



Pat Moeller
Mayor

Carla Fiehrer Vice Mayor	Matthew Von Stein Council Member	Kathleen Klink Council Member	Rob Wile Council Member	Robert Brown Council Member	Timothy Naab Council Member
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Call to Order

Offering of Prayer – Vice Mayor Fiehrer

Pledge of Allegiance

Special Presentations by City Council or the City Manager/ Proclamations/ Verbal Reports

1. Holiday Garden Appearance Awards presented by Ann Coombs
2. Larry Bowling Proclamation
3. Street Spark Program presented by Ian Mackenzie-Thurley and Jennifer Acus-Smith

Audience of Citizens

Individuals who wish to make comments regarding items scheduled on the Agenda may speak during this part of the agenda or may reserve the right to speak specifically when that item is up for a vote on Council floor. Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address City Council are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

Consent Agenda

The Consent Agenda is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Agenda. Anyone may request an item on this calendar to be "pulled" off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately under Pulled Consent Items.

- Approval of Minutes
- All Staff Reports
- Receive and File
- [Informational Report – Regarding 120 Warwick Avenue](#)
- [Informational Report - Regarding the 2016 Special Improvement District \(SID\) Renewal](#)
- [Informational Report- Report regarding the November 2015 Investment Report](#)
- Committee of the Whole Report (Includes all Caucus Reports)

Caucus Agenda January 13, 2015

1. [Recommendation relative to the StreetSpark Program](#)
2. [Recommendation relative to a Liquor Permit Transfer from Five Points Food Mart LLC, dba Five Points Market to Grand C Store](#)
3. [Recommendation relative to a request to amend the Zoning Ordinance: Section 1116.100 "R-2A" Single Family Residence District.](#)
4. [Recommendation relative to Housing/Health Code changes.](#)

Public Hearings

-None-





These icons illustrate which strategic goals Council Actions align to

Live



Increase residential property values by CPI + 5%

Work



Realize \$150 million of new private industrial/commercial investment

Play



Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River



Decrease vacant residential structures by 30% (1000 total)



Add 2,000 net new jobs



Engage 50,000 participants annually in special events, arts, and recreation activities



General Operations and Government Business

Council Actions Pertaining to Legislative Items:

New Legislation:

4. [An ordinance amending and supplementing the Codified Ordinances of the City of Hamilton, Ohio by amending Chapter 134, eliminating the Department of Energy Management and Utility Business Affairs, and establishing the Department of Utilities Engineering. \(Two Readings.\)](#) ①
5. [An emergency ordinance amending Schedule “A” of the City’s Classification and Compensation plan, as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014, and as amended from time to time, relative to the classification of Senior Analyst, Associate Analyst, GIS Administrator, Information Technology Director, and Computer Network Support Specialist, and declaring an emergency. \(Two Readings.\)](#) ①
6. [An emergency ordinance amending Schedule “A” of the City’s Classification and Compensation plan, as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014, and as amended from time to time, relative to the classification of Director of Utilities Engineering, Assistant Public Utilities Director, Director of Electric, Director of Underground Utilities, and declaring an emergency. \(Two Readings.\)](#) ①
7. [An emergency ordinance amending and supplementing Schedule “A” of the Classification and compensation plan of the City of Hamilton, Ohio, as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014, relative to salaries for certain City employees, and repealing existing Schedule “A” as set forth in said ordinance. \(Two Readings\)](#) ①
8. [A resolution approving the terms and conditions of a successor collective bargaining agreement negotiated between the City of Hamilton, Ohio, and the International Association of Firefighters \(IAFF\), Local 20, authorizing and directing the execution of said collective bargaining agreement.](#) ①





9. [A resolution requesting that the Butler County Auditor advance to the Treasurer of the City of Hamilton, Ohio, taxes assessed and collected for and on behalf of the City of Hamilton, Ohio.](#) ①
10. [A resolution renewing the Hamilton Central Business Special Improvement District, approving the plan of services, and declaring the necessity to levy special assessments to implement the plan of services for the Hamilton Central Business Special Improvement District upon the lots and lands benefited by said plan of services.](#) ①
11. [A resolution accepting of the donation of two parcels of real property located on Vista Drive within the City of Hamilton, Ohio from Stephen W. Anglin, trustee and incorporating the aforesaid property into Crawford Woods.](#) ①

Audience of the City Manager

Audience of City Council

Executive Session

Adjournment



City Council Information Report

TO: The Honorable Mayor and Members of the
City Council

FROM: John Creech

RE: Informational Report on 120 Warwick Avenue

<input type="checkbox"/> 1 st Reading Date:
<input type="checkbox"/> 2 nd Reading Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

Please accept this memo as an FYI. On May 27, 2015 City Council reversed a decision to deny a conditional use by the BZA. In so doing, City Council passed an ordinance (staff report & ordinance attached) reversing the BZA decision to deny the conditional use and thereby approving the conditional use with eleven (11) conditions. The Community Development Department has mailed correspondence including additional copies of the ordinance to the owner/operator (Mr. Eynon) asking him to inform the City when an inspection of the property can be carried out to determine if he (Mr. Eynon) is in compliance with the City Council reversal of the BZA denial. Mr. Eynon has never called for a final inspection and staff has investigated and found that he is not in compliance with the eleven (11) conditions of approval.

The Community Development Department will be pursuing zoning violation action against Mr. Eynon. In addition, it may be necessary for Council in the future to repeal the ordinance for non-compliance.

Attachment:

City Council Staff Report & OR2015-5-45



City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Heather Sanderson Lewis, Law Director

Agenda Item: Report Regarding an Appeal of the Hamilton Board Of Zoning Appeals (BZA) Decision Regarding the Denial of a Conditional Use Request at 120 Warwick Avenue, City of Hamilton, Butler County, Ohio (Dan Eynon, Appellant)

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> A Add new jobs <input type="checkbox"/> R Realize new investments <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution Amended Ordinance	<input checked="" type="checkbox"/> 1 st Reading Date: 5-13-15 <input checked="" type="checkbox"/> 2 nd Reading Date: 5-27-15 <input checked="" type="checkbox"/> Public Hearing Date: 5-13-15	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Board of Zoning Appeals: 4-2-15	
Contract	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: No General Fund: \$200.00 Other Funds: \$ 0.00	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

POLICY ISSUE

Does City Council wish to reverse the April 2, 2015 decision of the Board of Zoning Appeals ("BZA") denying a Conditional Use request at 120 Warwick Avenue, and establish the Conditional Use with conditions recommended by City Administration?

POLICY ALTERNATIVE(S)

Council may choose to reverse the decision of the BZA denying the Conditional Use at 120 Warwick Avenue contingent upon the conditions designated in the amended ordinance, may reverse without conditions or may request additional conditions.

STAFF RECOMMENDATION

An appeal was heard by Council on May 13, 2015 and a motion moving the adoption of an Ordinance affirming the decision of the BZA failed to pass. An ordinance reversing the decision of the BZA received a



first reading and Council instructed the Law Director to prepare an amended ordinance reversing the decision of the BZA and establishing the Conditional Use contingent on certain conditions recommended by administration.

The administration recommended the following conditions (listed in Background Information section).

STATUTORY/POLICY AUTHORITY

- Section 1155.70 – Appeals (Conditional Uses) Hamilton Zoning Ordinance

FISCAL IMPACT SUMMARY

The City's current fiscal impact includes any staff time allotted to the preparation of the documentation for the Appeal of the BZA decision to deny the Conditional Use request for 120 Warwick Avenue estimated at approximately \$200.00.

BACKGROUND INFORMATION

Dan Eynon established an Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) on the property located at 120 Warwick Avenue. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) land use is not outright permitted in the I-2 Zoning district and must be approved by the BZA as a Conditional Use. Dan Eynon submitted an application to approve the Conditional Use on March 5, 2015. Pursuant to 1150.00 of the Hamilton Zoning Ordinance, the BZA held a public hearing and reviewed the application submitted by Dan Eynon on April 2, 2015. The BZA after holding a public hearing and consideration denied the application with reasons as listed on the BZA Letter to Applicant with Reasons for Denial dated April 8, 2015. Dan Eynon filed a written Appeal of the BZA denial of the Conditional Use application.

The appeal was heard by Council on May 13, 2015 and a motion moving the adoption of the Ordinance affirming the decision of the BZA failed to pass. An ordinance reversing the decision of the BZA received a first reading and Council instructed the Law Director to prepare an amended ordinance reversing the decision of the BZA and establishing the Conditional Use contingent on certain conditions.

The following conditions that have been added to the amended ordinance are as follows:

- 1) If any future building, electric, HVAC, etc. permits are required as part of the Conditional Use, all improvements and work associated with said permits should be maintained to remain in compliance with the Conditional Use.
- 2) The hours of operation of the Conditional Use shall be generally limited to 7AM – 7PM Monday-Saturday.
- 3) That the applicant installs a minimum six (6) foot privacy fence to the North and West of the property. Fence must comply with sight distance triangle requirements at intersection of Hunter Avenue and Gordon Avenue Alley i.e. the sight triangular area shall be bounded by the intersecting lot lines and by a line connecting points on said intersecting lot lines ten (10) feet distant from the intersection of said lines or their extensions.
- 4) No trucks, semis or trailers associated with the Conditional Use shall use Hunter Avenue north the intersection of Warwick Avenue and Hunter Avenue.
- 5) No trucks, semis or trailers associated with the Conditional Use shall use the Gordon Avenue Alley (alley on north-side of 120 Warwick Avenue).
- 6) No exterior storage of junk, debris, or junk materials, etc. of any kind etc.



- 7) No dismantling, wrecking, or demolition of vehicles, trucks, semis or trailers outside of an enclosed building.
- 8) The property shall remain secured by fencing/access control for the duration of the Conditional Use.
- 9) No on-street parking of any employee private vehicles, including trucks, semis or trailers associated with the Conditional Use.
- 10) All vehicles, trucks, semis or trailers stored or based on the property as part of the Conditional Use be maintained in good repair, operable, and maintain a current vehicle registration.
- 11) All improvements and work approved as conditions above be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use.

ATTACHED INFORMATION

- Exhibit A - Written Appeal submitted by Dan Eynon
- Exhibit B - BZA Letter to Dan Eynon with Reasons for Denial
- Exhibit C - BZA Staff Report for April 2, 2015 Meeting
- Exhibit D - Draft BZA Meeting Minutes of April 2, 2015

COPIES PROVIDED TO:

N/A



AMENDED ORDINANCE NO. OR2015-5-45

AN AMENDED ORDINANCE REVERSING THE BOARD OF ZONING APPEALS' DECISION REGARDING THE DENIAL OF A REQUEST TO ESTABLISH A CONDITIONAL USE AT 120 WARWICK AVENUE, CITY OF HAMILTON BUTLER COUNTY, OHIO. (Dan Eynon, Applicant)

WHEREAS, the Clerk of Council of the City of Hamilton, Ohio, received a written appeal from Mr. Dan Eynon, regarding a request to establish a Conditional Use at 120 Warwick Avenue in accordance with Section 1155.70 of the Hamilton Zoning Ordinance; and

WHEREAS, Mr. Eynon, submitted an application to establish a Conditional Use described as "Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal)" at 120 Warwick Avenue, and

WHEREAS, the Board of Zoning Appeals of the City of Hamilton, held a public hearing and reviewed the request to establish a Conditional Use at their April 2, 2015 meeting and property owners within 500 feet of the subject property were notified by mail of the public hearing before the Board of Zoning Appeals and there were objections expressed to the proposed Conditional Use; and

WHEREAS, after holding a public hearing and reviewing the Conditional Use request, the Board of Zoning Appeals determined that there were reasons to deny the request to establish a Conditional Use at 120 Warwick Avenue based on a review of Section 1155.30.C. of the Hamilton Zoning Ordinance; and

WHEREAS, the Board of Zoning Appeals denied the request to establish a Conditional Use submitted by Mr. Eynon with written reasons for denial pursuant to review of Section 1155.30.C. of the Hamilton Zoning Ordinance as follows:

- 1) The proposed Conditional Use will substantially or permanently injure the appropriate use of neighboring property and will not serve the public convenience and welfare. (Conditional Use Review Criteria #2)
 - a. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use was established without prior zoning approval.
 - b. The lot has various vehicles and junk throughout the site. There is also a fence around the site but it does not provide adequate screening from the residential homes to the North and the West.
 - c. No site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, employee parking, etc.
 - d. The concerns (a-c above) associated with the Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) could substantially or permanently injure the appropriate use of neighboring property.
- 2) The proposed Conditional Use will not be harmonious with the existing or intended character of the general vicinity, and that such use will change the essential character of the same area (Conditional Use Review Criteria #3)
 - a. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use was established without prior zoning approval.
 - b. The lot has various vehicles and junk throughout the site. There is also a fence around the site but it does not provide adequate screening from the residential homes to the North and the West.
 - c. No site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, employee parking, etc.
 - d. The concerns (a-c above) associated with the Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) will not be harmonious with the existing or intended character of the general vicinity, and the use will change the essential character of the same area.

Amended Ordinance No. OR2015-5-45 (cont'd)

- 3) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets. (Conditional Use Review Criteria #5)
 - a. No site plan was submitted to determine vehicular approaches to the property. It is assumed that the existing access off of Warwick will be the vehicular access to the property. However, as stated above no site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, worker parking, etc.
- 4) The proposed Conditional Use will not comply with all applicable development standards, except as specifically altered by the BZA in the approved Conditional Use. (Conditional Use Review Criteria #6)
 - a. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use was established without prior zoning approval.
 - b. The lot has various vehicles and junk throughout the site. There is also a fence around the site but it does not provide adequate screening from the residential homes to the North and the West.
 - c. No site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, employee parking, etc.
 - d. The concerns (a-c above) associated with the Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) violate the minimum development standards for the proposed use.
- 5) The proposed Conditional Use will be hazardous to or have a negative impact on existing or future neighboring uses. (Conditional Use Review Criteria #7)
 - a. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use was established without prior zoning approval.
 - b. The lot has various vehicles and junk throughout the site. There is also a fence around the site but it does not provide adequate screening from the residential homes to the North and the West.
 - c. No site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, employee parking, etc.
 - d. The concerns (a-c above) associated with the Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) will have a negative impact on existing or future neighboring uses.
- 6) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district. (Conditional Use Review Criteria #8)
 - a. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use was established without prior zoning approval.
 - b. The lot has various vehicles and junk throughout the site. There is also a fence around the site but it does not provide adequate screening from the residential homes to the North and the West.
 - c. No site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, employee parking, etc.
 - d. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) will be detrimental to persons, property, and the general welfare by reason of concerns (a-e above).
- 7) The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. (Conditional Use Review Criteria #9)

Amended Ordinance No. OR2015-5-45 (cont'd)

- a. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use was established without prior zoning approval.
- b. The lot has various vehicles and junk throughout the site. There is also a fence around the site but it does not provide adequate screening from the residential homes to the North and the West.
- c. No site plan was submitted to indicate what parts of the property would be used for public access, storage/parking of trucks, where repair work will take place, employee parking, etc.
- d. The Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal) use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district by reason of the concerns (a-c above).

