage of a resolution by resolving as follows,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, three-fourths of the members elected thereto concurring, that:

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to improve the streets and other public ways within the corporate limits of the City by the lighting thereof, said lighting to be provided by electric lighting, for the year 2022. All lots and lands within the corporate limits of the City shall be specially assessed for said improvement.

Section 2. The plans and estimate of cost for the improvement, now on file in the office of the Clerk, are hereby approved.

Section 3. The cost of the improvement to be paid for by the City is 2% and the cost of the improvement to be paid by the special assessments is 98%. It is determined that all lots and lands lying within the corporate limits of the City of Franklin, Ohio are specially benefited by the improvement and, for this reason, are being assessed 98% of the cost of the improvement.

Section 4. The special assessments shall be levied by percentage of the tax value of the property assessed and shall be paid, when levied, in two semi-annual installments; provided, however, that the owner of any property assessed may, at the owner's option, pay the entire special assessment in cash within 30 days after the passage of the ordinance levying the special assessments. The remainder of the cost of said improvement, if any after the application of the special assessments, shall be provided from other funds available and appropriated for such purpose.

Section 5. The City does not intend to issue securities in anticipation of the levy of the special assessments, nor does the City intend to issue securities in anticipation of the collection of the special assessments.

Section 6. The Finance Director shall immediately prepare estimated assessments, showing the amount of the special assessment against each lot to be assessed, based on the estimate of cost filed in the office of Clerk of the Council of the City of Franklin. Such estimated special assessments shall be prepared in accordance with the method of assessment as set forth in this Resolution. The estimated special assessments shall be filed in the office of the Clerk of the City of Franklin and open to the inspection of all persons interested.

Section 7. Upon the filing of the estimated special assessments, the Clerk of Council is directed to give notice of the passage of this Resolution, and of the filing of the estimated assessments, by publication once a week for two (2) consecutive weeks in a newspaper of general circulation within the City, in accordance with Ohio Revised Code Section 727.14. If the estimated special assessment against any property will exceed \$250, the Clerk or Clerk's designee shall give notice to the owner of the property by certified mail or by personal service at the owner's last known address or to the address to which tax bills are sent, and otherwise in compliance with Ohio Revised Code Section 727.13.

Section 8. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 9. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____ APPROVED: _____
Khristi Dunn, Clerk of Council Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: April 5, 2021

Agenda Item: **Resolution 2021-28**
AUTHORIZING THE PURCHASE OF A NEW LEAF VAC TRUCK
FOR THE PUBLIC WORKS DEPARTMENT FROM BEST
EQUIPMENT THROUGH THE SOURCEWELL NATIONAL
PURCHASING PROGRAM

Submitted by: Steve Inman, Public Works Director

Scope/Description: This Resolution authorizes the purchase of a n new Leaf Vac Truck from Best Equipment Company on National bid for a total cost of \$202,827.87. This would be spread over 5 years on a lease/buy program for \$43,681.00 a year. After the 5 years we will own the Leaf Vac Truck. This would be spread over two funds, Street and Storm at \$21,840.50 each.

Budget Impact: Street and Stormwater funds

Exhibits: Exhibit A: Sales Proposal

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-28

**AUTHORIZING THE PURCHASE OF A NEW LEAF VAC TRUCK FOR THE PUBLIC WORKS DEPARTMENT
FROM BEST EQUIPMENT THROUGH THE SOURCEWELL NATIONAL PURCHASING PROGRAM**

WHEREAS, the Council of the City of Franklin finds it to be in the best interests of the health, safety and welfare of its residents to purchase a Leaf vac Truck for the Public Works Department; and

WHEREAS, Best Equipment Company currently has a National contract to sell a Leaf Vac Truck with the Sourcewell National Purchasing Program , Schedule #Sourcewell, Contract #041217-ODB; and

WHEREAS, pursuant to State law, competitive bidding is not required when an item can be directly purchased for less than the State-bid amount; and

WHEREAS, pursuant to Section 5.05 of the City's Charter, competitive bidding is not required when not required pursuant to State law, but Council must approve the expenditure of funds when the contract price exceeds Fifty Thousand Dollars;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that;

Section 1. The City Manager is hereby authorized to execute, on behalf of the City, a Lease-to-Own contract with Best Equipment Company, Inc., for the purchase of a Leaf Vac Truck in the total amount of \$202,827.87, to be made in five-yearly payments of \$43,681.00, upon such terms and conditions as approved by the Director of Law.

Section 2. A copy of the Sales Proposal is attached as Exhibit A.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and Chapter 105 of the Codified Ordinances.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021.

Khristi Dunn, Clerk of Council



SALES | SERVICE | PARTS

**EXPERTS IN MUNICIPAL AND CONTRACTOR
ENVIRONMENTAL SOLUTIONS SINCE 1917**

Best Equipment Company, Inc. Sales Proposal

Prepared On	Valid Through	Payment Terms	FOB
Jan 21, 2021	30 Days	COD	Franklin, Ohio

Prepared Especially For:	Prepared By:
Steve Inman Public Works Director City of Franklin sinman@franklinohio.org	George Luce Western Ohio Sales Best Equipment Company georgeluce@bestequipmentco.com 937-417-7566

Item	Quantity	Unit Price	Subtotal
Xtreme Vac Truck mounted 25 Yard Debris Remover DCL800SM25 Mounted on Freightliner M2-106 Chassis as Per Sourcewell Contract	1	\$202,827.87	\$202,827.87
<ul style="list-style-type: none"> Includes Best Equipment Company Pre-Delivery Inspection, Local Delivery to Customer, and Basic Operational and Maintenance Training at Delivery Custom Preventative Maintenance Contracts and Parts Packages through Best Equipment Company's BestCare Program Available Upon Request 			\$202,827.87
Subtotal			\$202,827.87
Total			\$202,827.87

NOTES

See attached Sourcewell quote

PURCHASE AGREEMENT

Signature	Printed Name	Date
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Terms and Conditions: For new equipment sales, their standard manufacturer warranty apply, additional information available upon request. Used Equipment is sold as is, where is, with no warranty stated or implied. If any tax figures are included, they are deemed reliable but not guaranteed. Exact taxes will be calculated at the time of invoice. Copy of title, if applicable, is due at time of the agreement, original due at delivery. Contractors are COD. This agreement is binding. By signing, you agree that you are authorized to enter into this contract. Delivery dates are estimations. Best Equipment Company is not financially responsible for lost time, revenue, or any other losses. Liability of the goods equipment in this sales quote transfers to the buyer once the equipment is loaded, delivered to the buyer, as acknowledged by the signature of this sales quote.