WHEREAS, after hearing the appeal filed by Daniel Eynon on May 13, 2015, the City Council of the City of Hamilton decided to reverse the decision of the Board of Zoning Appeals and establish a Conditional Use described as "Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal)" contingent upon certain conditions; and

WHEREAS, an Ordinance was read at the Council meeting on May 13, 2015, reversing the decision of the Board of Zoning Appeals and Council directed the Law Director to prepare an Amended Ordinance specifying certain conditions for the Conditional Use; and

WHEREAS, administration has recommended the following conditions be required to establish the requested Conditional Use:

- 1) If any future building, electric, HVAC, etc. permits are required as part of the Conditional Use, all improvements and work associated with said permits should be maintained to remain in compliance with the Conditional Use.
- 2) The hours of operation of the Conditional Use shall be generally limited to 7AM – 7PM Monday-Saturday.
- 3) That the applicant installs a minimum six (6) foot privacy fence to the North and West of the property. Fence must comply with sight distance triangle requirements at intersection of Hunter Avenue and Gordon Avenue Alley i.e. the sight triangular area shall be bounded by the intersecting lot lines and by a line connecting points on said intersecting lot lines ten (10) feet distant from the intersection of said lines or their extensions.
- 4) No trucks, semis or trailers associated with the Conditional Use shall use Hunter Avenue north the intersection of Warwick Avenue and Hunter Avenue.
- 5) No trucks, semis or trailers associated with the Conditional Use shall use the Gordon Avenue Alley (alley on north-side of 120 Warwick Avenue).
- 6) No exterior storage of junk, debris, or junk materials, etc. of any kind etc.
- 7) No dismantling, wrecking, or demolition of vehicles, trucks, semis or trailers outside of an enclosed building.
- 8) The property shall remain secured by fencing/access control for the duration of the Conditional Use.
- 9) No on-street parking of any employee private vehicles, including trucks, semis or trailers associated with the Conditional Use.
- 10) All vehicles, trucks, semis or trailers stored or based on the property as part of the Conditional Use be maintained in good repair, operable, and maintain a current vehicle registration.
- 11) All improvements and work approved as conditions above be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use; and

WHEREAS, Council wishes to establish the Conditional Use subject to the aforesaid conditions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

Amended Ordinance No. OR2015-5-45 (cont'd)

SECTION I: After hearing the appeal, Council reverses the decision of the Board of Zoning Appeals made on April 2, 2015 and hereby approves the request of Daniel Eynon to establish a Conditional Use described as "Exterior Storage and/or Parking of Contractor's Supply and Equipment (Truck Terminal)" at 120 Warwick Avenue, City of Hamilton, Butler County, Ohio contingent upon the following conditions:

- 1) If any future building, electric, HVAC, etc. permits are required as part of the Conditional Use, all improvements and work associated with said permits should be maintained to remain in compliance with the Conditional Use.
- 2) The hours of operation of the Conditional Use shall be generally limited to 7AM – 7PM Monday-Saturday.
- 3) That the applicant installs a minimum six (6) foot privacy fence to the North and West of the property. Fence must comply with sight distance triangle requirements at intersection of Hunter Avenue and Gordon Avenue Alley i.e. the sight triangular area shall be bounded by the intersecting lot lines and by a line connecting points on said intersecting lot lines ten (10) feet distant from the intersection of said lines or their extensions.
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- 7) No dismantling, wrecking, or demolition of vehicles, trucks, semis or trailers outside of an enclosed building.
- 8) The property shall remain secured by fencing/access control for the duration of the Conditional Use.
- 9) No on-street parking of any employee private vehicles, including trucks, semis or trailers associated with the Conditional Use.
- 10) All vehicles, trucks, semis or trailers stored or based on the property as part of the Conditional Use be maintained in good repair, operable, and maintain a current vehicle registration.
- 11) All improvements and work approved as conditions above be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use.

SECTION II: This amended ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: May 27, 2015

Effective Date: June 27, 2015

ATTEST: Marcos Nichols
Acting City Clerk


Mayor

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Amended Ordinance No. OR2015-5-45 was duly published as provided in

Amended Ordinance No. OR2015-5-45 (cont'd)

Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:
May 29, 2015



Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council

FROM: Marcos Nichols, Acting City Clerk

RE: Report regarding the on 2016 Special Improvement District (SID) Renewal.

Dear Mayor and Members of Council:

On Wednesday, May 6, 2015, the SID Board of Trustees unanimously voted to renew the Hamilton Central Business Special Improvement District, Inc. and Plan of Services for ten years at a per front foot cost of \$9.82 with an escalator clause that will take effect in 2017 based on the local CPI (Consumer Price Index) not to exceed 3% annually.

On Wednesday, November 4, 2015, the SID Board of Trustees unanimously voted to accept the signed petitions for the renewal of the SID and to forward them to the City. The petitions were submitted to the City and have been certified by the Acting City Clerk.

This report is provided for your information.

Related Strategic Goal(s)

- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- A** Add 2,000 new jobs
- R** Realize \$150 million of new private industrial/commercial investment
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General operations / Government Business



City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council
FROM: Deborah Hymer, Treasurer
RE: Report regarding the November 2016 Investment Report

Dear Mayor and Members of Council:

This report is provided for your information and requires no City Council action.

Related Strategic Goal(s)

- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- A** Add 2,000 new jobs
- R** Realize \$150 million of new private industrial/commercial investment
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General operations / Government Business





MONTHLY REPORT
OF THE
INVESTMENT ADVISORY
COMMITTEE

Prepared by the Department of Finance

NOVEMBER, 2015

MONTHLY REPORT
OF THE
INVESTMENT ADVISORY
COMMITTEE
OF THE CITY OF HAMILTON, OHIO

November 1, 2015 through November 30, 2015

INVESTMENT ADVISORY COMMITTEE

NOVEMBER 2015

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Monthly Investment Committee Report

November 2015

Introduction

This document meets the requirement of the City of Hamilton's Certified Investment Policy to report monthly to the Investment Advisory Committee. The report is designed to allow the Committee to ascertain that the City's investment activities conform to the Investment Policy and achieve the benchmark rate of return. In addition, the report includes commentary regarding the fixed income market and general economic conditions.

The Investment Advisory Committee approves the Investment Policy, reviews the City's investments, and adopts rules that assure the Policy is met. The Committee includes the Mayor (or Council designee), the City Manager, the Law Director, the Finance Director, and the Treasurer. The Committee attempts to meet annually and to convey investment reports monthly.

It is the policy of the City of Hamilton, Ohio to invest interim funds to achieve the maximum preservation and security of funds, meet daily cash flow needs, and after achieving these objectives, achieve the highest rate of return. Investments are made using the "prudent investor" rule. Funds sufficient to meet payment obligations are kept in liquid funds. Funds not immediately needed are invested. Investments are made with the expectation that they will be held to maturity.

Investments include only those as provided in Chapter 135 of the Ohio Revised Code. All deposits must be collateralized at 102% of market value. Investments are diversified in accordance with the Investment Policy. The maximum maturity for investments is five years.

The City has pooled General Accounts, Rate Stabilization Accounts for the four City utilities, and an Electric System Reserve Account.

The portfolio performance standard is a weighted benchmark as follows: 50% average two-year Treasury Note, 25% three month average Star Plus yield; 25% Federal Funds Rate.

The City has a checking sweep account at US Bank, STAR Ohio & Star Plus money market accounts managed by the Ohio Treasurer of State, managed accounts with Bond-Tech, Inc., and two First Financial Bank Money Market Accounts. The City also has a custodial account with US Bank to settle trades.

Account	October Book Value	November Book Value	Variance	Interest Rate %
U.S. Bank Sweep Acct	3,557,376.97	5,281,067.52	1,723,690.55	0.05
First Financial-Gen Oper	35,266,572.24	37,272,039.68	2,005,467.44	0.20
COH Treasurer's Notes	664,634.30	664,634.30	0.00	1.96
STAR Ohio – General	0.00	0.00	0.00	0.18
STAR Plus	20,085,024.14	20,088,487.53	3,463.39	0.20
First Financial Rate Stab.	12,838,706.63	12,840,817.10	2,110.47	0.20
Bond Tech Managed Portfolio	13,247,223.45	9,998,504.13	(3,248,719.32)	1.17
Total	85,659,537.73	86,145,550.26	486,012.53	

As noted in the table above, the overall portfolio variance for November increased \$486,012.53 from October as described below.

The **US Bank Sweep Account** increased due to a call on November 30th. Interest income was \$253.57 for November.

The **First Financial General Operating** account increased from October to November, as investments were called and moved to the overnight account, earning interest income of \$5,479.44.

The **City of Hamilton's Treasurer's Notes:** Four Treasurer's Notes remain on the books effective November 30, 2015. A Treasurer's Note of \$100,000.00 financed the acquisition and installation of new golf course maintenance and irrigation equipment for the City's municipal golf courses. The note balance is \$20,000. A second Treasurer's Note of \$1,000,000.00 was sold to construct various 2010 special assessment projects. The note balance is \$192,800. The third Treasurer's Note of \$425,000.00 was sold in July, 2011 for a portion of the construction and repair of sidewalks, curbs, and gutters on various streets as part of the 2011 Special Assessment Street and Sidewalk Program. The note balance is \$170,000.00. The last Treasurer's Note of \$475,750.00 was sold February 15, 2013 for Municipal Golf Course maintenance equipment, clubhouse improvements, and golf and beverage cart purchases. The note balance is \$281,834.30.

The **STAR Ohio General Money Market** account remains at a zero balance as all funds were previously transferred to other institutions providing higher yields.

The **STAR Plus** account is a federally insured cash account that enables Ohio's political subdivisions to receive very competitive yields on their cash deposits thru a network of carefully-selected FDIC insured banks. STAR Plus offers weekly liquidity without penalty from withdraws and seamless integration with the existing general operating STAR Ohio account. The City received 20 basis points for November, or \$3,463.39 in interest earnings.

The **First Financial Rate Stabilization** account has provided a stable investment opportunity for the utility indenture funds. There was an inter fund transfer this month from the Electric System Reserve account to the Electric Rate Stabilization account of \$1,900,000.00. Interest income for November was \$2,110.47.

The net decrease in the **Bond Tech Managed Portfolio** of government securities reflects one settled investment purchase during November of \$999,500, two investment calls of \$4,250,000, the net of Treasury Investment Pool premiums and discounts as of November 30, and interest income.

I. INVESTMENT ACTIVITY REPORT

November 2015

Monetary policy is made by the Federal Open Market Committee (FOMC) which consists of the members of the Board of Governors of the Federal Reserve System and five Reserve Bank presidents. Together, they are responsible for open market operations, the discount rate, and reserve requirements. The FOMC holds eight regularly scheduled meetings during the year and other meetings as needed. The FOMC did not meet in November.

The federal funds rate continues at 0.00% - 0.25%. The Committee continues to assess labor market conditions, inflation data and financial developments to determine when an appropriate increase in the federal funds rate is warranted. That decision to raise the rate may come as soon as next month.

The City's account balance of \$86,145,550.26 consists of the Bond Tech invested portfolio, four Treasurer's Notes, STAR Plus, two First Financial Money Markets, and the US Bank Sweep (See Tables II and III). For November, the Bond Tech General account had an unrealized loss in market value compared to book value of \$2,004.28 on the existing securities. This is a fluctuation where the market value of the securities fell below book value at the time of reporting. The portfolio experienced a realized gain of \$1,670.17 on the two investment calls. Total undistributed interest income for these accounts totaled \$33,371.40, including Treasury Investment Pool activity.

The City of Hamilton's Investment Policy requires portfolio reporting to the Investment Advisory Committee, including investment type, book value, market value and income earned. The Portfolio Performance Summary Table III provides this detail.

The Realized Estimated Annual Income for the portfolio is \$272,024.72, consisting of realized net gains or losses plus estimated annual interest. It calculates to be 0.32% of investment book value versus the benchmark target of 0.58%. The approximate \$1.0 million Bond Tech book values provided a yield in November of 1.17 percent, but the \$4,250,000 in calls reduced the overall estimated annual income and the corresponding benchmark rate of return calculation for November. Additional authorizations were given to invest a portion of the idle funds, but no purchases were made at the time of publication. A major change is set for the New Year which will lend to greater realized annual incomes for the City. As always, conservatism remains the key to meet our investment objectives of safety first, liquidity second and lastly yield.

Respectfully submitted,



Deborah J. Hymer
Treasurer

II. Portfolio Balance Summary - November 30, 2015

General Accounts -- Book Values

Liquid Funds

STAR Ohio - General	\$	-
Star Plus	\$	20,088,487.53
U.S. Bank Treasury Investment	\$	5,281,067.52
First Financial*	\$	36,122,039.68
Total	\$	61,491,594.73

Invested Funds

Bond Tech			
U.S.Treasury/Agency	\$	9,998,504.13	
Certificates of Deposit	\$	-	
U.S. Treasury/Agency	\$	-	
Money Market Fund	\$	-	
COH Treasurer's Note	*	\$	-
			Held w/in US Bank O/N
COH Treasurer's Note	*	\$	20,000.00
			Held w/in US Bank O/N
COH Treasurer's Note	*	\$	192,800.00
			Held w/in US Bank O/N
COH Treasurer's Note	*	\$	170,000.00
			Held w/in US Bank O/N
COH Treasurer's Note	*	\$	281,834.30
			Held w/in US Bank O/N
Total	\$	10,663,138.43	

Total Liquid and Invested Funds

\$ 72,154,733.16

Utility Rate Stabilization & Reserve Accounts

	<u>First Financial</u>	<u>Invested Funds</u>	<u>Reserve Funds</u>	
			*Held as part of First Financial	
Gas Utility (Fund 516)				
Liquid Funds First Financial	\$	2,511,820.92		
Bond Tech U.S. Treasury/Agency		\$	-	
Reserve Account (Fund 517)			\$	200,000.00 *
Electric Utility (Fund 526)				
Liquid Funds First Financial	\$	4,010,107.81		
Bond Tech U.S. Treasury/Agency		\$	-	
Electric System Reserve (Fund 527)				
Liquid Funds First Financial	\$	2,907,178.52		
Bond Tech U.S. Treasury/Agency		\$	-	
Water Utility (Fund 536)				
Liquid Funds First Financial	\$	1,379,121.83		
Bond Tech U.S. Treasury/Agency		\$	-	
Reserve Account (Fund 537)			\$	200,000.00 *
Waste Water Utility (Fund 546)				
Liquid Funds First Financial	\$	2,032,588.02		
Bond Tech U.S. Treasury/Agency		\$	-	
Reserve Account (Fund 547)			\$	750,000.00 *
Total	\$	12,840,817.10	\$	-
			\$	1,150,000.00
			\$	13,990,817.10

Grand Total All Funds

\$ 86,145,550.26

**III. Portfolio Performance Summary
As of November 30, 2015**

Investment	Book Value	Market Value	Unrealized Gains/Losses	Realized Gains/Losses	Estimated Annual Interest	Est'd Annual Total Income	Realized Estimated Annual Income
Star Ohio General (1)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Star Plus	\$ 20,088,487.53	\$ 20,088,487.53	\$ -	\$ -	\$ 40,176.98	\$ 40,176.98	\$ 40,176.98
First Financial Rate Stab (2)	\$ 9,933,638.58	\$ 9,933,638.58	\$ -	\$ -	\$ 19,867.28	\$ 19,867.28	\$ 19,867.28
First Financial Elec Sys Reserve (3)	\$ 2,907,178.52	\$ 2,907,178.52	\$ -	\$ -	\$ 5,814.36	\$ 5,814.36	\$ 5,814.36
US Bk Checking Sweep (1)	\$ 5,281,067.52	\$ 5,281,067.52	\$ -	\$ -	\$ 2,640.53	\$ 2,640.53	\$ 2,640.53
First Financial General Operating*	\$ 37,272,039.68	\$ 37,272,039.68	\$ -	\$ -	\$ 74,544.08	\$ 74,544.08	\$ 74,544.08
City of Hamilton Treasurer's Note (1)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City of Hamilton Treasurer's Note (1)	\$ 20,000.00	\$ 20,000.00	\$ -	\$ -	\$ 594.00	\$ 594.00	\$ 594.00
City of Hamilton Treasurer's Note (2)	\$ 192,800.00	\$ 192,800.00	\$ -	\$ -	\$ 3,470.40	\$ 3,470.40	\$ 3,470.40
City of Hamilton Treasurer's Note (1)	\$ 170,000.00	\$ 170,000.00	\$ -	\$ -	\$ 3,587.00	\$ 3,587.00	\$ 3,587.00
City of Hamilton Treasurer's Note (3)	\$ 281,834.30	\$ 281,834.30	\$ -	\$ -	\$ 2,677.43	\$ 2,677.43	\$ 2,677.43
B-Tech General Account (1)	\$ 9,998,504.13	\$ 9,996,499.85	\$ (2,004.28)	\$ 1,670.17	\$ 116,982.50	\$ 116,648.39	\$ 118,652.67
First Financial CD (1) Benninghofen	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 86,145,550.26	\$ 86,143,545.98	\$ (2,004.28)	\$ 1,670.17	\$ 270,354.55	\$ 270,020.44	\$ 272,024.72

- (1) General Accounts
- (2) Rate Stabilization
- (3) Electric System Reserve

Realized Annual Income / Book Value =

0.32%

Benchmark Rate of Return =

0.58%

*Contains Gas, Water, & Wastewater Reserve of \$1,150,000

IV.

SHORT TERM YIELDS 2015				
MONTH	STAR OHIO OVERNIGHT LIQUIDITY	STAR PLUS	FIRST FINANCIAL GEN OPER	US BANK OVERNIGHT LIQUIDITY
JANUARY	0.05	0.20	0.20	0.05
FEBRUARY	0.06	0.20	0.20	0.05
MARCH	0.05	0.20	0.20	0.05
APRIL	0.06	0.20	0.20	0.05
MAY	0.05	0.20	0.20	0.05
JUNE	0.07	0.20	0.20	0.05
JULY	0.10	0.20	0.20	0.05
AUGUST	0.10	0.20	0.20	0.05
SEPTEMBER	0.10	0.20	0.20	0.05
OCTOBER	0.17	0.20	0.20	0.05
NOVEMBER	0.18	0.20	0.20	0.05
DECEMBER				

v.