Environmental Equipment Financing

March 17, 2021

Municipal Leasing Proposal for:

City of Franklin (OH)

EQUIPMENT: New XTremeVac Truck Mounted Leaf Collector

EQUIPMENT COST: \$202,827.87

COMMENCEMENT: To be determined

STRUCTURE: Municipal Lease Purchase

PURCHASE OPTION: \$1.00

PAYMENT MODE: Annual

DOCUMENTATION FEE: None

First Payment Due Thirty (30) Days After Lease Commencement

Term	Three (3) Years	Five (5) Years	Seven (7) Years
Payments	3 @ \$70,019.00	5 @ \$43,681.00	7 @ \$32,487.00
Interest Rate	3.27%	3.62%	3.81%

First Payment Due One (1) Year After Lease Commencement

Term	Three (3) Years	Five (5) Years	Seven (7) Years
Payments	3 @ \$72,079.00	5 @ \$45,076.00	7 @ \$33,557.00
Interest Rate	3.27%	3.62%	3.81%

The above rates and payment factors will be valid for leases funded within thirty (30) days of this quotation and are subject to credit approval.

If you have any questions, please contact David Penoff (dpenoff@tcfef.com) or Wendy Wilson (wwilson@tcfef.com) at 317-328-1161.

BEST EQUIPMENT COMPANY Municipal Lease Purchase Financing underwritten by:

TCF EQUIPMENT FINANCE, a division of TCF National Bank
Phone: 317-328-1166 Fax: 888-200-6313

Legislative Cover Memo

Meeting Date: April 5, 2021

Agenda Item: **Resolution 2021-29**
AUTHORIZING THE PURCHASE OF A NEW JOHN DEERE
310SL BACKHOE FOR THE PUBLIC WORKS DEPARTMENT
FROM MURPHY TRACTOR & EQUIPMENT THROUGH THE
OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES
COOPERATIVE PURCHASING PROGRAM

Submitted by: Steve Inman, Public Works Director

Scope/Description: This Resolution authorizes the purchase of a new John Deere 310SL Backhoe from Murphy Tractor & Equipment on State bid for a total cost of \$102,951.32. This Price includes a \$12,000 trade-in for our old 1999 Case Backhoe. This would be spread across 4 funds Water, Sewer, Street and Storm.

Budget Impact: This expense is included in the departments Capital Improvement fund.

Exhibits: Exhibit A: QUOTE

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-29

**AUTHORIZING THE PURCHASE OF A JOHN DEERE 310 SL BACKHOE FOR THE PUBLIC WORKS DEPARTMENT
FROM MURPHY TRACTOR & EQUIPMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES
COOPERATIVE PURCHASING PROGRAM**

WHEREAS, the Council of the City of Franklin finds it to be in the best interests of the health, safety and welfare of its residents to purchase a John Deere Backhoe for the Public Works Department; and

WHEREAS, Murphy Tractor & Equipment currently has a State contract to sell a John Deere 310SL Backhoe with the Ohio Department of Administrative Services, Schedule #STS515, Contract #800864; and

WHEREAS, pursuant to State law, competitive bidding is not required when an item can be directly purchased for less than the State-bid amount; and

WHEREAS, pursuant to Section 5.05 of the City's Charter, competitive bidding is not required when not required pursuant to State law, but Council must approve the expenditure of funds when the contract price exceeds \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that;

Section 1. The City Manager is hereby authorized to execute, on behalf of the City, to contract for purchase with Murphy Tractor & Equipment Company, for the purchase of a John Deere 310SL Backhoe in the total amount of \$102,951.32, upon such terms and conditions as approved by the Director of Law.

Section 2. A copy of the Quote is attached as Exhibit A.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and Chapter 105 of the Codified Ordinances.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021.

Khristi Dunn, Clerk of Council

Quote Id: 22949018

Prepared For:
CITY OF FRANKLIN



Prepared By: **ROBERT SHIPLEY**

Murphy Tractor & Equipment
1015 Industrial Park Drive
Vandalia, OH 45377

Tel: 937-898-4198
Mobile Phone: 937-681-6667
Fax: 937-898-4196
Email: rshipley@murphytractor.com

Quote Summary

Prepared For:
CITY OF FRANKLIN
35 E 4TH ST
FRANKLIN, OH 45005
Business: 937-746-9921

Prepared By:
ROBERT SHIPLEY
Murphy Tractor & Equipment
1015 Industrial Park Drive
Vandalia, OH 45377
Phone: 937-898-4198
Mobile: 937-681-6667
rshipley@murphytractor.com

Quote Id: 22949018
Created On: 13 October 2020
Last Modified On: 01 March 2021
Expiration Date: 20 October 2020

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 310SL HL BACKHOE LOADER	\$ 210,919.85	\$ 114,951.32 X	1 =	\$ 114,951.32

Equipment Total	\$ 114,951.32
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Trade In Summary	Qty	Each	Extended
1999 CASE 580SM - JJG0269226	1	\$ 12,000.00	\$ 12,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 12,000.00

Trade In Total	\$ 12,000.00
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Quote Summary

Equipment Total	\$ 114,951.32
Trade In	\$ (12,000.00)
SubTotal	\$ 102,951.32
Total	\$ 102,951.32
Balance Due	\$ 102,951.32

Salesperson : X _____

Accepted By : X _____

Selling Equipment

MURPHY
TRACTOR & EQUIPMENT CO.