BOND TECH INC. General Operating 2015		
YEAR	YIELD PERCENTAGE	AVG LIFE (Years)
JANUARY	1.087	0.240
FEBRUARY	1.094	0.300
MARCH	1.094	0.150
APRIL	1.095	0.870
MAY	1.077	0.710
JUNE	1.062	0.630
JULY	1.083	0.340
AUGUST	1.088	0.120
SEPTEMBER	1.143	0.140
OCTOBER	1.146	0.140
NOVEMBER	1.170	0.170
DECEMBER		

BOND TECH INC. Rate Stabilization 2015		
YEAR	YIELD PERCENTAGE	AVG LIFE (Years)
JANUARY	N/A	N/A
FEBRUARY	N/A	N/A
MARCH	N/A	N/A
APRIL	N/A	N/A
MAY	N/A	N/A
JUNE	N/A	N/A
JULY	N/A	N/A
AUGUST	N/A	N/A
SEPTEMBER	N/A	N/A
OCTOBER	N/A	N/A
NOVEMBER		
DECEMBER		

**City of Hamilton General Operating 19-3266
Bond Tech Inc.
Managed Investment Portfolio - November 30, 2015**

Fund	Custody	Cusip	Purchase Date	Book Value	Next Call Date/Type	Maturity	DTM	Par Value	Coupon	Yield	Estd Amnt Inc
FHLMC Stepup	USB	3134G7LJ8	9/30/2015	\$2,998,989.67	12/30/2015 Qtrly	9/30/2020	1,766	\$3,000,000.00	1.050%	1.090%	\$32,688.99
FHLMC Stepup	USB	3134G7VE8	9/24/2015	\$2,500,000.00	12/24/15 Qtrly	9/24/2020	1,760	\$2,500,000.00	1.050%	1.050%	\$26,250.00
FHLMC Stepup	USB	3134G72U4	10/29/2015	\$1,000,000.00	1/29/16 Qtrly	10/29/2020	1,795	\$1,000,000.00	1.000%	1.000%	\$10,000.00
FHLMC Stepup	USB	3134G7VL2	9/28/2015	\$2,500,000.00	12/28/15 Qtrly	9/28/2020	1,764	\$2,500,000.00	1.500%	1.500%	\$37,500.00
FHLMC Stepup	USB	3134G73H2	11/19/2015	\$999,514.46	2/19/16 Qtrly	11/19/2020	1,816	\$1,000,000.00	1.000%	1.050%	\$10,494.90
Market Value				\$9,996,499.85				\$10,000,000.00		1.1700%	\$116,982.50
Interest Income											
Total Market Value											

**City of Hamilton
Liquid & Special Purpose Funds - November 30, 2015**

<i>Liquid Funds</i>		
Star Ohio - General	\$0.00	
Monthly Interest Income	\$0.00	
Star Plus	\$20,085,024.14	
Monthly Interest Income	\$3,463.39	
US Bank Treasury Invest O/N	\$5,280,813.95	
Monthly Interest Income	\$253.57	
First Financial General Operating	\$37,266,560.24	
Monthly Interest Income	\$5,479.44	
Total Liquid Funds		\$62,641,594.73
<i>City of Hamilton Treasurer's Notes</i>		
		\$664,634.30
<i>Special Purpose Funds</i>		
First Financial Rate Stabilization	\$9,932,005.92	
First Financial Electric System Reserve	\$2,906,700.71	
Interest Income	\$2,110.47	
Total Liquid Funds		\$12,840,817.10
<i>First Financial Bank</i>		
Certificate of Deposit - General	\$0.00	
Total Liquid Funds		\$0.00
Total Book Value + Interest Income		\$86,145,550.26

VII.

CITY OF HAMILTON, OHIO
INVESTMENT REPORT

LIQUID FUNDS SUMMARY

NOVEMBER 2015

	STAR OHIO - GENERAL OVERNIGHT FUNDS	STAR PLUS	US BANK TREASURY INVESTMENT OVERNIGHT LIQUIDITY	FIRST FINANCIAL MARKET LIQUIDITY	TOTAL LIQUID FUNDS
BEGINNING BALANCE NOV. 1, 2015	\$0.00	\$20,085,024.14	\$4,222,011.27	\$35,266,572.24	\$59,573,607.65
TRANSFERS IN			\$11,287,241.78	\$5,000,000.00	\$16,287,241.78
INTEREST INCOME		\$3,463.39	\$253.57	\$5,479.44	\$9,196.40
OTHER DEPOSITS					\$0.00
DEBT PROCEEDS					\$0.00
TOTAL INFLOWS	\$0.00	\$3,463.39	\$11,287,495.35	\$5,005,479.44	\$16,296,438.18
TRANSFERS OUT					\$0.00
OTHER WITHDRAWALS			\$9,563,804.80	\$3,000,000.00	\$12,563,804.80
TOTAL OUTFLOWS	\$0.00	\$0.00	\$9,563,804.80	\$3,000,000.00	\$12,563,804.80
ENDING BALANCE NOV. 30, 2015	\$0.00	\$20,088,487.53	\$5,945,701.82	\$37,272,051.68	\$63,306,241.03

VII.

CITY OF HAMILTON, OHIO
INVESTMENT REPORT

SPECIAL PURPOSE FUNDS SUMMARY
NOVEMBER 2015

	FIRST FINANCIAL STABILIZATION FUND	FIRST FINANCIAL ELECTRIC RATE STABILIZATION FUND	FIRST FINANCIAL WATER RATE STABILIZATION FUND	FIRST FINANCIAL WASTEWATER RATE STABILIZATION FUND	FIRST FINANCIAL ELECTRIC SYSTEM RESERVE FUND	TOTAL SPECIAL PURPOSE FUNDS
BEGINNING BALANCE NOV. 1, 2015	\$2,511,408.09	\$2,109,448.74	\$1,378,895.16	\$2,032,253.93	\$4,806,700.71	\$12,838,706.63
DEPOSITS						\$0.00
TRANSFERS IN		\$1,900,000.00				\$1,900,000.00
INTEREST INCOME	\$412.83	\$659.09	\$226.67	\$334.07	\$477.81	\$2,110.47
DEBT PROCEEDS						\$0.00
TOTAL INFLOWS	\$412.83	\$1,900,659.09	\$226.67	\$334.07	\$477.81	\$1,902,110.47
TRANSFERS OUT					\$1,900,000.00	\$1,900,000.00
OTHER WITHDRAWALS						\$0.00
TOTAL OUTFLOWS	\$0.00	\$0.00	\$0.00	\$0.00	\$1,900,000.00	\$1,900,000.00
ENDING BALANCE NOV. 30, 2015	\$2,511,820.92	\$4,010,107.85	\$1,379,121.83	\$2,032,587.98	\$2,907,178.52	\$12,840,817.10

VIII.

**Fixed Income Benchmarks
November 30, 2015
Comparison to Managed Portfolios**

	Bond Tech, Inc.		
	Treasury Investment	Rate Stabilization	% Change
Federal Funds Rate	1.170	N/A	0.92
Star Ohio Yield	1.170	N/A	0.99
Star Plus	1.170	N/A	0.97
2 Year Treasury Note	1.170	N/A	0.23

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Report regarding the Street Spark program

<input type="checkbox"/> 1 st Reading Date: N/A
<input type="checkbox"/> 2 nd Reading Date: N/A
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

As part of the City's strategy to further the arts identity in Hamilton, an arts committee was formed in 2015 comprised of artists in the community and City staff. One of the ideas developed by the committee was StreetSpark, an effort to produce high-quality public art, building opportunities for local artists, and enhancing the visual appeal of the city. The initial phase of the program will be to paint murals in highly visible locations that are designed and executed by artists.

StreetSpark will be an initiative led by the Fitton Center for Creative Arts. The City will remain an important partner in the effort. Through this program, StreetSpark intends to energize Hamilton's streetscape, create awareness of the arts, and spark new development.

A trial project was completed in 2015 by four local artists at the Hamilton Parks Conservancy office. Once fully launched in 2016, designs will be chosen through a competitive process. StreetSpark is currently exploring funding opportunities at the local, state, and national level.

StreetSpark aims to do three murals in 2016 and the committee has identified high-visibility walls along High Street and Main Street. 244 Main Street is at the corner of Main Street and D Street and is owned by CORE. 15 S D Street has a large wall that faces Armstead Park. It is owned by Roy Miller. Both owners are open to having murals painted on their buildings.

The third identified building is The Hamilton Mill. The addition to the building has a wall visible to High Street next to the parking lot. We would like to request the City Council's approval of this location for a mural. The design will be chosen by a committee of artists selected by The Fitton Center for Creative Arts through a competitive application process.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.



Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Liz Hayden
Economic Development Specialist

Choose Strategic Goal(s)

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Application for a transfer of a Liquor Permit from Five Points Food Mart LLC, dba Five Points Market to Grand C Store, at 2511 Grand Blvd., Hamilton, OH 45011.

Dear Mayor and Members of Council:

Notification has been received from the Ohio Department of Liquor Control relative to a request for a C1, C2, D6 liquor permit transfer from Five Points Food Mart LLC, dba Five Points Market to Grand C Store, at 2511 Grand Blvd., Hamilton, OH 45011.

The holder of this type of permit is the owner or operator of a retail food establishment to sell beer, wine and prepared and bottled cocktails, cordials, and other mixed beverages in original packages and not for consumption on the premises where sold. Under such permit, this also allows sales between the hours of ten a.m. and midnight on Sunday.

The appropriate city departments have investigated this request and have not raised objections to this request. I recommend that Council direct the City Clerk to notify the Ohio Department of Liquor Control that the City has no objection.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
 City Manager

Amy K. Bach
 City Manager's Office

Related Strategic Goal(s)	
<input type="checkbox"/>	I Increase residential property values by CPI + 5%
<input type="checkbox"/>	D Decrease vacant residential structures by 30% (1,000 total)
<input type="checkbox"/>	R Realize \$150 million of new private industrial/commercial investment
<input type="checkbox"/>	A Add 2,000 new jobs
<input type="checkbox"/>	G Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
<input type="checkbox"/>	E Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	O General Operations/ Government Business



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the
City Council

<input checked="" type="checkbox"/> 1 st Reading Date: 01/27/2016
<input checked="" type="checkbox"/> 2 nd Reading Date: 02/10/2016
<input checked="" type="checkbox"/> Public Hearing Date: 01/27/2016

RE: **Request to Amend the Zoning Ordinance
of the City of Hamilton, Ohio: Section 1116.100 “R-2A” Single Family
Residence District (City of Hamilton, Applicant)**

Dear Mayor and Members of Council:

BACKGROUND INFORMATION

The City of Hamilton has four standard residential zoning districts which include the following:

- R-1 – Single Family Residence District
- R-2 – Single Family Residence District
- R-3 – One to Four Family Residence District
- R-4 – Multi-Family Residence District

The Butler County Auditor’s Office indicates that there are 971 properties in the City that are two-family residential dwellings. However, the city does not have a designated two-family residential zoning district. This means that these two-family dwellings are either zoned single family residential, making them non-conforming uses, or they are zoned four-family to multi-family residential.

This issue came to light during a recent rezoning request from R-1 Single Family Residential to R-3 One to Four Family. The request was made in order to make a block of existing two-family residences legal uses and the R-3 district was the next sequential district, given that no two-family only district currently exists. However, since the R-3 zoning district allowed up to four-family the Planning Commission did not approve the rezoning and asked the Community Development Department to investigate creating a designated two-family residential zoning district.

To address this issue, the Department of Community Development has prepared an amendment to the City of Hamilton Zoning Ordinance. There is an existing R-2A zoning district listed in the Hamilton Zoning Ordinance but there are no properties in the City



currently zoned R-2A. The proposed is to amend the R-2A district to create a Two Family Residence Zoning district. This district, if approved, would be a designated zoning designation that would permit two-family dwellings, since a one to two-family dwelling zoning district does not currently exist. There are many instances where existing two-family dwellings are non-conforming uses because they currently zoned R-1 or R-2 Single Family and as loan and lending practices have become more restrictive some banks and other lending institutions may or may not offer loans or home equity lines of credit to owners of these properties because they are non-conforming.

The R-2A zoning designation would provide an option for owners of homes that were built as two family residences but are currently nonconforming use because they may currently be zoned R-1 or R-2 Single Family Residence District.

The proposed two-family zoning district allows one (1) two-family dwelling on a minimum lot size of 7,000 square feet and a minimum of 3,500 of lot area per dwelling unit per lot, with a maximum of two (2) dwelling units per lot.

RECOMMENDATION

The Planning Commission held a public hearing and reviewed the proposed zoning amendment regarding Section 1116.100 of the Hamilton Zoning Ordinance to create a Two-Family Residence Zoning District on November 17, 2015 and recommend approval by City Council.

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of the necessary legislation to amend Section 1116.100 of the Hamilton to create a Two-Family Residence Zoning District.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

John Creech
Senior Planner

Choose Strategic Goal(s)

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



1116.100 "R-2A" SINGLE TWO FAMILY RESIDENCE DISTRICT

- 1116.110 Purpose: It is the purpose of the "R-2A" District to provide for certain medium density **single two** family residential areas in the City while preserving existing and future residential neighborhoods. The District will be characterized by **single two** family buildings on smaller than medium size lots. Non-residential uses permitted in this District are those that will provide auxiliary service and/or will contribute to the stability and long-term value of the District and to other surrounding Residential Districts for residential purposes.
- 1116.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above:
- 1116.121 General: All principal permitted uses as regulated in "R-2" Single Family Residence District except as hereafter modified.
- 1116.122 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR2015-2-14)
- 1116.130 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1116.131 General: Any conditionally permitted use as regulated in "R-2" District, except as hereinafter modified.
- 1116.140 Accessory Use And Buildings: Accessory use, building or structure as permitted and regulated in the "R-2" District, and any accessory use, building or structure customarily incident or accessory to a principal or conditional permitted use in the "R-2A" District.

1116.150 Requirements: The following requirements shall be observed:

1116.151 Maximum Building Height: Two and one-half (2-1/2) stories, or thirty (30) feet in height.

1116.152 Minimum Lot Area: ~~Six~~ **seven** thousand (~~6~~**7**,000) square feet.

1162.152.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line.

The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three-hundred foot radius. (OR 97-7-71)

1116.153 Minimum Lot Area per Dwelling Unit: ~~Six thousand (6,000)~~ **Three thousand five hundred (3,500)** square feet per dwelling unit, **with a maximum of two (2) dwelling units per lot.**

1116.154 Yards and Lot Area Coverage: Front, rear, and side yards are required as defined in Section 1108.00, as modified in Section 1131.00 and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below: (OR 76-11-72)

R-2A

BUILDING HEIGHTS	MINIMUM FRONT YARD	MAXIMUM FRONTYARD SETBACK	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%
2 to 2 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%

1116.155 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

- 1st Reading Date: 1-27-16
- 2nd Reading Date: 2-10-16
- Public Hearing Date: 1-27-16

RE: Report regarding revisions and amendments of the Chapter 1700 of the City of Hamilton’s Codified Ordinances

Dear Mayor and Members of Council:

The Ordinance Review Committee at their meeting of January 6, 2016 has recommended revisions and changes to Chapter 1700 of the City of Hamilton’s Codified Ordinances. The Chapter deals with and provides authority to Community Development’s Health Division to enforce various violations related to residential and non-residential properties.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Sincerely,

Joshua A. Smith
 City Manager

Eugene F. Scharf
 Community Development Director

Kay Farrar, BSN, RN
 Health Commissioner

Choose Strategic Goal(s)

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



TITLE ONE - HOUSING CODE

CHAPTER 1701 – GENERAL PROVISIONS [NO CHANGES]

CHAPTER 1705 - ADMINISTRATION AND ENFORCEMENT

Sec. 1705.01: Rules and Regulations.

(a) The Commissioner of Health is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of the Housing and Non-Residential Property Maintenance Codes to secure the intent thereof.

(b) Such rules and regulations described in subsection (a) above shall not be in conflict with the provisions of the Housing and Non-Residential Property Maintenance Codes or any other ordinance of the City of Hamilton, nor shall they have the effect of waiving any provisions of the Housing Code, Non-Residential Property Maintenance Code, or any other ordinance.

(c) Such rules and regulations described in subsection (a) above shall have the same force and effect as the provisions of the Housing and Non-Residential Property Maintenance Codes, and the penalty for violation thereof shall be the same penalty for violation of the provisions of the Housing Code or Non-Residential Property Maintenance Code.

(d) Such rules and regulations described in subsection (a) above shall be on file and available as a matter of public record.

Sec. 1705.02: Inspection of Dwellings.

(a) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, and other property in order to safeguard the health, safety, morals, and welfare of the public.

(b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under this Housing Code.

Sec. 1705.03: Access to Dwellings in Emergency.

The owner, operator, or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or other property shall give personnel authorized pursuant to section 1705.02 access to such dwelling, dwelling unit, rooming house, rooming unit, or other property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1705.04: Identification of Authorized Personnel.

Personnel authorized pursuant to section 1705.02 to conduct inspections shall be supplied with official identification and shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, or other property.

Sec. 1705.05: Notice of Violation.

(a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the person responsible therefore and order compliance, as herein provided.

(b) The notice and order shall:

(1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;

(2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;

(3) Specify a the time within which to comply; and

(4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.

Sec. 1705.06: Final Order.

Any order contained in a notice of violation provided for in section 1705.05 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Sec. 1705.07: Power to Act in Emergency.

(a) Whenever the Commissioner of Health, at any stage of the proceedings instituted under the provisions of this Housing Code, finds that a violation of the Housing or Non-Residential Property Maintenance Codes exists which requires immediate action to abate a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or of the public, he or she may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger.

(b) Such order described in subsection (a) above may include an order to vacate as provided in section 1705.15.

(c) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.07.

Sec. 1705.08: Agency to Abate Hazards in Emergency.

Whenever any violation of the Housing or Non-Residential Property Maintenance Codes which, in the opinion of the Commissioner of Health, causes a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or the public, has not been corrected in the time specified by the order issued under section 1705.07, the Commissioner of Health may take such direct action as is necessary to abate the hazard or danger.

Sec. 1705.09: Demolition as Compliance.

(a) Any owner of a building, receiving notice of a violation stating that such building does not comply with the provisions of the Housing or Non-Residential Property Maintenance Codes, may demolish such building.

(b) Demolishing such building as outlined in subsection (a) above shall be deemed compliance with the order contained in the notice of violation.

Sec. 1705.10: Re-Inspection.

At the end of the period specified in a notice of violation, or any extension thereof, it shall be the duty of the Commissioner of Health to make, or cause to be made, a re-inspection of the building, structure, dwelling, dwelling unit, rooming house, rooming unit or property.

Sec. 1705.11: Extension of Compliance Time.

The Commissioner of Health may extend the compliance time specified in any order contained in a notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Code where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

Sec. 1705.12: Transfer of Ownership.

(a) No owner of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, upon whom any notice of violation issued pursuant to the Housing or Non-Residential Property Maintenance Codes has been served, shall sell, transfer, grant, mortgage, lease, or otherwise dispose thereof, such property to another until compliance of the provisions of such order contained in the notice of violation has been achieved; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee, or lessee, prior to such sale, transfer, grant, mortgage, or lease, a true copy of such notice of violation and order and, at the same time, give adequate notification to the Commissioner of Health of his intent to sell, transfer, grant, mortgage, or lease, and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage or lease is proposed.

(b) A purchaser, transferee, grantee, mortgagee, or lessee, who has been informed of the existence of any notice of violation and order issued pursuant to the Housing or Non-Residential Property Maintenance Codes shall be bound thereby.

Sec. 1705.13: Unfit Buildings.

Ordinance No. _____ (cont'd)

Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, shall be designated as unfit for human habitation if any of the following defects or conditions are found, and when, in the judgment of the Health Administrator, such defects create a hazard to the health, safety, or welfare of the occupants or of the public:

- (a) It is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, and/or contains hazardous levels of lead-based paint, asbestos or other substances; or
- (b) It lacks illumination, ventilation and/or required sanitation facilities; or
- (c) The general condition of the property is unsanitary, unsafe and/or unhealthful; or
- (d) It lacks any basic facility, including, but not limited to, water, waste-water disposal facilities, electricity and heat.

Sec. 1705.14: Notice.

Whenever any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may place a notice on the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, indicating that it is unfit for human habitation.

Sec. 1705.15: Order to Vacate.

(a) Whenever a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may order the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property to be vacated.

(b) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.15.

Sec. 1705.16: Vacation of Unfit Building.

(a) Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13 and ordered vacated as provided in section 1705.15, shall be vacated within such reasonable time as the Commissioner of Health may specify in the order.

(b) Any such building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall neither be used for human habitation, nor the notice removed, until written approval is secured from the Commissioner of Health.

Sec. 1705.17: Removal of Notice.

No person shall deface or remove the notice placed as provided in section 1705.14, except as provided in section 1705.16(b).

Sec. 1705.18: Vacated Building Made Secure.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which has been vacated shall make the same safe and secure in whatever manner the Commissioner of Health deems necessary.

(b) Any vacant building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a public nuisance.

(c) The Commissioner of Health shall be authorized, when necessary, to enter any vacant, open, and unguarded property to board it or otherwise secure it in order to lessen the severity of the danger.

(d) In securing or boarding the property, the Commissioner of Health may call upon any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such property.

(e) Such securing or boarding shall be deemed to constitute effective boarding, but does not abate the nuisance condition(s) previously identified, unless so declared in writing by the Commissioner of Health.

Sec. 1705.19: Effective Boarding.

(a) Pending the correction of violations of the Housing or Non-residential Property Maintenance Codes to the minimum standards provided therein, as well as the standards specified in the Ohio Revised Code and the Ohio Administrative Code, the owner or operator of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall secure the same through effective boarding.

(1) The Commissioner of Health, or his or her designee, shall review the condition of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, and set forth special requirements, if any, necessary for compliance with the minimum standards for effective boarding.

(2) If a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property cannot be effectively boarded due to its condition, its rehabilitation shall be undertaken immediately or it shall be demolished by the owner or operator as provided in Chapter 1767.

(3) The owner or operator shall effectively board the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property and post a sign on the front of the building containing the owner's or operator's name and phone number to be contacted in case of emergency using at least two-inch (2") lettering within two (2) days from the receipt of the notice of violation, or within such other time limit that the Commissioner of Health shall permit.

(b) **Materials.** The effective boarding of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall include, but not be limited to doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such opening(s) shall be secured by plywood not less than one-half (.5) inch thick, wire mesh or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight (48) inches wide shall be framed with two-inch (2") by four-inch (4") lumber, plywood, wire mesh, or equivalent material fastened twenty-four (24) inches on center onto the frame. The plywood or equivalent material shall be fastened into the openings by screw type nails, lag screws, or equivalent fasteners.

(c) **Monitoring and Maintenance.** Upon effectively boarding a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, the owner or operator shall monitor and maintain the building or structure and its surrounding property in a safe, sanitary, and secure condition.

(1) Any portion of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which is deemed to be potentially hazardous, due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such manner so as to eliminate the hazard.

(2) Failure of the owner or operator to properly maintain the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property in the above condition will result in the structure being deemed a public nuisance.

Sec. 1705.20: Insurance or Bond Requirements for Vacant Buildings.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13, and ordered vacated, as provided in section 1705.15, shall acquire insurance or post a bond in the amounts set forth below to cover liability for damages that may be proximately caused as a result of the condition of that property:

(1) Not less than three hundred thousand dollars (\$300,000.00) for buildings designated primarily for use as residential units, including buildings containing no more than four (4) dwelling units; and

(2) Not less than one million dollars (\$1,000,000.00) for any other building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property.

(b) The owner or operator shall provide proof of such insurance or bond to the Commissioner of Health within thirty (30) days of any determination that the property is unfit for human habitation pursuant to section 1705.13 and ordered vacated.

(c) The owner or operator shall provide written notice to the Commissioner of Health within thirty (30) days of any lapse, cancellation, or change in coverage and shall, upon request, provide evidence of said insurance or bond to the Commissioner of Health.

Sec. 1705.21: Expenses Recoverable.

(a) Any expenses incurred by the City as a result of violations of the Housing or Non-Residential Property Maintenance Code shall be paid by the owner or operator of the affected property, or by the person who caused or maintained the subject violations, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The Commissioner of Health shall file among the records of the Department of Community Development - Health Division an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of the actions authorized by sections of the Housing or Non-Residential Property Maintenance Code.

(c) The Commissioner of Health may:

(1) issue a complaint to the Director of Law pursuant to section 1705.27 for collection of the expenses and costs incurred as a result of violations of the Housing or Non-Residential Property Maintenance Code; or

(2) make a written return to the county auditor of the action taken as a result of violations of the Housing or Non-Residential Property Maintenance Code, with a statement of the expenses incurred by the City

Ordinance No. _____ (cont'd)

and the administrative costs, and a proper description of the property. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such property from the date of the entry, and shall be collected as other taxes and returned to the City with the general fund.

(d) Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

Sec. 1705.25: Appeals Board.

(a) There is hereby created a Nuisance Appeals Board of seven (7) members to conduct hearings authorized by the Housing and Non-Residential Property Maintenance Codes. Four (4) members of the Nuisance Appeals Board in attendance at any meeting shall constitute a quorum.

(b) Such Nuisance Appeals Board shall:

(1) Consist of: the Public Safety Director, who shall be the Chairperson of the Board; the Community Development Director, who shall be the Secretary of the Board; the Fire Chief; the Police Chief; and three (3) additional members as follows: one (1) appointed by the Greater Hamilton Chamber of Commerce; one (1) appointed by the Investment Property Owners Association of Butler County, Ohio, Inc.; and one (1) appointed by Neighborhood Housing Services of Hamilton, Inc. The additional members shall not be City employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. The term of membership for the additional members shall be two years, except that upon adoption of this section the member appointed by the Greater Hamilton Chamber of Commerce shall be appointed for a one year term. If an appointment is vacated by one of the additional members, the replacement for that appointment shall be selected by the organization that appointed the vacating member, and the new appointee shall complete the unexpired term of the previous member. There is no limit on the number of terms that may be served should a member be reappointed by the appointing organization. The additional members must be residents of the City. No person may be appointed as an additional member, or can continue to serve as an additional member, if such person is the owner or operator of a property to which two (2) or more notices of violation have been issued pursuant to section 1705.05 or 1779.15 within any two (2) year period, relative to the same property, and final orders relative to such notices are, or were, not complied with within the time provided.

(2) Adopt rules of procedure not inconsistent with the Housing and Non-Residential Property Maintenance Codes.

(c) No member of the Nuisance Appeals Board shall take part in any hearing or determination in which he has a personal or financial interest.

Sec. 1705.26: Hearing.

(a) Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Housing or Non-Residential Property Maintenance Codes may request and shall be granted a hearing on the matter before the Nuisance Appeals Board, provided that such person files in the office of the Department of Community Development - Health Division a written petition requesting such hearing and setting forth:

(1) The complete name, address, and telephone number of the petitioner;

(2) The date and description of the alleged violation; and

(3) A brief statement of the grounds for such hearing or for the mitigation of any item appearing on any notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Codes.

(b) The petition shall be filed within five (5) days after the day a notice of violation is received.

(c) Upon receipt of such a petition, the Commissioner of Health shall schedule a hearing to take place before the Nuisance Appeals Board no later than thirty (30) days after receipt of the petition, and shall give the petitioner written notice thereof.

(d) At such hearing, the petitioner shall be given an opportunity to be heard and show cause why any item appearing on such notice of violation should be modified or withdrawn.

(e) The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition had been filed.

(f) After a hearing, the Nuisance Appeals Board shall, by majority vote, sustain, modify, or withdraw any item appearing on the notice of violation. The Nuisance Appeals Board shall issue its findings and decision, in writing, within ten (10) business days to petitioner and the Commissioner of Health. With respect to all items appearing on the notice of violation that are not withdrawn pursuant to the vote of the Nuisance Appeals Board, the findings and decision of the Nuisance Appeals Board shall constitute a final order to petitioner as to such items to take the remedial action ordered in the notice of violation which will effect compliance with the provisions of the Housing or Non-Residential Property Maintenance Codes.

Ordinance No. _____ (cont'd)

(g) The proceedings at such hearings shall be summarized and reduced to writing and entered as a matter of public record in the Department of Community Development - Health Division, along with the findings and decision of the Nuisance Appeals Board.

(h) Such record shall also include a copy of every notice and/or order issued in connection with the matter.

Sec. 1705.27: Legal Remedies.

(a) The Director of Law shall, upon complaint of the Commissioner of Health or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and take such other legal action as is necessary to carry out the terms and provisions of the Housing and Non-Residential Property Maintenance Codes.

(b) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(c) Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

Sec. 1705.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1705.99: Penalty.

(a) Criminal Penalties. Any person, owner, operator, or occupant who violates or fails to comply with any of the provisions of the Housing Code or any chapter contained therein shall be guilty of an unclassified misdemeanor and, in addition to the imposition of court costs pursuant to Ohio Revised Code section 2947.23, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one hundred eighty (180) days, or both, and shall, in addition to any other penalties within these maximum amounts, be subject to imposition of the following minimum mandatory penalties, which shall not be suspended or held in abeyance:

(1) If, within two (2) years of the offense, a person, owner, operator, or occupant has not previously been convicted of or plead guilty to any violation of a section of the Housing Code, shall be fined not less than one hundred and fifty dollars (\$150.00).

(2) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to one violation of a section of the Housing Code, shall be fined not less than five hundred dollars (\$500.00).

(3) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to two (2) violations of a section of the Housing Code, shall be fined not less than seven hundred and fifty dollars (\$750.00).

(4) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to three (3) or more violations of a section of the Housing Code, shall be fined not less than one thousand dollars (\$1,000).

(b) Application of Prior Convictions. A conviction or convictions obtained on or after the effective date of this section shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the Housing Code.

(c) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(d) Strict Liability. The provisions of this chapter are specifically intended to impose strict liability.

CHAPTER 1709 - DEFINITIONS

As used in Chapters 1701, 1705, 1709, 1713, 1717, 1721, 1767, and 1779 of Part 17 – Health Code of the Codified Ordinances of the City of Hamilton, Ohio:

Sec. 1709.01: Accessory Structure.

"Accessory Structure" means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same property.

Sec. 1709.02: Approved.

"Approved" means approved by:

Ordinance No. _____ (cont'd)

(a) The Commissioner of Health under the provisions of the Housing or Non-Residential Property Maintenance Codes or under the rules and regulations adopted pursuant thereto; or

(b) An authority designated by law or by the Housing or Non-Residential Property Maintenance Codes.

Sec. 1709.03: Basement.

"Basement" means the portion of the building that is partly underground which has more than one-half (1/2) its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining the building.

Sec. 1709.04: Bathroom.

"Bathroom" means an enclosed space containing one or more bathtub(s), shower(s), or both, and which may also include toilet(s), lavatories, or fixture(s) serving similar purposes.

Sec. 1709.05: Boarding House.

"Boarding House" means a rooming house where, for compensation and by prearrangement for definite periods, meals are provided for five (5) or more persons.

Sec. 1709.06: Building.

(a) "Building" means a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property.

(b) The word "Building" shall be construed, when used herein, as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

Sec. 1709.07: Building Code.

"Building Code" means the Ohio Building Code or the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings.

Sec. 1709.08: Cellar.

"Cellar" means the lowermost portion of the building partly or totally underground having half (1/2) or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

Sec. 1709.09: Chief of Police.

"Chief of Police" means the police authority of the City of Hamilton, and his or her authorized representative.

Sec. 1709.10: City.

"City" means the City of Hamilton, Ohio.

Sec. 1709.11: Commissioner of Health.

"Commissioner of Health" means the health authority of the City of Hamilton, and his or her authorized representative or designee

Sec. 1709.12: Council.

"Council" means the City Council of the City of Hamilton, Ohio.

Sec. 1709.13: Deteriorate.

"Deteriorate" means to fall below the conditions of good repair.

Sec. 1709.14: Dwelling.

"Dwelling" means a building containing enclosed space which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Sec. 1709.15: Dwelling Unit.

"Dwelling Unit" means one or more rooms with living, cooking, sanitary, and sleeping facilities therein, arranged for one family with whom may reside not more than four (4) lodgers or boarders.

Sec. 1709.16: Engineer.

"Engineer" means the City Engineer for the City of Hamilton, or his or her designee.

Sec. 1709.17: Excessive Vegetation.

Ordinance No. _____ (cont'd)

"*Excessive Vegetation*" means all vegetation, dead or alive, other than the following:

- (a) Ground cover;
- (b) Shrubbery;
- (c) Flowers; and
- (d) Trees which are planted and maintained.

Sec. 1709.18: Exterior Property or Exterior Property Area.

"*Exterior Property*" or "*Exterior Property Area*" means the open space on the property and on adjoining property under the control of the owners, operators, or occupants of such property.

Sec. 1709.19: Extermination.

"*Extermination*" means the control and elimination of insects, rodents, and vermin:

- (a) By eliminating their harborage places,
- (b) By removing or making inaccessible materials that may serve as their food;
- (c) By poisoning, spraying, fumigating, or trapping them; or
- (d) By any other approved means of pest elimination.

Sec. 1709.20: Garbage.

"*Garbage*" means the animal, vegetable, and mineral waste resulting from the handling, preparation, cooking, and consumption of food.