Quote Id: 22949018

Customer: CITY OF FRANKLIN

JOHN DEERE 310SL HL BACKHOE LOADER

Equipment Notes: JOHN DEERE STS : 45.5% OFF LIST
SCHEDULE #: 800864
INDEX # STS515

Suggested List

\$ 210,919.85

Selling Price

\$ 114,951.32

Hours:
Stock Number:

Code	Description	Qty	Unit	Extended
0A81T	310SL HL BACKHOE LOADER	1	\$ 125,870.00	\$ 125,870.00
Standard Options - Per Unit				
170C	JDLink Ultimate 5 Year Subscription	1	\$ 0.00	\$ 0.00
1065	John Deere PowerTech™ EWL 4.5L (276 Cu. In.) Engine Meets Final Tier 4 and Stage IV Emissions	1	\$ 11,105.00	\$ 11,105.00
2035	Cab	1	\$ 13,243.00	\$ 13,243.00
2401	English Decals with English Operator and Safety Manuals	1	\$ 0.00	\$ 0.00
3095	Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential Autoshift Transmission	1	\$ 0.00	\$ 0.00
4464	Galaxy 19.5L - 24 in. 12 PR Rear & 12.5/80-18 10PR Front	1	\$ 0.00	\$ 0.00
5285	Pilot Controls, Two Lever, with Pattern Selection	1	\$ 2,665.00	\$ 2,665.00
5420	Multi-Brand Quick Coupler - Less Thumb	1	\$ 1,637.00	\$ 1,637.00
5626	18" (457 mm) Wide, Heavy-Duty, 5.1 Cu. Ft. (0.14 Cu. M.) Capacity Bucket	1	\$ 1,345.00	\$ 1,345.00
6020	Extendible Dipperstick	1	\$ 8,365.00	\$ 8,365.00
6220	Auxiliary Hydraulic with One Way Flow (Hammer)	1	\$ 4,087.00	\$ 4,087.00
7080	Three-Function Loader Hydraulics, Single Lever	1	\$ 3,268.00	\$ 3,268.00
7685	Wide Multipurpose Bucket	1	\$ 7,593.00	\$ 7,593.00
8475	1000 Lb. (454 kg) Front Counterweight	1	\$ 1,374.00	\$ 1,374.00
8675	Dual Maintenance Free Batteries	1	\$ 287.00	\$ 287.00
9045	Chrome Exhaust Extension	1	\$ 178.00	\$ 178.00
9115	Auto Ride Control	1	\$ 2,335.00	\$ 2,335.00
9116	LED Light Package	1	\$ 1,053.00	\$ 1,053.00
9120	Heavy-Duty Grille Frame	1	\$ 555.00	\$ 555.00
9210	Left Side Console Storage with Cup Holders	1	\$ 81.00	\$ 81.00
9905	Strobe Light with Magnetic Mount	1	\$ 588.00	\$ 588.00
9916	Radio, Bosch Premium Package	1	\$ 1,356.00	\$ 1,356.00
9965	Seat, Cloth Air-Suspension	1	\$ 503.00	\$ 503.00

Selling Equipment

MURPHY
TRACTOR & EQUIPMENT CO.

Quote Id: 22949018

Customer: CITY OF FRANKLIN

Standard Options Total				\$ 61,618.00
Dealer Attachments				
AT333753	Backhoe Boom Protection Plate	1	\$ 608.00	\$ 608.00
	NPK PH3 HAMMER	1	\$ 22,823.85	\$ 22,823.85
Dealer Attachments Total				\$ 23,431.85
Suggested Price				\$ 210,919.85
Customer Discounts				
Customer Discounts Total			\$ -95,968.53	\$ -95,968.53
Total Selling Price				\$ 114,951.32

Legislative Cover Memo

Meeting Date:	April 5, 2021
Agenda Item:	Resolution 2021-30 AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES FOR THE POLICE DIVISION FROM GREVE CHRYSLER JEEP DODGE OF VANWERT, OHIO THROUGH THE STATE PURCHASING PROGRAM AND THE EQUIPPING OF THE SAME
Submitted by:	Brian Pacifico, Acting Chief of Police
Scope/Description:	The City of Franklin Division of Police follows a practice of rotation of cruisers fleet to protect the health, safety and welfare of its law enforcement officers and the community it serves. In keeping with this practice, the purchase of two vehicles is recommended for this year: Two new 2021 Dodge Durango's along with the necessary equipment to perform patrol functions.
Budget Impact:	\$68,646.00 for Cruisers/\$48,317.00 for Equipment
Exhibits:	Exhibit A: Vehicles and Equipment Quotes
Recommendation:	Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-30

**AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES FOR THE POLICE DIVISION FROM GREVE
CHRYSLER JEEP DODGE OF VANWERTTHROUGH THE STATE PURCHASING PROGRAM AND THE
EQUIPPING OF THE SAME**

WHEREAS, the Council of the City of Franklin finds it to be in the best interests of the health, safety and welfare of its law enforcement officers and the community it serves to purchase new police vehicles on a yearly rotation;

WHEREAS, Council wishes to utilize the State of Ohio's Department of Administrative Services State Purchasing Program to make said purchases, which does not require competitive bidding pursuant to state law;

WHEREAS, the selected vendor under the DAS State Purchasing Program is Greve Chrysler Jeep Dodge, under Bid Contract #RS901519, Index #GDC050 and

WHEREAS, pursuant to Section 5.05 of the City's Charter, competitive bidding is not required when not required pursuant to state law, but Council must approve the expenditure of funds when the contract price exceeds \$50,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that;

Section 1. The City Manager is hereby authorized to purchase and execute all necessary agreements, on behalf of the City's Police Division, for the purchase of the following two vehicles: A) two 2021 Dodge Durangos, in the total amount of \$68,646.00, pursuant to the State Purchasing Program, from Greve Chrysler Jeep Dodge, 756 West Ervin Road, Van Wert, Ohio 45891

Section 2. The City Manager is hereby authorized to contract with and execute all necessary agreements to purchase equipment and installation services for the two new vehicles from:

- Phoenix Upfitters, 2400 Carmody Blvd, Middletown, Ohio 45042, in the amount of \$28,268.00 for emergency equipment and installation of vehicle stripping, radio and camera systems for two Dodge Durangos;
- Safe Fleet Mobile-Vision Inc. 11375 W. Sam Houston Pkwy S., Suite 800 Houston, Texas 77031-2348, in the amount of \$10,342.00 for camera equipment for two (2) Dodge Durangos;
- Mobile Comm, 1211 W. Sharon Road, Cincinnati, Oh 45240 in the amount of \$1,416.00 for radio equipment for two Dodge Durangos.
- PB Electronic Inc. 248 West Peaceful Ct. Shepherdsville, KY 40165 in the amount of \$3,335.00 for two Stalker Dual KIA Antenna Refurbished Radar with Fastest Vehicle and Same Direction
- Moving Mode with Brackets, Tuning Forks, Certifications and Wireless Remote.
SSI 7652 Sawmill Road Suite 313 Dublin, Ohio 43016 in the amount of \$4,956.00 for two GETAC F110 G5 Tablet's for Dodge Durangos.

Section 3. Attached as Exhibit A are Vehicles and Equipment Quotes.

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

Section 5. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn, Clerk of Council

400 Anderson St
Franklin, Ohio 45005
937-746-2882/ Fax 937-743-7750

Acting Police Chief
Brian Pacifico
BPacifico@franklinohio.org



Division of Police

Dodge Durango's

(2) 2021 Dodge AWD Durango	\$68,646.00
(2) Phoenix Uplifters LLC	\$28,268.00
(2) Safe Fleet (L3 Mobilevision)	\$10,342.00
(2) PB Electronics (Radar)	\$3,335.00
(2) Mobilecomm	\$1,416.00
(2) GTAC Tablet	\$4,956.00
TOTAL -	\$116,963.00

GREVE


CHRYSLER
Jeep

756 West Ervin Road Van Wert, Ohio 45891 855-246-4052 FAX 866-248-8919
 www.grevechrysler.com • e-mail: dave.matarese@grevechrysler.com

Contractor's ID # 34-1508415

2021 Dodge Durango

Base price \$31,100.00

Delivery \$.35 per mile round trip (Minimum delivery charge \$75.00)

OPTIONS

Code	Description	Price
Chry1	Extended warranty. 5-year 75,000 bumper to bumper, \$100 deductible.	\$ 3,999.00
LM1	Daytime Running Lights	\$39.00
EZH	5.7 Liter V8 Hemi.....	\$2,994.00
LNA	Passenger Side Spotlight.....	\$545.00
XAN	Blind Spot and Cross Path Detection.....	\$494.00
CW6	Deactivate Rear Doors/Windows.....	\$74.00
CW7	Door/Window Activation Kit.....	\$100.00
GX*	Single Key System 'you will need to specify if * is F,A,E,G,".....	\$140.00
XDV	Driver Side Ballistic Door Panel.....	\$2,425.00
XDG	Passenger Side Ballistic Door Panel.....	\$2,425.00
LSA	Security.....	\$149.00
CKD	Carpet.....	\$124.00
CUF	Full Length Floor Console "Retail Style".....	\$295.00
ADL	Skid Plate Group.....	\$294.00
ADG	Technology Group – Adaptive Cruise Control, Advanced Brake Assist, Full Speed Collision Warning, Lane Departure, Rain Sensitive Wiper includes XAN	\$2,990.00
AHX	Trailer Tow Group IV.....	\$844.00
UBN	10.1" Radio Display.....	\$975.00
WP1	18" Painted Aluminum Wheels.....	\$348.00

Paint Colors

Code	Description	Cost
PSC	Billet Clear Coat	\$0
PXJ	DB Black Clear Coat	\$0
PDN	Destroyer Grey Clear Coat	\$0
PFQ	F8 Green Clear Coat	\$0
PAU	Granit Clear Coat	\$0
PHR	In Violet Clear Coat	\$0
PBF	Reactor Blue Clear Coat	\$0
PRM	Redline Clear Coat	\$0
PWD	Vice White	\$595
PW7	White Knuckle Clear Coat	\$0





Jeep.

ORDER FORM

~~XXXXXXXXXXXX~~

All orders must be accompanied by a Purchase Order and a completed W9 Form or they CAN NOT be processed.