Sec. 1709.21: Grade.

"*Grade*" means:

- (a) The natural surface of the ground, or
- (b) The surface of the ground after completion of any change in contour.

Sec. 1709.22: Graffiti.

"*Graffiti*" means unauthorized drawings or markings on an exterior surface, without regard to the content of the drawing or marking.

Sec. 1709.23: Gross Floor Area.

"*Gross Floor Area*" means the total net area of all habitable space.

Sec. 1709.24: Grounds.

"*Grounds*" means that portion of real property which does not support a building or structure.

Sec. 1709.25: Habitable Space.

- (a) "*Habitable Space*" means space occupied by one or more persons for living, sleeping, eating, or cooking.
- (b) Kitchenettes shall not be deemed to be "*habitable space*."

Sec. 1709.26: Hot Water.

"*Hot Water*" means water heated to a temperature of not less than one hundred and twenty degrees Fahrenheit (120° F.) at the outlet.

Sec. 1709.27: Housing Code.

"*Housing Code*", as used in Title One of Part Seventeen - Health Code, means Ordinance 7714, passed March 28, 1973, as amended.

Sec. 1709.28: Infestation.

"*Infestation*" means the presence, within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, or property, of insects, rodents, vermin, or other pests.

Sec. 1709.29: Kitchen.

- (a) "*Kitchen*" means space sixty (60) square feet or more in floor area, with a minimum width of five (5) feet, used for cooking or preparation of food.
- (b) A "*Kitchen*" shall be deemed habitable space.

Sec. 1709.30: Kitchenette.

Ordinance No. _____ (cont'd)

(a) "Kitchenette" means space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

(b) A "Kitchenette" shall not be deemed to be habitable space.

Sec. 1709.31: Mobile Home.

"Mobile Home" means a movable living unit equipped with a chassis and provided with the following mechanical equipment:

- (a) Plumbing, and
- (b) Heating, and
- (c) Electrical, and
- (d) Cooking, and
- (e) Refrigeration.

Sec. 1709.32: Multiple Dwelling.

"Multiple Dwelling" means a building containing two (2) or more dwelling units and/or rooming units.

Sec. 1709.33: Non-habitable Space.

"Non-habitable Space" means space used as:

- (a) Kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets, and other spaces for service and maintenance of the building; and
- (b) Those spaces used for access and vertical travel between stories.

Sec. 1709.34: Non-Residential Property.

"Non-Residential Property" means:

- (a) (1) A lot or tract of land;
- (2) A building or other structure; or
- (3) Grounds

which is/are:

- (b) (1) Used;
- (2) Intended to be used; or
- (3) Last actively used

primarily for non-residential purposes.

Sec. 1709.35: Nuisance.

"Nuisance" or "Public Nuisance" means any underground container or storage tank, fence, wall, garage, shed, house, lot, building, structure, tree, pole, smoke stack, excavation, basement, cellar, well, cistern, sidewalk subspace, walks, driveways, terrace steps or parts thereof, which has any or all of the conditions or defects hereinafter described:

(a) The following conditions or defects shall constitute a public nuisance when they endanger the life, health, property, safety, or welfare of the public, or of any current or prospective occupants:

(1) Whenever the property is a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

(2) Whenever the property is vacant and is not secured in the manner required pursuant to section 1705.19.

(3) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(4) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

(5) Whenever any building or structure is determined to be a fire hazard.

(6) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(7) Whenever any building or structure, whether or not erected in accordance with all applicable laws and ordinances, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is determined to be unsafe for occupation due to the lack of:

- A. Structural strength;
- B. Fire-resisting qualities or characteristics; or

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- C. Weather-resisting qualities or characteristics required by law.
- (8) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the applicable Building Code or the Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.
- (9) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
- A. An attractive nuisance to children;
 - B. A harbor for vagrants, criminals or immoral persons; or as to
 - C. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (10) Whenever the building or structure, exclusive of the foundation, because of inadequate maintenance, dilapidation, decay, faulty construction or arrangement, suffers damage or deterioration of its supporting member or members, or damage or deterioration of its non-supporting members, enclosing or outside walls or coverings, such that said condition endangers the life, health, property, safety, or welfare of the public, or of any current or prospective occupants.
- (11) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- (12) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (13) Whenever the building or structure, or any portion thereof, because of:
- A. Dilapidation, deterioration or decay;
 - B. Faulty construction;
 - C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - D. The deterioration, decay or inadequacy of its foundation; or
 - E. Any other cause;
- is likely to partially or completely collapse.
- (14) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is reasonably safe.
- (15) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the applicable Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the applicable Building Code for such buildings.
- (16) Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (17) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the applicable Building Code for new buildings of similar structure, purpose or location.
- (18) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the applicable Building Code for new buildings of similar structure, purpose or location.
- (19) Whenever the walking surface of any aisle, passageway, stairway or other element of a means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (20) Whenever any door, aisle, passageway, stairway or other element of a means of egress is not of sufficient width or size or is not so arranged as to provide safe and adequate means of egress and creates a serious hazard.
- (b) The following conditions shall constitute a public nuisance:
- (1) That which is defined as a nuisance in Ohio Revised Code section 3767.01(c), which is incorporated herein by reference and made a part hereof.
 - (2) That which is defined as a nuisance in Ohio Revised Code section 4301.73, which is incorporated herein by reference and made a part hereof.
 - (3) Property, including vacant land, on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 occurs, regardless of whether there has been a conviction for said violation.

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Sec. 1709.36: Obsolete.

"*Obsolete*" means no longer serving any current purpose, either aesthetic or functional.

Sec. 1709.37: Occupancy.

"*Occupancy*" means the purpose for which a building, or portion thereof, is used.

Sec. 1709.38: Occupant.

"*Occupant*" means any person over one year of age, living, sleeping, cooking, or eating in, or who has actual or constructive possession of, property, including, without limitation, a lessee, sub-lessee, assignee, licensee, or permittee.

Sec. 1709.39: Openable Area.

"*Openable Area*" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Sec. 1709.40: Operator.

"*Operator*" means any person who has charge, care, or control of property.

Sec. 1709.41: Outside Design Temperature.

"*Outside Design Temperature*" means temperature based on the average of the low annual temperature recorded in the area, either during the last twenty-five (25) years or as long as temperature records have been kept, if less than twenty-five (25) years.

Sec. 1709.42: Owner.

- (a) "*Owner*" means:
- (1) The owner or owners of record of property in fee, or lesser estate therein;
 - (2) A mortgagee in possession;
 - (3) Vendee of record;
 - (4) Assignee of the rents,
 - (5) Receiver, executor, administrator, trustee, lessee, or other person, firm, corporation or business entity or organization in control of a building, or their duly authorized agents.
- (b) Any person or entity representing the owner shall be held to comply with the provisions of this Part 17 to the same extent as if he or it were the owner.
- (c) The usual place of residence of the owner shall be the last known address of the owner, or that address used by the Treasurer of Butler County for tax purposes.

Sec. 1709.43: Person.

"*Person*" means any entity, either natural or created by law, including, but not limited to, a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian, or other fiduciary.

Sec. 1709.44: Plumbing.

"*Plumbing*" means the practice, materials, and fixtures utilized in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances.

Sec. 1709.45: Plumbing Fixture.

- "Plumbing Fixture" means a receptacle or device which:
- (a) Is either permanently or temporarily connected to the water distribution system of the property, and demands a supply of water therefrom; or
 - (b) Discharges waste water, liquid-borne waste materials, or sewage, either directly or indirectly, to the drainage system of the property; or
 - (c) Which requires both a water supply connection and a discharge to the drainage system of the property.

Sec. 1709.46: Plumbing System.

"*Plumbing System*" means the pipes, fixtures, and other apparatus for:

- (a) Supplying water for consumption; or
- (b) The conveyance of waste and drainage.

Sec. 1709.47: Potable Water.

Ordinance No. _____ (cont'd)

"Potable Water" means water duly approved as satisfactory and safe for drinking.

Sec. 1709.48: Property.

"Property" means a lot, plot, or parcel of land, including any buildings or structures thereon.

Sec. 1709.49: Public Sewer.

"Public Sewer" means the sewer operating by a public authority or public utility, and available for public use.

Sec. 1709.50: Rooming House.

"Rooming House" means a building, or part thereof, which contains one or more rooming units, and in which space is occupied, or intended to be occupied, by five (5) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Sec. 1709.51: Rooming Unit.

"Rooming Unit" means any room or group of rooms forming a single habitable unit used, or intended to be used, for living or sleeping, but not for cooking or eating purposes.

Sec. 1709.52: Rubbish.

"Rubbish" means all combustible and noncombustible waste, except garbage. The term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Sec. 1709.53: Sewage.

"Sewage" means liquid-carried waste from a flushed toilet, bath, sink, lavatory, dishwashing or laundry machine, or from any other fixture, equipment or machine, containing animal or vegetable matter and which may include industrial or commercial wastes, and liquids containing chemicals.

Sec. 1709.54: Structure.

(a) "Structure" means a combination of any materials, whether fixed or portable, forming a construction, including any building, dwelling, dwelling unit, rooming house, or rooming unit.

(b) "Structure" shall be construed, when used herein, as though followed by the words "or part or parts thereof".

Sec. 1709.55: Supplied Facilities.

"Supplied Facilities" means facilities paid for, furnished, provided by, or under the control of the owner or operator.

Sec. 1709.56: Temporary Housing.

(a) "Temporary Housing" means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not secured to the ground, to another structure, or is not connected to any utility system for more than thirty (30) consecutive days.

(b) Any tent, trailer, or other structure occupied for more than thirty (30) consecutive days shall meet all requirements of this Housing Code.

Sec. 1709.57: Toilet Room or Compartment.

"Toilet Room or Compartment" means an enclosed space containing one or more toilet(s), which may also contain one or more lavatories, urinal(s), and other plumbing fixtures.

Sec. 1709.58: Trailer.

"Trailer" means a movable living unit equipped with a chassis, but lacking any of the following mechanical systems and equipment:

- (a) Plumbing; or
- (b) Heating; or
- (c) Electrical; or
- (d) Cooking; or
- (e) Refrigeration.

Sec. 1709.59: Ventilation.

Ordinance No. _____ (cont'd)

"Ventilation" means the supply and removal of conditioned or unconditioned air to and from any space by mechanical or natural means.

Sec. 1709.60: Ventilation, mechanical.

"Mechanical Ventilation" means ventilation by power-driven devices.

Sec. 1709.61: Ventilation, natural.

"Natural Ventilation" means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

Sec. 1709.62: Yard.

"Yard" means an open space on the same lot with a structure.

Sec. 1709.63: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1713 – ENVIRONMENTAL REQUIREMENTS

Sec. 1713.01: Hazards.

Exterior property areas shall be free from conditions that might create a nuisance or become a health, accident, or fire hazard.

Sec. 1713.02: Rubbish and Garbage Outside.

Exterior property areas shall be kept free from organic and inorganic material that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.03: Discharge of Sewage.

- (a) Sewage must be discharged into a public sewer system, except as provided in section 1717.05.
- (b) Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into any natural or artificial surface drainage ways or into any drains intended for storm drainage only.

Sec. 1713.04: Storm Water Drainage.

- (a) Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar.
- (b) Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.

Sec. 1713.05: Noxious Weeds.

Exterior property areas shall be kept free from noxious weeds, as defined in section 1763.01(f), and any species of weeds or plant growth which are physically harmful or destructive to living human beings.

Sec. 1713.06: Insect and Rodent Harborage Outside.

Exterior property areas shall be kept free from sources of insect, vermin, and/or rodent breeding, harborage, and infestation.

Sec. 1713.07: Number of Animals Restricted.

- (a) No person shall maintain upon any property such number of household pets or other animals as will create a nuisance.
- (b) No person shall keep or maintain upon any one property in the City more than five (5) total adult dogs and/or cats, nor any combination of adult dogs and cats exceeding five (5).
 - (1) This provision shall not apply to property which is properly zoned and licensed as a kennel.
- (c) Whoever violates or fails to comply with any of the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined or incarcerated as follows:
 - (1) For the first conviction of an offender for violating this section, the court shall impose a fine of one hundred and fifty dollars (\$150.00).

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(2) For a second conviction of the same offender within a period of two (2) years, the offender shall be fined not less than five hundred dollars (\$500.00).

(3) For a third or any subsequent conviction of an offender for the violation of this section within a period of two (2) years, the offender shall be fined not more than seven hundred and fifty dollars (\$750.00) or imprisoned not more than ninety (90) days, or both.

Sec. 1713.08: Accessory Structures.

Accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

- (a) In good repair; and
 - (1) As pertaining to fences and fence-like structures:
 - A. No section(s) of the fence or fence-like structure shall be missing; and
 - B. No section(s) of the fence or fence-like structure shall be broken; and
 - C. If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.
 - (b) Free from health, fire, and accident hazards; and
 - (c) Free from vermin, insect, and rodent harborage.

Sec. 1713.09: Foundation Walls.

The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound.

Sec. 1713.10: Stairs, Sidewalks, Driveways, Porches, and Railings Outside.

- (a) The stairs, sidewalks, driveways, porches, and railings, affixed to the exterior of, or servicing, any structure used for human habitation, shall be kept in good repair and structurally sound.
- (b) Railings shall be provided for stairs and balconies and, where necessary, for porches and accessible roofs.

Sec. 1713.11: Weather and Watertight.

Every structure used for human habitation shall be so maintained that it will be weather and watertight.

Sec. 1713.12: Protective Coating.

- (a) The exterior surfaces of all structures shall be kept painted or protected with an approved coating or material, where necessary, for the purposes of preservation and avoiding a blighting influence on adjoining property.
- (b) Exterior wood, composition, or metal surfaces shall be protected from the elements by paint or another protective covering, applied in an approved manner according to manufacturer's suggestion, and of a color and appearance to match or complement other structural surfaces on the property.
- (c) Surfaces shall be maintained in a manner where they are kept clean and free of flaking, loose, or peeling paint or covering.
- (d) Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

Sec. 1713.13: Overhanging Objects.

Every structure used for human habitation shall be free of insecure overhanging objects.

Sec. 1713.14: Vermin and Rodents.

The exterior of every structure used for human habitation shall be so maintained as to be vermin and rodent free.

Sec. 1713.15: Screens.

- (a) During that portion of the year when there is a need for protection against flies and other flying insects, every door opening directly from a dwelling unit to outside space that is used for ventilation shall be supplied with properly fitting screens having at least sixteen (16) mesh and a self-closing device.
- (b) Every window or other device with openings to outdoor space used, or intended to be used, for ventilation shall be supplied with screens having at least sixteen (16) mesh.

Sec. 1713.16: Dampness.

Ordinance No. _____ (cont'd)

Cellars, basements, and crawl spaces in every structure used for human habitation shall be reasonably free from dampness.

Sec. 1713.17: Structural Members.

Supporting structural members of every structure used for human habitation shall be structurally sound.

Sec. 1713.18: Chimneys, Flues and Vents.

Chimneys and all flue and vent attachments thereto, and all other flues and vents, of every structure used for human habitation, shall be structurally sound, free from defects, and able to perform the function for which they were designed and are used.

Sec. 1713.19: Stairs and Railings Inside.

(a) Interior stairs of every structure used for human habitation shall be structurally sound and free from defects and shall be so designed as to minimize accident hazards.

(b) Railings shall be provided for stairs, balconies, landings, and stairwells in every structure used for human habitation.

Sec. 1713.20: Floors, Walls, and Ceilings.

Floors, walls, and ceilings of every structure used for human habitation shall be structurally sound, free from irregularities that may be a cause of accidents, and maintained in a clean and sanitary condition.

Sec. 1713.21: Bathroom Floors.

Bathroom, shower room, and toilet room or compartment floors of every structure used for human habitation shall be water resistant.

Sec. 1713.22: Rubbish and Garbage Inside.

The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.23: Insect and Rodent Harborage Inside.

The interior of every structure used for human habitation shall be free from insect, rodent, and/or vermin infestation.

Sec. 1713.24: Outdoor Use of Furniture Susceptible to Weather and/or Rodents.

(a) No person, being the owner, operator, or occupant of any building, room, or property shall store, use, or permit to remain on the property under his or her control, in any outdoor area susceptible to moisture from inclement weather (including rain, snow, or hail), or infestation by insect, rodent, or other pest, any furniture designed for indoor use, including but not limited to cushions, pillows, mattresses, couches, and/or chairs.

(b) Subsection (a) above shall not apply to furniture specifically designed and/or intended for outdoor use.

(c) No person, being the owner, operator, or occupant of any building, room, or property, shall store, use, or permit to remain on property under his control, in any outdoor area, furniture which was originally designed for outdoor use which is now dilapidated or deteriorated.

(d) This section shall not apply to otherwise prohibited furniture properly deposited on or near the curb for litter or refuse collection.