Phoenix Upfitters LLC
 2920 Cincinnati Dayton Rd.
 Middletown, OH 45044
 513.465.4432
 s.smith@phoenixupfitters.com
 www.phoenixupfitters.com

Estimate

PHOENIX
UPFITTERS, LLC

ADDRESS

Wayne Bowling
 City of Franklin Police Department
 400 Anderson St
 Franklin, Ohio 45005 Warren

SHIP TO

Wayne Bowling
 City of Franklin Police Department
 400 Anderson St
 Franklin, Ohio 45005 Warren

ESTIMATE #	DATE
1068	02/11/2021

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Fusion 49" Lightbar	dual lights for flood mode	1	2,170.00	2,170.00
	4200 Controller		1	425.00	425.00
	StormPro 100w		1	260.00	260.00
	Hammer 100w siren		1	247.00	247.00
	Mirror Mount LED		1	236.00	236.00
	T3 LEDS		6	40.00	240.00
	License Plate bracket		1	15.00	15.00
	Fusion spoiler lights		1	593.00	593.00
	Setina Push Bumper		1	450.00	450.00
	Setina Partition		1	850.00	850.00
	Rear storage set up w/ whiteboard		1	2,700.00	2,700.00
	Setina Rear Window Bars		1	235.00	235.00
	Jotto gun mount		1	435.00	435.00
	Console		1	800.00	800.00
	Tablet Mounting system		1	1,350.00	1,350.00
	3 way power plug		2	25.00	50.00
	Streamlight Flashlight		1	145.00	145.00
	Instalation labor/materials base cruiser Tahoe		1	1,998.00	1,998.00
	Graphics PKG		1	605.00	605.00
	License Plate		1	45.00	45.00
	Floor Mats		1	135.00	135.00
	Tremco	anti-theft module	1	150.00	150.00

Console is just a guess, waiting on a manufacturer to come out with one for the 2021 Tahoe.

TOTAL

\$14,134.00

Accepted By

Accepted Date



COBAN Technologies, Inc.
 SF Mobile-Vision, Inc.
 11375 W. Sam Houston Pkwy S., Suite 800
 Houston, Texas 77031-2348
 United States

Ship To
 Wayne Bowling
 Franklin Police Department (Franklin, OH)
 400 Anderson St
 Franklin, Ohio 45005
 United States
 9377462882
 lbowling@franklinohio.org

Quote: Q-15250-1

Date: 11/4/2020, 8:38 AM
Expires On: 1/3/2021

Phone: (281) 925-0488
 Fax: (281) 925-0535
 Email: SFLE-Sales@safefleet.net

Bill To
 Franklin Police Department (Franklin, OH)
 400 Anderson St
 Franklin, Ohio 45005
 United States

SALESPERSON	EXT	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Scott Taylor	x	staylor@safefleet.net		Net 30

Installation of FBHD System is not Included

In-Car Video System

**FBHD System Pricing listed below is no longer valid, and will be honored for this quote only.
 All future FBHD requests will be quoted at the current rate.**

LINE NO.	PART #	DESCRIPTION	UNIT PRICE	QTY	EXTENDED
QL-0080039	FBHKA32-ZSN1K2	FlashbackHD Syst, 32GBSD, OZ Cam, VLX, Std-Mon, Blk-thru-hole-wifi/wifi/GPS Ant, Center Console/OH	USD 4,855.50	2	USD 9,711.00
QL-0080040	IRCAM5	Camera kit, rear seat IR with 14 ft extension cable. No integrated microphone	USD 265.50	2	USD 531.00
In-Car Video System TOTAL:					USD 10,242.00

Shipping

LINE NO.	PART #	DESCRIPTION	UNIT PRICE	QTY	EXTENDED
QL-0080041	LFEE-050	SHIPPING - IN CAR VIDEO SYSTEMS	USD 50.00	2	USD 100.00
Shipping TOTAL:					USD 100.00

TOTAL: USD 10,342.00

Terms & Conditions

Applicable sales taxes are not reflected on this proposal and will be included in the invoice. Any purchases that are exempt from sales taxes must be accompanied by a tax exemption and/or re-sellers' certificate.

This quote is presented to the customer under the condition that it remains a valid quote for only 60 days after the stated Quote Date, after which the quote becomes null and void.

FBHD System Pricing listed on this quote is no longer valid, and will be honored for this quote only (Q-15250). All future FBHD requests will be quoted at the current rate.

Please email or fax a signed copy of this quotation and other referenced documents to PMO@cobantech.com or (281) 925-0535 and mail two sets of originals to:

COBAN Technologies, Inc.
 11375 W. Sam Houston Pkwy S., Suite 800
 Houston, Texas 77031-2348

PB ELECTRONICS INC.

248 W PEACEFUL CT
 SHEPHERDSVILLE, KY 40165
 PHONE: 502 543-7032
 FAX: 502 543-3510
 EMAIL: radar@pbelectronics.com

Police Radar Service Center
 www.pbelectronics.com

Quotation

Date	Estimate #
2/12/2021	12510

Name / Address
Franklin Police Department Jesse Shannon 400 Anderson St. Franklin Ohio 45005

Ship To
Franklin Police Department Jesse Shannon 400 Anderson St. Franklin, OH 45005

P.O. No.	Project

Description	Qty	Cost	Total
STALKER DUAL KA ANTENNA REFURBISHED RADAR WITH FASTEST VEHICLE AND SAME DIRECTION MOVING MODE. WITH BRACKETS, TUNING FORKS, CERTIFICATION, WIRELESS REMOTE, OPERATORS MANUAL AND 1 YEAR WARRANTY DUAL wireless remote. 2 foot front antenna cable 16 foot rear cable cigar plug power cord 2 antenna brackets w Velcro 2 tuning forks with certification operators manual SHIPPING AND INSURANCE. ANTENNA CABLE, STALKER DUAL, DSR, 2X 25 FOOT BRACKET, front, vehicle specific for 2021 Dodge Durango	2	1,495.00	2,990.00
		35.00	35.00
	2	35.00	70.00
	2	120.00	240.00

Subtotal	\$3,335.00
Sales Tax (6.0%)	\$0.00
Total	\$3,335.00

Phone #	Fax #	E-mail	Web Site
502 543-7032	502 543-3510	radar@pbelectronics.com	www.pbelectronics.com



Sales 513.595.5800 Service 513.742.5555 Fax 513.595.5919
1211 W. Sharon Road Cincinnati, OH 45240

City of Franklin Police Dept.

400 Anderson

Franklin, OH 45005

Attn: Peggy Hembree

Email:

Quote: 945-18-20

Issued: 2/12/2020

Expires: 3/12/2020

Phone:

Fax:

Reference:

<i>Item</i>	<i>Product Description</i>	<i>Quantity</i>	<i>Unit Price</i>	<i>Amount</i>
1	Motorola CM300 Mobile Radio VHF, 45 Watt	2	\$595.00	\$1,190.00
	Includes: Palm Microphone Mounting Hardware Power Cables			
2	Ignition Sense Kit	2	\$15.00	\$30.00
3	VHF Hole Mount Antenna	2	\$25.00	\$50.00
4	Pin Kit	2	\$7.00	\$14.00
5	External Speaker	2	\$66.00	\$132.00

Notes:

Programming and Delivery Included

SubTotal: \$1,416.00

Tax: \$0.00

Total: \$1,416.00



7652 Sawmill Road Suite 313
 Dublin, Ohio 43016
 p. 614-760-3990
 f. 614-961-3598
www.stratsourcing.com

Quotation

Quote #	57827
Terms	NET 30
Contact	Jesse Shannon jshannon@franklinohio.org
Quote Date	1/27/2021
Expires	2/11/2021

Sales Rep: Howard Mandel
hmandel@stratsourcing.com
 p. 513 310 5411

Customer
 Franklin Police Department
 Jesse Shannon
 400 Anderson St
 Franklin, OH 45005
 UNITED STATES
 937-823-5203
jshannon@franklinohio.org

Bill To
 Franklin Police Department
 Accounts Payable
 400 Anderson St
 Franklin, OH 45005
 UNITED STATES
 937-823-5203

Ship To
 Franklin Police Department
 400 Anderson St
 Franklin, OH 45005
 UNITED STATES
 937-823-5203

Description	Customer PO	Contract	Ship Via
Franklin PD - Getac F110 Quote - 1 27 21			UPS Ground

Item	Mfg	Part #	Qty	Description	Price	Extended Price
1	Getac, Inc	FL21Z4JA1DXX	1	Getac F110 G5 Tablet - 11.6" - Intel Core i5 8th Gen i5-8265U Quad-core (4 Core) 1.60 GHz	\$1,903.00	\$1,903.00
2	Getac, Inc	GE-SVTBNFX5Y	1	Getac Protection Plus - 5 Year - Warranty - Maintenance - Parts & Labor - Physical Service	\$575.00	\$575.00

Sub Total: \$2,478.00
 Shipping and Handling: \$0.00
 Tax Rate: (0.00000) \$0.00
Total \$2,478.00

Totals may not include appropriate Taxes or Shipping Fees.
 All prices are subject to change without notice. Supply subject to availability.
 All Quotes and Pricing are Proprietary and Confidential.

Legislative Cover Memo

Meeting Date: April 5, 2021

Agenda Item: **Resolution 2021-31**
AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY
INTERNET AUCTION

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Ohio Revised Code requires a general notice to the public regarding how the City will dispose of its surplus property should it elect to use on-line auctioning services, such as GovDeals. This resolution is being passed to place the public on notice of the general terms and conditions the City will follow in selling surplus property via on-line auctions.

Exhibits: None.

Recommendation: Staff Recommends Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-31

AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION

WHEREAS, Each year City Department and Division Heads are directed to determine whether personal property owned by the City is unneeded, obsolete, or unfit for municipal purposes and where such surplus property is identified take necessary steps to dispose of such property; and

WHEREAS, Ohio Revised Code Section 721.15 authorizes a City to dispose of such property through the use of an internet auction; and

WHEREAS, the City will benefit from receiving income into the City derived from the sale of surplus property; and

WHEREAS, Where staff determines internet auction is the most cost effective and efficient means of disposing of said property, the public is hereby given notice that the general terms and conditions established below will be utilized when conducting the internet auction process on GovDeals or any similar on-line auction service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members of Council present concurring, that:

Section 1: This Council hereby expresses its intent to dispose of personal property during this fiscal year owned by the City that is unneeded, obsolete, or unfit for municipal purposes.

Section 2: The City of Franklin wishes to contract with GovDeals, Inc. to conduct auctions on behalf of the City. GovDeals, Inc. is a Delaware corporation having its principal place of business at 5913 Carmichael Place, Montgomery, Alabama 26117 (1-800-613-0156).

Section 3: The City will conduct internet auctions pursuant to Revised Code 721.15(D). The surplus property may be viewed on GovDeals.com or in person at the City Offices at 1 Benjamin Franklin Way, Franklin, Ohio 45005 during times outlined in the "Online Sales Terms and Conditions" to be set for each item to be sold throughout this fiscal year.

Section 4: Items to be auctioned shall be inventoried, listed by department, given an appropriate identification number, and contain pertinent information (e.g. year, make, model, mileage or use). Each Department and Division Head shall determine said property to not be needed for public use, obsolete or unfit for the use for which it was acquired and shall submit that property with a suggested minimum price to be sold via internet auction to the City Manager and Assistant to the City Manager.

Section 5: The City Council hereby designates the Assistant to the City Manager as its representative and shall be the official point of contact for all internet auctions. This person, with approval of the City Manager, shall be responsible for the following:

- A. Establish a minimum price for each item of City property to be auctioned;
- B. Establish, with approval of the Law Director, "terms and conditions" for online sales in accordance with this Resolution which shall be available for review at the City Municipal Building;

- C. Ensure that the property is sold by internet auction in accordance with this Resolution and the “terms and conditions” for online sales;
- D. Ensure that the City receives all monies due and owing to the City as a result of the sale of said property; and
- E. Complete training provided by GovDeals Client Services Department regarding Financial Settlement Services.