Sec. 1713.25: Gutters and Downspouts.

All gutters and downspouts shall be properly installed in accordance with the applicable Building Code and kept in sound working condition and in good repair.

Sec. 1713.26: Graffiti Prohibited.

(a) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on such building, fence, gate, or accessory structure thereof

(b) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on any rock, structure, tree, wall, or other structure on the property located on the parcel.

(c) Whoever violates or fails to comply with this section shall be notified of the violation pursuant to section 1705.05 of the City of Hamilton Codified Ordinances, Title 1, Housing Code.

(d) In addition to any penalties provided by law or ordinance, a violation of subsections (a) or (b) above shall cause the Commissioner of Health to remove the graffiti and the Commissioner shall charge the cost of

Ordinance No. _____ (cont'd)

such removal, together with the administrative costs incurred with regard to such removal, to the owner, operator, or occupant of the property.

(1) If such cost is not paid by the owner, operator, or occupant of the property within thirty (30) days after having been billed for the same, the sum may be certified by the proper City official to the Auditor of Butler County, Ohio and placed upon the tax duplicate for collection, to be collected as other taxes are collected, and shall be a lien against such property until paid.

(2) The City may also collect such costs through a civil action in the appropriate court of law having jurisdiction thereof.

Sec. 1713.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1717 – SPACE AND OCCUPANCY REQUIREMENTS

Sec. 1717.01: Potable Water Supply.

- (a) Every dwelling, dwelling unit, and rooming house shall be supplied with a potable water supply.
- (b) There shall be adequate water supply and pressure at all installed hot and cold water outlets.
- (c) During interruption of potable water supply, every dwelling, dwelling unit, and rooming house shall be supplied with one gallon per person per day of potable water.

Sec. 1717.02: Hot Water.

Every dwelling, dwelling unit, and rooming house shall have an adequate supply of hot water that is properly connected to plumbing fixtures requiring hot water.

Sec. 1717.03: Plumbing Fixtures.

- (a) Within every dwelling unit there shall be the following plumbing fixtures:
 - (1) Kitchen sink, and
 - (2) Toilet, and
 - (3) Bathtub or shower, and
 - (4) Lavatory.
- (b) Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.

Sec. 1717.04: Plumbing Fixtures in Rooming Houses.

- (a) In every rooming house the following minimum plumbing fixtures are required for each multiple of ten (10) males, or fraction thereof, and for each multiple of ten (10) females or fraction thereof:
 - (1) Toilet, and
 - (2) Bathtub or shower, and
 - (3) Lavatory.
- (b) Bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.
- (c) All fixtures shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.
- (d) Where sleeping accommodations are arranged as a dormitory, the same plumbing fixtures are required as in the ratios stated in subsection (a) above.
- (e) Where toilet rooms are provided for the exclusive use of males, urinals may be substituted for not more than one-third (1/3) of the required number of toilets.

Sec. 1717.05: Plumbing Fixture Connections to Sewer Lines.

All plumbing fixtures, installed within a structure used for human habitation, shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal.

Sec. 1717.06: Privies Not Permitted.

No privy shall be constructed or continued in operation without the written approval of the City of Hamilton Health Department.

Sec. 1717.07: Heating Facilities.

Ordinance No. _____ (cont'd)

Every dwelling, dwelling unit, rooming house, and rooming unit, occupied during normal heating periods, shall have heating facilities capable of maintaining a minimum inside temperature of seventy degrees Fahrenheit (70°F), based on inside ambient temperature in all habitable rooms, bathrooms, and toilet and/or shower rooms and/or compartments.

Sec. 1717.08: Electrical Service.

Every dwelling, dwelling unit, rooming house, and rooming unit shall be provided with approved electrical service.

Sec. 1717.09: Cooking Facilities.

Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities.

Sec. 1717.10: Communal Cooking and Dining Facilities.

(a) Every communal kitchen and dining room located in a boarding house shall have adequate floor space and facilities and shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.

(b) The preparation and eating of meals in rooming units is prohibited.

(c) All boarding houses shall meet the applicable requirements of the applicable Building Code, and shall possess a valid food service operation license.

(d) Communal kitchens and dining rooms shall comply with the following requirements:

(1) Communal kitchens shall have a minimum gross floor area of sixty (60) square feet and a minimum width of five (5) feet where cooking is permitted.

(2) Communal kitchens used for combined cooking and eating purposes shall have a minimum gross floor area of one hundred (100) square feet, and a minimum width of seven (7) feet. Dining space and eating facilities shall comply with requirements for communal dining rooms.

(3) Required facilities are:

A. At least one kitchen sink; and

B. At least one kitchen gas or electric stove containing at least two (2) top burners

and an oven; and

C. At least one electric, gas, or other mechanical or suitably constructed ice refrigerator with adequate food storage capacity and adequate lineal feet of shelf storage space.

(4) Communal dining rooms shall have a minimum gross floor area of seventy (70) square feet.

(e) Required facilities for communal dining rooms include:

(1) At least one dining chair, and

(2) At least two (2) lineal feet of dining space for each occupant permitted in dining room at

any particular time.

Sec. 1717.11: Refrigerated Space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage, or appropriate utility connections, shall be provided.

Sec. 1717.12: Means of Egress.

Every dwelling unit and rooming unit shall have safe and unobstructed means of egress from the structure.

Sec. 1717.13: Maintenance of Plumbing Fixtures.

Every water line, plumbing fixture, and drain, located in a structure used for human habitation, shall be properly installed, connected, maintained, and capable of performing the function for which it was designed.

Sec. 1717.14: Maintenance of Plumbing Systems.

Every stack, waste, and sewer line, located in a structure used for human habitation, and every connecting sewer line, shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard.

Sec. 1717.15: Installation of Heating Equipment.

Every heating, cooking, and water-heating device, located in a structure used for human habitation, shall be properly installed, connected, and capable of performing the function for which it was designed.

Sec. 1717.16: Venting of Heating Equipment.

Ordinance No. _____ (cont'd)

All heating, cooking, and water-heating equipment which burns solid fuels shall be properly connected to a chimney or flue, and such heating equipment which burns liquid or gaseous fuels shall be properly connected to a supply line and, where required, to a chimney, flue, or vent.

Sec. 1717.17: Maintenance and Operation of Heating Equipment.

Every heating, cooking, and water-heating device located in a structure used for human habitation shall be so maintained and operated as to be free from fire, health, and accident hazards.

Sec. 1717.18: Storage of Fuels.

All fuels stored on property for the operation of heat-producing equipment shall be stored in a safe manner.

Sec. 1717.19: Maintenance of Electrical Wiring and Devices.

- (a) Electrical wiring and devices located in a structure used for human habitation shall be so designed, installed, and maintained so as not to be a potential source of ignition of combustible material or an electrical hazard.
- (b) The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor.

Sec. 1717.20: Dwelling Unit Space.

- (a) Every dwelling unit shall contain a minimum gross floor area of:
 - (1) At least one hundred and fifty (150) square feet for the first occupant, and
 - (2) At least one hundred (100) square feet for each occupant thereafter.
- (b) The maximum occupancy of any dwelling unit shall not exceed a total number of persons equal to two (2) times the number of its habitable rooms.

Sec. 1717.21: Ceiling Height.

Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area, and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

Sec. 1717.22: Sleeping Room Space.

- (a) In every dwelling or rooming unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least seventy (70) square feet.
- (b) Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of fifty (50) square feet per occupant thereof.
- (c) Kitchens shall not be used for sleeping purposes.

Sec. 1717.23: Rooming Unit Space.

Rooming units let to one or more persons shall contain a minimum gross floor area of ninety (90) square feet for a single occupant, and every such rooming unit occupied by more than one occupant shall contain a minimum gross floor area of seventy (70) square feet per occupant thereof.

Sec. 1717.24: Basement Dwelling Unit.

Dwelling units and rooming units located in a basement shall meet all the requirements of this Housing Code and the floors and outside walls shall be damp-proof.

Sec. 1717.25: Sleeping Space in Cellars.

No space in any cellar shall be used for sleeping purposes.

Sec. 1717.26: Natural Light in Habitable Room.

- (a) Every habitable room shall have at least one window or skylight facing directly to the outdoors.
- (b) The minimum aggregate area available for unobstructed light shall be not less than ten percent (10%) of the floor area of such rooms.

Sec. 1717.27: Light in Non-habitable Space.

- (a) Every stair, hall, cellar, and basement located in a structure used for human habitation shall have either adequate natural or artificial light available at all times.
- (b) Every laundry, furnace room, and all similar non-habitable work space located in a structure used for human habitation shall have either adequate natural or artificial lighting available at all times.

Ordinance No. _____ (cont'd)

Sec. 1717.28: Light in Public Halls and Stairways.

(a) Every public hall and common stairway located in a structure used for human habitation, and which is used primarily for ingress and egress in connection with two (2) or more dwelling units or rooming units, shall be supplied with a proper amount of natural light or lighting facilities, controllable by the occupants of the structure, and be available at all times.

(b) The natural or artificial lighting provided shall not be less than three (3) foot candles (three lumens) measured in the darkest portions of normally traveled stairs and passageways during the darkest hours of the day.

(c) Structures containing three (3) or more dwelling units, or where rooms are let to five (5) or more persons, shall meet the requirements of the applicable Building Code.

Sec. 1717.29: Electric Outlets.

(a) Every habitable room shall have electric outlets and/or fixtures properly connected to a source of electric power as required in section 1717.08.

(b) Every habitable room shall have a minimum of:

- (1) One outlet and one fixture; or
- (2) Two (2) outlets.

Sec. 1717.30: Electric Fixtures in Bathroom.

(a) Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall have permanently installed artificial lighting fixtures.

(b) The switches for the permanently installed artificial lighting fixtures shall be so located as to avoid danger of electrical hazards.

Sec. 1717.31: Ventilation in Habitable Rooms.

Every habitable room shall be ventilated by either openable areas equal to fifty percent (50%) of the required window area or by equivalent mechanical ventilation.

Sec. 1717.32: Ventilation in Bathrooms.

Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall be adequately ventilated.

Sec. 1717.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1721 – RESPONSIBILITIES OF PERSONS

Sec. 1721.01: Maintenance of Private Space.

Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the structure, dwelling, dwelling unit, or property thereof that he occupies or controls.

Sec. 1721.02: Maintenance of Plumbing Equipment.

Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

Sec. 1721.03: Waste Disposal.

(a) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter, so as to be in compliance with sections 1713.02 and 1713.22.

(b) Every owner or operator shall maintain the containers for solid waste and recyclable material collection issued pursuant to section 973.07 for the exclusive use on such property at such property for the occupant's use in compliance with section 1721.03(a).

Sec. 1721.04: Extermination.

(a) Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the property.

(b) Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such

Ordinance No. _____ (cont'd)

infestation is caused by the failure of the owner or operator to carry out the provisions of this Housing Code, as cited in sections 1713.06, 1713.14, and 1713.23, extermination shall be the responsibility of the owner or operator.

(c) When two (2) or more dwelling units within a building are so infested, it shall be the responsibility of the owner or operator to carry out the provisions of this Housing Code within such building, as cited above, with respect to extermination.

(d) When the owner or operator is applying pesticides for the purpose of extermination in a dwelling unit that is occupied by others, all laws and procedures in the Ohio Revised Code Chapter 921 (Pesticides) apply and are to be followed.

Sec. 1721.05: Maintenance of Public Space.

Every owner or operator of a building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, sanitary, and safe condition the shared or public areas of the property.

Sec. 1721.06: Supplied Facilities.

Every owner or operator of a dwelling, dwelling unit, rooming house, and rooming unit shall be responsible for keeping supplied facilities in proper operating condition, except or as otherwise provided by this Housing Code.

Sec. 1721.07: Supplied Heat.

(a) Every owner or operator of a building, who permits to be occupied any dwelling unit or rooming unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature of seventy degrees Fahrenheit (70°F) based on inside ambient temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments.

(b) The provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, negligent or malicious act(s) of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner, operator, or occupant.

Sec. 1721.08: Discontinuance of Utilities.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied by the provisions of this Housing Code, to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

Sec. 1721.09: Occupancy of Vacant Units.

(a) No person shall occupy as owner-occupant or permit to be occupied by another, any vacant dwelling or dwelling unit, unless it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of the Housing Code.

(b) Every owner of property that is residential rental property must register said property per state law.

Sec. 1721.10: Owner Access.

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, or rooming unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code, or with an order issued pursuant to the provisions of this Housing Code.

Sec. 1721.11: Screens.

(a) Every owner or operator of a dwelling, dwelling unit, rooming house, or rooming unit shall be responsible for providing and hanging all screens whenever required by this Housing Code.

(b) Every occupant of a single dwelling unit or rooming unit shall be responsible for the maintenance or replacement of screens once installed in any one season.

Sec. 1721.12: Responsibility of Owner.

Every owner or operator of a dwelling, dwelling unit, rooming house, and/or rooming unit shall be responsible for all environmental requirements contained in chapter 1713 and all space and occupancy requirements contained in chapter 1717, except as otherwise provided in the Housing Code.

Sec. 1721.13: Rental Unit Mandatory Inspection Required.

(a) Every owner of property that is residential rental property must register said property according to state law.

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(b) Every owner or operator of property that is residential rental property shall have the interior and exterior of such property inspected by the Department of Community Development - Health Division to determine compliance with the Housing Code, the Fire Code, and the Zoning Code, under the following circumstances:

(1) If two (2) or more notices of violation have been issued to the owner or operator pursuant to section 1705.05 of the Health Code within any two (2) year period, relative to the same property, and the orders contained in such notices are not complied with within the time provided, the property shall be subject to semi-annual mandatory inspections until such property is brought into compliance with the orders, and for a period of two (2) years thereafter; or

(2) If the owner or operator has been found to have maintained a nuisance by a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 3767, as may be amended from time to time, the property that was the subject of the finding shall be subject to semi-annual mandatory inspections for a period of two (2) years.

(c) No owner or operator of residential rental property shall fail to obtain a rental unit mandatory inspection from the Department of Community Development - Health Division when the provisions of this section require a rental unit mandatory inspection.

(d) A rental unit-semi-annual mandatory inspection fee, per rental unit, which shall include the first two (2) inspections, shall be imposed as follows:

- (1) A fee of one hundred and twenty-five dollars (\$125.00) for property with one rental unit;
- (2) A fee of one hundred and seventy-five dollars (\$175.00) for property with two (2) rental units;
- (3) A fee of two hundred and twenty-five dollars (\$225.00) for property with three (3) rental units;
- (4) A fee of two hundred and fifty dollars (\$250.00) for property with four (4) rental units; and
- (5) A fee of two hundred and sixty-five dollars (\$265.00) for the first rental unit on property with five (5) or more rental units, and a fee of fifteen dollars (\$15.00) per rental unit for each additional rental unit on the property.

(e) A re-inspection fee in the amount of fifty dollars (\$50.00), per rental unit, shall be imposed for each semi-annual inspection subsequent to the first two (2) inspections.

(f) Penalty. Notwithstanding any other provision of this chapter, an owner or operator who fails to schedule an inspection within thirty (30) days as required in subsection (b) of this section shall be fined one thousand dollars (\$1,000).

(g) Fees and fines collected pursuant to this section shall be used exclusively to help defray the costs to the City for rental unit mandatory inspections.

Sec. 1721.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

**CHAPTER 1731 - ADMINISTRATION
[NO CHANGES]**

**CHAPTER 1733 - FEES AND CHARGES
[NO CHANGES]**

CHAPTER 1735 - LITTERING

Sec. 1735.01: Short Title.

The provisions of this chapter shall be known and may be cited as the "Hamilton Anti-Litter Ordinance."

Sec. 1735.02: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The term shall include helicopters and lighter-than-air dirigibles and balloons.

Ordinance No. _____ (cont'd)

(b) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the City.

(c) "Authorized Private Container" means a litter storage and collection receptacle as required and authorized in chapter 973 of the Streets, Utilities and Public Services Code.

(d) "City" is the City of Hamilton, Ohio.

(e) "Commercial Handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing; or

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. But, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. However, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(f) "Commissioner of Health" means the health authority of the City of Hamilton, and his or her authorized representative or designee.

(g) "Enclosed Structure" means a building with at least three (3) sides.

(h) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

A. "Litter" means "garbage", "refuse", and "rubbish", as defined herein, including peelings of vegetables or fruits, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger or nuisance to public health, safety and welfare.

(j) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law. In addition "newspaper" means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(k) "Noncommercial Handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a "commercial handbill" or "newspaper" in this section.

(l) "Nonresidential Property" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for non-residential purposes.

(m) "Park" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

(n) "Person" means any individual, firm, partnership, association, corporation, company, or organization of any kind.