Section 6: The internet auction will be conducted in the following manner under the following general terms and conditions:

- A. All property will be offered for sale subject to the “City of Franklin’s Online Sales Terms and Conditions;”
- B. All property is offered for sale “AS IS, WHERE IS, AND WITHOUT WARRANTY.” The City of Franklin, Ohio makes no warranty, guaranty or representations of any kind, either express or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The “buyer” of any City property is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential – against the City that in any way relates to the purchase and/or use of the property;
- C. All property will be available to the public on the GovDeals.com website for a minimum of ten days, including Saturdays, Sundays and legal holidays as required in Section 721.15(D) of the Ohio Revised Code;
- D. If any City property offered for sale by internet auction is not sold within ten days after being posted on the GovDeals.com website, the City may withdraw said property from the internet auction at any time;
- E. City property shall not be transferred to a successful bidder until such time as guaranteed payment has been received in full;
- F. The City Council of the City of Franklin, Ohio reserves the right to reject any bids and to withdraw from sale any items listed on GovDeals.com.

Section 7: GovDeals, Inc. shall collect all auction proceeds by means of PayPal, credit card, wire transfer or other similar means. GovDeals, Inc. will charge each buyer a “Buyer’s Premium” of an established percent, which will be retained by GovDeals, Inc. The City shall pay zero percent fees of the GovDeals fee and the winning bidder shall pay all of the “Buyers Premium” to account for the GovDeals fee. In addition, GovDeals, Inc. shall be entitled to a fee per each item sold.

Section 8: GovDeals, Inc. will remit the auction proceeds, minus its fees and the “Buyer’s Premium,” to the City on an agreed upon basis.

Section 9: The City’s Clerk of Council is hereby directed to publish notice of Council’s intent to sell surplus property in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, notice of its intent to sell unneeded, obsolete, or unfit municipal

personal property by internet auction. Said notice shall include a summary of the information provided in this resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the City Clerk of Council, Finance Director, and entrance of the City's Municipal Building. A notice setting forth this Resolution shall also be conspicuously posted and maintained on the City's web site and shall remain posted continually throughout the calendar year on that web site.

Section 8. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn, Clerk of Council

Legislative Cover Memo

Meeting Date: April 5, 2021

Agenda Item: **Resolution 2021-32**
APPROVING SALE OF SURPLUS CITY PERSONAL PROPERTY
WITH ESTIMATED VALUE IN EXCESS OF \$1,000 AND
AUTHORIZING CITY MANAGER TO AFFECT SALE OF 2006
FORD EXPEDITION

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Fire Division has a 2006 Ford Expedition with an estimated value of \$1,500. The truck is no longer serviceable. The Fire Division benefits by selling it. It is the recommendation of staff that the truck be sold by public or on-line auction.

Exhibits: Exhibit A: The Declaration of Surplus Goods

Recommendation: Staff Recommends Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-32

**APPROVING SALE OF SURPLUS CITY PERSONAL PROPERTY WITH ESTIMATED VALUE IN EXCESS OF
\$1,000 AND AUTHORIZING CITY MANAGER TO AFFECT SALE OF 2006 FORD EXPEDITION**

WHEREAS, City of Franklin Codified Ordinance 115.02 Conditions for the Sale of Personal Property provides, in relevant part:

- (b) Estimated Value of One Thousand Dollars or More: Personal property belonging to the City, the estimated value of which is one thousand dollars (\$1,000) or more, may only be sold pursuant to a resolution passed by Council authorizing such sale, after a determination that such property is no longer needed for any municipal purpose. Council shall indicate in the resolution whether the property shall be sold by bid, in accordance with divisions (b)(1) and (b)(2) of this section; or by auction, in accordance with division (b)(3) of this section; or by internet auction, in accordance with section (e) hereof.
- (3) Auctions - Council may employ an auctioneer to sell personal property under this section.
- (e) Internet Auctions: Notwithstanding anything to the contrary in this chapter, Council may authorize the sale of personal property, regardless of its value, which is not needed for a municipal purpose, or is obsolete or unfit for the use for which it was acquired by internet auction, in accordance with ORC 721.15(D).

WHEREAS, the Fire Division has identified its 2006 Ford Expedition is no longer serviceable and, therefore, no longer needed for any municipal purpose; and

WHEREAS, either public or on-line auction is believed to be the most efficient and productive way to sell this surplus personal property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members of Council present concurring, that:

Section 1: The City does not benefit from continuing to own personal property which it determines no longer serves a municipal purpose;

Section 2: The 2006 Ford Expedition has an estimated value of \$1,500, is no longer serviceable and, therefore, it is declared it no longer serves a municipal purpose and should be sold.

Section 3: The Declaration of Surplus Goods is attached as Exhibit A.

Section 4: Council authorizes the City Manager to execute all agreements and to take all necessary action to employ an auctioneer to sell the 2006 Ford Expedition and to sell the property at a public auction.

Section 5: Council alternatively authorizes the City Manager to execute all agreements and to take all necessary action to sell the 2006 Ford Expedition by internet auction in accordance with Ohio Revised Code 721.15(D).

Section 6: In compliance with Ohio Revised Code 721.15(D), the bidding for the personal property shall be no less than ten days, including Saturdays, Sundays, and legal holidays. The City Manager and

Assistant City Manager are authorized to conduct the auction and the City Manager is authorized to contract with a representative to conduct the auction.

Section 7: The property specific terms and conditions of sale are that the truck will be sold as is with a minimum bid of \$800.00: pick up within ten days of the bid award, and payment by check or money order. These property specific terms and conditions shall be provided on the internet at the time of the action and may be provided before that time upon request after the passage of this Resolution.

The City Clerk is directed to publish this Resolution in compliance with 712.15.

Section 8. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn, Clerk of Council

Declaration of Surplus Goods

The following item(s) have/has been declared to be no longer serviceable by the City of Franklin, Division of Fire. The item(s) have an estimated value of one thousand dollars (\$1000.00) or less. The property will be disposed of by on line auction at Govdeals.com. or similar website, or if so inclined, by the City of Franklin, at public auction, in accordance with established policies.

Qty.	ITEM		Estimated value	Total
1	2006 Ford Expedition		\$1500.00	\$1500.00

Date _____

Signature of the Fire Chief

Signature of the City Manager

Legislative Cover Memo

Meeting Date: April 5, 2021

Agenda Item: **Resolution 2021-33**
DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY, FORMERLY KNOWN AS 335 S. MAIN STREET, FRANKLIN, OHIO, PERMANENT PARCEL ID#: 04-32-386-015.

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This property was sold without bidding to MJ Holdings in order to stimulate economic development for the downtown area. Unfortunately, the burdens of COVID rendered the project economically unfeasible for MJ Holdings to continue as planned in good faith by MJ Holdings and the City of Franklin. This resolution will empower the City Manager to purchase the identified property within the City of Franklin for \$1.00.

Exhibits: Exhibit A: Quit Claim Deed

Recommendation: Staff Recommends Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-33

**DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE
TITLE TO OR INTERESTS IN REAL PROPERTY, FORMERLY KNOWN AS 335 S. MAIN STREET, FRANKLIN,
OHIO, PERMANENT PARCEL ID#: 04-32-386-015**

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 3.03 POWERS OF COUNCIL, provides:

- (i) The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by: the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant, shall be in the manner provided by the ordinance authorizing the sale, conveyance, lease, or grant provided that real estate shall not be sold or leased except to the highest and best bidder after competitive bids have been received pursuant to a notice of the proposed sale or lease published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City. Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in a conspicuous location on such property and shall remain posted for four (4) consecutive weeks. The requirement that real estate be sold or leased only after competitive bidding may be waived upon the vote of at least five (5) members of the Council provided, however, that the Council shall give notice of its intent to dispense with competitive bidding by publication of such intent in the manner prescribed herein and by the reading of such intent at two consecutive regular Council meetings. Notwithstanding any other provision of this section, property may be sold or leased to the United States, the State of Ohio, or any governmental unit or agency thereof, without competitive bidding, by ordinance, upon the vote of at least five (5) members of Council. (Ord 17-17, 11-17-17; passed by electorate 11-17-17, eff. 1-1-18);

WHEREAS, the City Manager, under the Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on January 1, 2018, Section 3.03 POWERS OF COUNCIL, appoints the City Contracting Officer; and

WHEREAS, the City sold permanent parcel number 04-31-127-0170, formerly known as 335 S. Main Street, Franklin, OH 45005 to MJ Holdings LLC with intentions of stimulating economic development, however, the timing of this project faced severe impediments with the onset of COVID rendering it economically unfeasible for MJ Holdings LLC to continue; and

WHEREAS, the City desires to acquire this property back in order to explore new opportunities for development of it; and

WHEREAS, the Seller MJ Holdings LLC has offered to sell the property to the City of Franklin for the sum of \$1.00; and

WHEREAS, the City benefits, as to its citizens, when the City purchases certain property situated in city limits that it deems desirable to accomplish the objectives established by council and carried out by staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members of Council present concurring, that:

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to reduce blight, nuisance, and like conditions within the City;

Section 2. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to acquire certain property, regardless of whether such property in blighted or nuisance like condition, to accomplish the objectives established by Council and carried out by Staff to best serve its citizens;

Section 3. The City Manager is hereby empowered and directed, by Council under Charter Section 3.03(i), to carry out the City's objectives by acquiring title to or interests in the real property identified by permanent parcel number 04-32-386-015 and formerly known as 335 S. Main Street, Franklin, OH 45005, said parcel to be sold to the City of Franklin in the amount of \$1.00;

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 5, 2021

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on April 5, 2021

Khristi Dunn, Clerk of Council

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT MJ HOLDINGS LLC, Grantor, in consideration of One Dollar (\$1.00) and other good and legal consideration, to it in hand paid by **THE CITY OF FRANKLIN, OHIO, an Ohio municipality**, Grantee, whose tax mailing address is 1 Benjamin Franklin Way, Franklin, Ohio 45005, does hereby **Remise, Release and Forever Quit Claim**, to the said THE CITY OF FRANKLIN, OHIO, Franklin, Ohio, its successors and assigns forever, the following described Real Estate:

Situate in the City of Franklin, County of Warren, State of Ohio, and is described as follows:

And being Lot Numbered FOUR HUNDRED EIGHTY-FIVE (485) of the revised Plat of the said City of Franklin, Warren County, Ohio and also a strip of land lying South of and immediately adjacent to the above described lot, which strip of land was formerly used for alley purposes, by which was recently vacated for that purpose, being approximately 6 feet by 192 feet containing approximately 0.026 Acres, more or less.

Subject, however, to all restrictions, reservations, limitations, conditions, covenants, easements, rights of way, and legal highways of record pertaining to the same and now in force and effect.

Permanent Parcel Number: 04-32-386-015

Prior Deed Reference: Deed 2020-003433; Deed 2014-009434; Official Record 3643, Page 787; Plat Book 2, Pages 17 through 37 of the Deed Records of Warren County, Ohio.

Commonly known as: 335 S. Main Street, Franklin, Ohio 45005.

Executed this _____ day of _____, 2021.

GRANTOR:

MJ HOLDINGS LLC

By: _____
JASON GROVES – Member / Owner

STATE OF _____)
: SS
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2021, before me, the subscriber, personally came the above-named MJ HOLDINGS LLC, by and through its Member / Owner JASON GROVES, the Grantor in the foregoing deed and as such, acknowledged the signing of the same to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.

Notary Public

This instrument prepared by:

Lynnette Dinkler
Law Director – City of Franklin
DINKLER LAW OFFICE, LLC
5335 Far Hills Avenue, Suite 123
Dayton, OH 45429