(o) "Public Container" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(p) "Public Place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(q) "Refuse" means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or inoperative automobiles, appliances and equipment, and solid market and industrial wastes.

(r) "Residential Property" means any dwelling, house, building, multi-family structure, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes, but is not limited to, any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house building, or other structure.

Ordinance No. _____ (cont'd)

(s) "Rubbish" means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(t) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 1735.03: Power to Enforce.

The Commissioner of Health, and his or her designee, shall have the power and authority to enforce any section(s) of this chapter.

Sec. 1735.04: Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, including freshwater streams, lakes, and ponds, except in public containers, in authorized private containers for collection, or in official City refuse disposal sites.

Sec. 1735.05: Use of Containers so as to Prevent Scattering.

Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and ponds, or upon private property.

Sec. 1735.06: Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their property free of litter.

Sec. 1735.07: Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the territorial limits of the City shall keep the sidewalk and parkway in front of their business property free of litter.

Sec. 1735.08: Litter in Parks.

(a) No person shall throw or deposit litter in any park within the City except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place, including freshwater streams, lakes, and ponds.

(b) Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 1735.09: Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, freshwater streams, lakes, ponds, or any other body of water in a park or elsewhere within the City.

Sec. 1735.10: Distributing Commercial and/or Noncommercial Handbills in Public Places.

(a) No person shall hand out, distribute, sell or cause another to hand out, distribute, or sell any commercial handbill in any public place.

(b) However, it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(c) No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any sidewalk, street or other public place, including freshwater streams, lakes, or ponds within the City.

Sec. 1735.11: Placing Commercial and/or Noncommercial Handbills on Vehicles.

(a) No person shall throw or deposit, or cause another to throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

(b) However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Ordinance No. _____ (cont'd)

Sec. 1735.12: Depositing Commercial and/or Noncommercial Handbills on Uninhabited or Vacant Property.

No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any private property that is temporarily or continuously uninhabited or vacant.

Sec. 1735.13: Prohibiting Distribution of Handbills where Properly Posted.

No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill upon any property, if requested by anyone thereon not to do so, or if there is placed on the property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice indicating in any manner that the occupants of the property do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon the property.

Sec. 1735.14: Distributing Commercial and Noncommercial Handbills at Inhabited Private Property.

(a) No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill in or upon private property which are inhabited, except by handing or transmitting any such handbill directly to the owner, operator, occupant or other person then present in or upon such private property which are not posted as provided in section 1735.13.

(b) A person may, unless requested by anyone upon such property not to do so, place or deposit any such handbill in or upon such inhabited private property, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such property or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(c) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

Sec. 1735.15: Posting Notices.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public place, structure, or building, except as may be authorized or required by law, or upon any private property, unless it is done with the consent or by the direction of the owner or operator of such property. Any notice, poster, or other paper or device posted or affixed in violation of this section shall be deemed to be rubbish or trash, abandoned by the person posting or affixing such notice, poster, or other paper or device, and may be removed and disposed of by the City or its agents without notice.

Sec. 1735.16: Litter on Vacant Land.

(a) No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

(b) Vacant lots shall be kept free of litter at all times by the person responsible for the vacant lot.

Sec. 1735.17: Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner, operator, or occupant may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and/or ponds, or upon any private property.

Sec. 1735.18: Maintaining Private Property Free of Litter.

(a) The owner, operator, or occupant of any private property shall at all times maintain the property free of litter. All litter shall be stored in authorized private containers for collection.

(b) Unused lumber and abandoned, unused or inoperative automobiles, washers, dryers, refrigerators, and other such appliances, equipment and like items shall be stored in an enclosed structure upon all private property.

(c) The storage of such items listed in this section must comply with any and all health, fire, and building codes, and such other regulations, orders, ordinances, or statutes as may apply.

Sec. 1735.19: Notice of Violation.

Ordinance No. _____ (cont'd)

(a) The Commissioner of Health shall notify the owner, operator, or occupant of any property to properly dispose of litter located on such property that is dangerous or a nuisance to public health, safety, and welfare.

(b) Notice by the Commissioner of Health shall be in the form of a letter and service of such notice may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing. It shall be deemed sufficient to mail the notice to the owner's, operator's, or occupant's residence, regular place of business, or last known address.

(c) If the property in violation of this chapter is unimproved with no structure upon which to post notification of the violation or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1735.20: Effect of Noncompliance; City may Remove Violation.

(a) Upon receiving a notice of violation of this chapter, the owner, operator, or occupant of the property is required to abate the condition within forty-eight (48) hours from receipt of the notice of violation.

(b) Whenever a notice or order to remove a violation has not been complied with, the Commissioner of Health may proceed to cause the violation to be removed after the Commissioner of Health has documented sufficient proof to support such determination of non-compliance.

(1) The owner, operator, or occupant of the property shall then be notified of such finding by the Commissioner of Health in the manner described in section 1735.19.

(2) The Commissioner of Health shall not commence their abatement until forty-eight (48) hours after the subsequent notification required by section 1735.20(b)(1).

Sec. 1735.21: Expense Recoverable.

(a) All expenses incurred by the City pursuant to section 1735.20 shall be paid by the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The owner or operator shall receive due notice of the amount of such charge and, should he or she fail to pay such amount for a period of thirty (30) days after the date of such notice, such amount shall be certified to the Auditor of Butler County, Ohio, and the same shall be collected as are other taxes and shall be a lien against such property until paid.

(c) In order to so certify the non-payment of such charges, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this section and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the Municipal General Fund.

Sec. 1735.22: Junk Motor Vehicles on Private Property with Permission of Owner; Notice of Removal and Impounding.

(a) It shall be a violation of this chapter to accumulate and store junk motor vehicles, non-operating motor vehicles or vehicle parts, on private property, which motor vehicles are in the nature of refuse and unsightly debris.

(b) Accumulation and storage of the items in this section constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults. Further, these conditions interfere with the comfort and well-being of the public and create, extend, and aggravate urban blight. Accordingly, the public health, safety, and general welfare require that such conditions be regulated, abated and prohibited.

(c) Definitions.

For the purposes of this section:

- (1) "Junk Motor Vehicle" means any motor vehicle which
- A. Is three (3) years old or older;
 - B. Extensively damaged, with such damage including, but not limited to, any of the following: missing wheels, tires, motor, or transmission;
 - C. Apparently inoperable;
 - D. Having a fair market value, as determined by Kelley Blue Book, NADA, or other similar publication, of one thousand five hundred dollars (1,500) or less; and
 - E. That:
 - (i) Is left outside of a building, and thus is in the open on private property for more than forty-eight (48) hours; or

(ii) Has been left on private property for more than forty-eight (48) hours without the permission of the person having the right to the possession of the property.

(2) "Left outside of a building" means that the motor vehicle has not been placed in an enclosed structure or building with at least three (3) sides. Neither a carport, nor a car cover, nor a fence, qualifies an enclosed structure or building with at least three (3) sides.

(3) "Non-Operating Motor Vehicle" means:

A. Any motor vehicle not bearing current, valid, state license plates; or

B. Any motor vehicle partly disassembled, incapable of satisfying state standards of

safe operation or incapable of moving under its own power, whether bearing current, valid, state license plates or not. Any motor vehicle not moved within thirty days shall be presumed to be incapable of moving under its own power.

(4) "Property" means any real property within the City which is not a street or highway

(5) "Vehicle Part" means any portion or part of a motor vehicle.

(d) Storage on Private Property.

(1) No person shall park, store, leave, or permit the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not, for a period in excess of forty-eight (48) hours upon any private property within the City, unless the same is completely enclosed within a building, having three (3) or more sides, or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise, or it is a collector's vehicle pursuant to Ohio Revised Code section 4501.01(F), as may be amended from time to time.

(2) Neither a carport, nor a car cover, nor a fence meets the requirement under subsection (d)(1) of this section 1735.22 of completely enclosed within a building having three (3) or more sides. Therefore, parking, storing, leaving, or permitting the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not attended, in a carport, under a car cover, or behind a fence, for a period in excess of forty-eight (48) hours upon any private property within the City is a violation of this section and this chapter.

(e) Removal Required.

(1) The accumulation and storage of one or more such junk motor vehicles, non-operating motor vehicles, or vehicle parts in violation of the provisions of this section shall constitute refuse and unsightly debris and shall constitute a nuisance, detrimental to the health, safety and general welfare of the inhabitants of the City.

(2) The owner, operator, or occupant of the property upon which such nuisance is located otherwise shall remove the nuisance to a place of lawful storage, or shall have the junk motor vehicle, non-operating motor vehicle, or vehicle part housed within a building where it will not be visible from the street or alley.

(3) Notwithstanding any provisions to the contrary contained in chapter 1767, regulation, enforcement, notice, and abatement shall be pursuant to this section.

(f) Notice to Remove.

(1) Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section.

(2) The Commissioner of Health shall give, or cause to be given, written notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section; or the Commissioner of Health shall give, or cause to be given written notice to the owner, operator, or occupant of the property upon which such junk motor vehicle, non-operating motor vehicle, or vehicle part is located; or the Commissioner of Health shall give, or cause to be given, written notice to both the registered owner of the junk motor vehicle, non-operating motor vehicle, or vehicle part and the owner, operator, or occupant of such property.

(3) Written notice shall be by United States certified mail with return receipt, commercial carrier service, or by personal service, and shall state that such junk motor vehicle, non-operating motor vehicle, or vehicle part violates the provisions of this section and that within forty-eight (48) hours, the junk motor vehicle, non-operating motor vehicle, or vehicle part is to be removed to a place of lawful storage or to be housed in a building where it will not be visible from the street or alley.

(g) Removal by City.

(1) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section, or the owner, operator, or occupant of the private property upon which the same is located, fails, neglects, or refuses to remove or house such junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the notice given pursuant to the provisions of subsection (f) hereof, the Commissioner of Health may remove and dispose of such junk motor vehicle, non-operating motor vehicle, or vehicle part in any manner authorized by state law.

(h) Right of Entry.

(1) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter

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upon private property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose and to remove any junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the provisions of this section.

(2) Any person to whom notice was given pursuant to subsection (f) hereof shall have the right to remove or house such motor vehicle in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives as listed above in (h)(1), for the purpose of removal.

(i) Penalty for Junk Motor Vehicle Offense.

(1) Whoever violates any prohibition contained in this section is guilty of a minor misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, non-operating motor vehicle or vehicle part, plus administrative costs in the amount of twenty-five (25%) percent of the total costs incurred, and less any money accruing to the City from such disposal.

(2) Each day such violation exists or is permitted to continue shall constitute a separate offense.

Sec. 1735.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1735.99: Penalty for Littering Offense.

(a) Notwithstanding the provisions of section 1735.22, whoever violates any other provision of this chapter shall be deemed guilty of an unclassified misdemeanor.

(b) Whoever violates any prohibition contained in section 1735.22 is guilty of an unclassified misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, less any money accruing to the City from such disposal.

(c) A separate offense may be deemed committed each day during or on which a violation occurs or continues.

(d) The provisions of this chapter are specifically intended to impose strict liability.

**CHAPTER 1737 – ADULTERATION AND MISBRANDING OF FOOD AND DRUGS
[REPEALED PREVIOUSLY]**

**CHAPTER 1739 – RETAIL FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS
[REPEALED PREVIOUSLY]**

**CHAPTER 1743 – FROZEN DESSERTS
[REPEALED PREVIOUSLY]**

**CHAPTER 1745 – MEAT SALES
[REPEALED PREVIOUSLY]**

**CHAPTER 1747 – DISPOSAL OF THE DEAD
[REPEALED PREVIOUSLY]**

**CHAPTER 1751 – MASS GATHERINGS
[NO CHANGES]**

**CHAPTER 1755 – SWIMMING POOLS
[NO CHANGES]**

CHAPTER 1757 – SKIN TANNING FACILITIES
[REPEALED PREVIOUSLY]

CHAPTER 1759 – OFFENSIVE OBJECTS AND SUBSTANCES

Sec. 1759.01: Destruction of rats.

No owner, operator, or occupant of any property shall harbor, or fail to destroy so far as possible any rats, mice or vermin thereat. The foregoing provisions of this section shall not be construed to prohibit the keeping in proper confinement of animals or insects for scientific or commercial purposes. The infestation of any property by rats, mice or vermin is hereby declared to be a nuisance detrimental to the public health, and may be abated as such.

Sec. 1759.02: Disposal of dead animals.

No person being the owner or person in charge of any animal which dies or is killed otherwise than by slaughter for meat, shall permit the carcass of such animal to lie or remain within the limits of the City for more than five hours after he or any member of his household or any employee has knowledge thereof.

Sec. 1759.03: Throwing rubbish, animal carcass into street, river, etc.

No person shall place, cast, throw or abandon any filth, dung or rubbish or any other putrid, noxious, poisonous, offensive or unsound substance or material of any kind whatever into or upon any thoroughfare, park, public place, river, pond, basin, watercourse or private property. No person shall place, cast or throw into any street or other thoroughfare, or into any basin, pond, river or watercourse, the carcass of any animal, or any putrid, noxious, poisonous or unsound substance or material whatever, or any filth, dung, rubbish or offensive liquid.

Sec. 1759.04: Brining animal carcass into City, prohibited.

No person shall bring into the City the carcass of any animal of any kind or description; but this section shall not apply to the bringing into the City of the carcass of any animal lawfully slaughtered for meat, under all conditions of inspection and otherwise conforming to any requirements of the United States Department of Agriculture, the laws of the State, or ordinances of the City.

Sec. 1759.05: Disposition of liquid waste.

No person shall throw or cast any household or industrial liquid waste, slop, swill, oil, brine or water other than clean water, upon or into any thoroughfare, gutter, park or parkway, sidewalks, property, basin, pond, river or watercourse. If any such liquid wastes are produced upon any property not so situated as to permit of water and sewer connections, it shall be the duty of the owner, operator, or occupant of the property to provide some sanitary means of disposing thereof, so as not to cause any nuisance or any condition detrimental to the public health.

Sec. 1759.06: Stagnant water.

It shall be the duty of the owner, operator, or occupant of any property on which water stands or accumulates, either on the surface or in any excavation or cellar, to cause the same to be drained if any sewer or drain is accessible for such purpose, and otherwise to be filled; but the foregoing provision shall not be construed to prohibit the construction of any pool or fountain provided with proper drainage, the water of which does not become stagnant.

Sec. 1759.07: Notice to Fill Lots, Remove Putrid Substances.

No person shall fail to comply with the requirement to:

- (a) Fill or drain any lot or land; or
- (b) Remove all putrid substances therefrom; or
- (c) Remove all obstructions from culverts, covered drains, or natural watercourses within the lawful time after service, publication of the notice, or resolution is made, as required by law

Sec. 1759.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1759.99: Penalty

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 1763 – WEEDS

Sec. 1763.01: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Building" means any structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.
- (b) "City" means the City of Hamilton, Ohio.
- (c) "Grass" means any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
- (d) "Lot" means a single parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the City of Hamilton's Zoning Ordinance.
- (e) "Noxious" means physically harmful or destructive to living human beings.
- (f) "Noxious Weeds" means and includes any and all grass, weeds, vegetation, and wild plants exceeding seven (7) inches in height.
- (g) "Parcel" means a plot or tract, undivided acreage or group of lots in common ownership or control.
- (h) "Property" means any land, lot, parcel of lands, or part thereof.
- (i) "Structure" means anything constructed, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.
- (j) "Weeds" means any plant that is not valued where it is growing and tends to overgrow more desirable plants. This term also includes grass, noxious weeds, vegetation, and shrubs that are growing into or onto any portion of a public sidewalk or road.
- (k) "Undeveloped" means that the entire lot and/or parcel that is free from any building or structure, as those words are defined above.

Sec. 1763.02: Owner To Control.

No owner, operator, or occupant of property situated within the City limits shall permit the same to become overgrown with noxious weeds, grass or other vegetation.

Sec. 1763.03: Removal of Noxious Weeds; Weed Control Responsibility of Adjacent Owner.

- (a) Any and all noxious weeds growing or being upon any property within the City limits are hereby declared a public nuisance.
- (b) Every owner, operator, or occupant of any property within the City limits shall cause the same to be kept free from such noxious weeds by cutting them or by destroying them by spraying with a chemical compound, and then removing said cut or destroyed noxious weeds from such property.
- (c) An owner, operator, or occupant of property, adjacent to a partition fence, shall keep all brush, briars, thistles, or other noxious weeds cut in the fence corners and a strip four feet wide on the owner's, operator's, or occupant's side along the line of a partition fence, except this does not apply to the planting of vines or trees for use.
- (d) The owner, operator, or occupant of each property adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

Sec. 1763.04: Notice to Owner to Cut; Failure of Owner to Comply; City Action.

- (a) When the City ascertains that noxious weeds are growing on any property within the City limits, notice shall be given to the owner, operator, or occupant, of such property that noxious weeds are growing thereon and must be destroyed by any of the methods set forth in section 1763.03, and that such destruction must be completed within forty-eight (48) hours after receipt of such written notice. The written notice shall state the City's intent to cut the noxious weeds if the owner, operator or occupant of such property fails to comply with the notice within forty-eight (48) hours after receipt. The written notice shall also advise the property's owner, operator, or occupant that such person shall be liable for all expenses incurred by the City for cutting such noxious weeds, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred,

(b) If the owner, operator, or occupant neglects or refuses to cut brush, briars, thistles, or other noxious weeds as described in section 1763.03(c), an owner, operator, or occupant of land abutting on the partition fence, may cut any portion of said brush, briars, thistles, or other noxious weeds as is encroaching on his or her property.

(c) If the owner, operator, or occupant of property fails to comply with the notice issued pursuant to subsection (a) of this section 1763.04 within forty-eight (48) hours after receipt, the Commissioner of Health or designee is hereby authorized to proceed to cut the noxious weeds.

(d) For any notice herein required, service may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing. It shall be deemed sufficient service to mail the notice to the last known address of such owner, operator, or occupant, of the property. If notice is sent by regular mail, it shall be deemed received three (3) business days from the date of mailing.

(e) If the property in violation of this Chapter is unimproved or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1763.05: Limitation of Written Notice; Derelict Property List.

(a) An owner or operator of any property situated within the City limits is limited to two (2) written notices for any violation of this Chapter per property per calendar year. If, after two (2) notices have been served in accordance with this Chapter, the Commissioner of Health or designee determines that a subsequent violation has occurred within the same calendar year, the City may proceed with the remedy set forth in 1763.04 without further notice.

(b) Once the City has sent written notification to the owner or operator of any property for two separate violations of this Chapter, the property shall be added to the City's Derelict Property List.

(c) Once any property is put on the City's Derelict Property List, the City is authorized to cut such weeds, grass, or other vegetation on the property that exceeds seven (7) inches in height, without any prior notice given to the owner or operator of such property. The owner or operator of such property shall be liable for all expenses incurred by the City for cutting such weeds, grass, or other vegetation.

(d) The City's Derelict Property List shall be maintained and published on the City's Health Department website or may be obtained from the Department of Community Development - Health Division at 345 High Street, Suite 330, by completing a Public Records Request Form.

(e) To be removed from the Derelict Property List, and thus to have the City cease cutting such weeds, grass, or other vegetation on the property without prior notification, the owner or operator of said property must send a letter to the Health Department, 345 High Street, Suite 330, Hamilton, Ohio 45011 via certified mail, return receipt requested. The letter must include a proper description of the property (physical address or description of the property as recorded in the Real Property Records of Butler County) and the property owner's or operator's request that the property be taken off the Derelict Property List.

(f) If a property that is on the City's Derelict Property List has a change in recorded owner, the new owner must notify the Commissioner of Health so that the property can be taken off the City's Derelict Property List.

Sec. 1763.06: Payment of Costs; Failure of Owner to Pay Costs.

(a) If the City cuts such weeds, grass, or other vegetation because the owner or operator of the property fails to comply with this Chapter, the City's expenses for cutting such weeds, grass, or other vegetation shall be charged to the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) Notice of such assessment shall be given to the owner or operator of such property either in person or left at the usual place of residence of the owner or operator, or sent by mail.

(c) Upon the owner's or operator's failure to pay such amounts for a period of thirty (30) days after the receipt of notice, such amounts shall be certified to the Auditor of Butler County and the same shall be collected as other taxes are collected and shall be a lien against such property until paid.

(d) In order to so certify, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this Chapter and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the general fund.

Sec. 1763.07: Certain Lands Exempted.

(a) Sections 1763.01 through 1763.06, inclusive, shall not apply to undeveloped lots or parcels of land, which consist of five acres or more, regardless of zoning district classification.

(b) However, if land excluded from this Chapter by this section is located adjacent to private residences, businesses, or public rights-of-way, the exemption in this section shall not apply to a strip of land twenty (20) feet in width closest to such private residences, businesses, or public rights-of-way.

Sec. 1763.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this Chapter shall remain in full force and effect.

Sec. 1763.99: Penalty.

Any person, owner, operator, or occupant violating any provision of this Chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense that occurs within the same calendar year.

CHAPTER 1767 – NUISANCES GENERALLY

Sec. 1767.01: Nuisances.

(a) No person shall cause, maintain, or permit to exist, any thing or condition that amounts to or is declared by law or ordinance to be a nuisance.

(b) No owner, operator, or occupant of any property shall cause or permit any condition to exist thereon that amounts to a nuisance, or to fail or neglect to abate or remove the same, upon being required to do by the Commissioner of Health.

(c) No person, being the owner, operator, or occupant of any property, shall permit any stagnant water, noisome liquid, or filthy or offensive substance, which might tend to pollute the atmosphere, to injure the health of persons in the vicinity or attract or breed flies or other noxious insects or vermin, to be or remain on such property or in or about any building or structure on or in connection with the property.

1767.02: Investigation of Nuisance.

(a) It shall be the duty of the Commissioner of Health, whenever he or she receives any complaint or information as to the existence of any condition or thing which amounts to a nuisance, to investigate as may be necessary, and to take such measures as may be necessary to cause the abatement of any nuisance found to exist.

(b) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the existence of any condition or thing which amounts to a nuisance.

(c) The Commissioner of Health or his designated representatives, shall be authorized to enter any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under Part 17 – Health Code of the City of Hamilton's Codified Ordinances.

(d) Abating a nuisance shall be by or at the expense of the person in charge of or responsible for such nuisance, or otherwise if circumstances so require.

Sec. 1767.03: Notice of Public Nuisance

(a) The provisions of any other section of these Codified Ordinances notwithstanding, when the Commissioner of Health suspects the existence of a public nuisance, as defined in section 1709.35, in the City, the Commissioner shall promptly cause to be inspected the property on which the public nuisance is suspected to exist. Should the Commissioner of Health find that a public nuisance does exist, it shall be the duty of the Commissioner to cause photographs of such public nuisance to be made, and to file in his or her office the photographs and the written report of the findings of the inspector. The Commissioner of Health shall cause a written notice to be served on the owner of such property, and on the holders of legal or equitable liens of record upon the property, stating the findings with respect to the existence of a public nuisance and stating that unless the owner, or any lienholder, thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the same will be abated by the City at the expense of the owner. Service shall be made personally, or by United States certified mail or commercial carrier service to the person's residence, regular place of business, last known address, or to the address of the statutory agent on file with the Ohio Secretary of State. If the certified mail is returned undelivered or the commercial carrier reports failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, or last known address, and posted in a conspicuous place in or on the property. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing, provided that the regular mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. If service of the notice cannot be made on any person or entity to be provided with notice pursuant to this section because the residence or other address of said person or entity cannot be ascertained with reasonable diligence, said person or entity shall be served with notice of the existence of the

public nuisance and notice that the City shall cause the abatement of the public nuisance by rehabilitation or removal if not otherwise abated, by publication. Such publication shall be in a newspaper of general circulation in Butler County, Ohio, at least once a week for six consecutive weeks. Service shall be deemed complete at the date of the last publication. If the owner, or any lienholder, fails or refuses to cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the City may cause either the abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance.

(b) The City may, at its option, elect to not utilize the procedure provided in this Chapter 1767 and proceed instead with the filing of an action in common pleas court.

Sec. 1767.04: Order to Vacate.

(a) In case any nuisance is not abated in compliance with the orders of the Commissioner of Health, or in case the Commissioner is of the opinion that it is impracticable to abate a nuisance, the Commissioner shall have the power to require such place to be vacated, pending the abatement of such nuisance.

(b) Such order to vacate shall be posted on the property, specifying a time not less than twenty-four (24) hours or more than twenty (20) days after posting, within which the property shall be vacated. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the time specified shall remain as provided in the order as posted pursuant to this section 1767.04.

Sec. 1767.05: Enforcement of Vacation Order by Fire or Police Chief

When the order to vacate has not been complied with, and the Commissioner of Health certifies that fact to the Fire Chief or Police Chief, together with a copy of the order, it shall be the duty of the Fire Chief or Police chief to enforce such order to vacate and to cause the property to be vacated in accordance with the terms of the order.

Sec. 1767.06: Court Order to Vacate.

(a) If the occupant of any property required by the Commissioner of Health to be vacated:
(1) Does not vacate such property within the time allowed as provided in section 1767.04, or
(2) If such property having been vacated as required is again occupied before the nuisance therein has been abated and reoccupation of such property is authorized by the Commissioner, the Commissioner shall lay such facts before the judge of the Municipal Court and the court shall immediately issue an order requiring the vacation of such property.

(b) The court order requiring vacation of such property shall be enforced by the Chief of Police or by police officers acting under his authority.

Sec. 1767.07: Rehabilitation or Removal.

(a) Notice to Elect Whether to Rehabilitate or Remove.
(1) Together with the notice of public nuisance served pursuant to section 1767.03, the owner of a public nuisance shall be served by the Commissioner with a "Notice to Elect Whether to Rehabilitate or Remove" the public nuisance.

(2) Within thirty (30) days of the receipt of the Notice to Elect, the owner of the public nuisance shall submit a proposal to either rehabilitate or remove the public nuisance and a timetable for completing such proposal.

(b) Owner's Proposal to Rehabilitate.
(1) The Commissioner of Health shall examine an owner's proposal to rehabilitate to determine whether it contains a reasonable timetable in light of:

A. The present condition of the structure;
B. Whether the rehabilitation to be performed will:
(i) in the case of a non-residential structure, bring the structure into compliance with the Non-Residential Property Maintenance Code within twelve (12) months from the owners receipt of an approval of the proposal to rehabilitate; or
(ii) in the case of a residential structure, bring the structure into compliance with the Housing Code within six (6) months from the owner's receipt of an approval of the proposal to rehabilitate.

(2) If the Commissioner of Health determines that the timetable for rehabilitation is reasonable and will correct all the structure's Housing or Non-Residential Property Maintenance Code violations, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner starts the rehabilitation within thirty (30) days of the Commissioner of Health's approval, subject to the City's building permit and Zoning Code requirements, and complies with the approved proposal to rehabilitate.

(c) Rehabilitation.

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(1) Before beginning rehabilitation following the approval of the proposal to rehabilitate, the owner of the structure shall secure any necessary building permits from the Construction Services Division.

(2) If the property is located within one of the City's Historic Preservation Districts, a Certificate of Appropriateness shall be required before commencing any exterior work.

(3) Final inspection and approval of the owner's rehabilitation efforts shall be required from the Construction Services Division and the Department of Community Development - Health Division before the structure may be reoccupied.

(d) Owner's Election to Remove.

(1) If the owner's election is for removal, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner commences demolition within fifteen (15) days of such approval and complies with the approved proposal to demolish as provided in subsection (d)(3) hereof.

(2) No proposal for demolition received from an owner will be approved if it does not contain the written authorization and consent of the owner authorizing the Commissioner of Health to arrange for the structure's demolition at the owner's expense if demolition is not completed as proposed by the owner.

(3) Demolition. Demolition shall be completed by the owner of a structure in compliance with the proposal approved by the Commissioner of Health.

A. Before demolishing any structure or part thereof, the owner shall obtain all required demolition permits from the Construction Services Division.

B. Orders to demolish shall be reviewed by City Council or, if the property is of Historic Significance, the Architectural Design Review Board. A property is deemed to be Historically Significant if it is included on the Ohio Historic Inventory or if it is located within an area designated as a Historic Preservation District, as defined in the Zoning Ordinance, section 1126.50.

C. No demolition permit shall be issued unless the following requirements are adhered to:

(i) For structures located within a Historic Preservation District, a Certificate of Appropriateness shall be required for the demolition.

(ii) The Architectural Design Review Board shall adhere to its normal and regular procedure in determining the appropriateness of the demolition as defined in the Zoning Ordinance, section 1126.60 and the ADRB's Guidelines and Policies.

(iii) If the Architectural Design Review Board finds that the application does not meet the criteria of said sections, a Certificate of Appropriateness shall not be issued.

D. For the proposed demolition of structures on the Ohio Historic Inventory (OHI), but not located within a Historic Preservation District, the City's normal and regular policy and procedure for insuring demolition permits for structures on the OHI shall be followed.

E. Where Federal and/or State funds are proposed to be utilized for a demolition, a demolition permit will not be issued until any required environmental assessment(s) have been reviewed and approved by the appropriate officials and the funds are cleared for expenditure.

(e) Rejection of Owner's Proposal.

(1) If the Commissioner of Health determines the timetable for demolition or rehabilitation is unreasonable in light of the structure's current condition, or if the Commissioner of Health finds the proposal to rehabilitate will not bring the structure into compliance with the Housing or Non-Residential Property Maintenance Code, the Commissioner of Health shall disapprove the owner's proposal, state the reasons therefor, and continue enforcement action.

(2) The Commissioner of Health shall have the authority to assist the owner in correcting the proposal to achieve compliance with the Housing or Non-Residential Property Maintenance Code.

(f) Extension of Time.

(1) Upon the owner's written request, and for good cause shown, the Commissioner of Health may grant an extension of time for the owner to decide whether to demolish or rehabilitate the structure, or provide an amended proposal to demolish or rehabilitate.

(2) Failure of the owner to obtain additional time to present an original or amended proposal to demolish or rehabilitate shall result in the City's abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance as provided in section 1767.09.

Sec. 1767.08: Appeal hearing of public nuisance structures

(a) The owner, lienholder, or other responsible person named on a notice of public nuisance may within thirty (30) days after receipt of notice or within thirty (30) days after any other determination has been made by the Commissioner of Health pursuant to this chapter, make a demand in writing to the Director of Community

Development (Director), for a hearing on any legal or factual issue relating to the notice of public nuisance, or on any determination made by the Commissioner of Health pursuant to the authority granted by this chapter 1767. The demand shall include the correct mailing address of the owner, lienholder, or person representing the owner or lienholder, and shall be accompanied by an appeal fee in the amount of \$100.00. If the owner or other responsible person cannot afford to pay the fee, the demand for a hearing can be submitted if it is submitted along with a notarized affidavit of indigence. The hearing shall be scheduled within a reasonable time, not to exceed thirty (30) days following receipt of the written demand.

(b) The hearing shall be conducted by the Nuisance Appeals Board. After the hearing, the Nuisance Appeals Board may vote to:

(1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof by repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or

(2) Continue the matter for a period not to exceed 45 days for further investigation and disposition; or

(3) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter; or

(4) Reverse the finding that a public nuisance exists on the property and dismiss the case.

(c) A copy of the decision of the Nuisance Appeals Board shall be mailed, with certificate of mailing, to the owner or other person or entity that demanded the hearing, at the address provided pursuant to 1767.07(A). It shall be the responsibility of the owner, lienholder, or person representing the owner or lienholder, to keep the secretary of the Nuisance Appeals Board apprised of his or her current mailing address. For the purpose of appeal pursuant to Ohio Revised Code Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

Sec. 1767.09: Abatement of Nuisance by City.

(a) Should a public nuisance not be abated within thirty (30) days of receipt of the notice of public nuisance, or at the expiration of the time stated in the approved election to rehabilitate or remove, or any extensions granted by the Commissioner of Health or such additional time as the Nuisance Appeals Board may grant, the Commissioner shall be authorized at any time thereafter to enter on the property and the owner shall permit him/her entry to abate the public nuisance by demolition and removal, or by taking such other action as is deemed appropriate to abate the public nuisance. If the public nuisance is located within an Architectural Conservation/Historic District, abatement of the public nuisance shall be coordinated with the Planning Department and Architectural Design Review Board as required by section 1126.00, et seq., of the Zoning Ordinance of the City of Hamilton, Ohio. In abating a public nuisance, the Commissioner of Health may call on any department, division, or bureau of the city for whatever assistance may be necessary to abate such public nuisance as aforesaid, or may, by private contract, abate or lessen the severity of such public nuisance or take such other action as may be deemed appropriate. In the event that a fire occurs on the property of a nuisance structure between the time it is declared a public nuisance and the time such nuisance is fully abated, the reasonable expenses incurred by the City as a result of the services provided by the Fire Department shall be included in the cost of abating or lessening the severity of the public nuisance. The cost of abating or lessening the severity of such public nuisance shall be recovered in the manner provided in subsection (b) of this section.

(b) The cost of abating or lessening the severity of such public nuisance, or of such other action taken by the City pursuant to this chapter, shall be recovered in the following manner:

(1) The owner shall be billed directly by United States certified mail or commercial carrier service for the cost of abating or lessening the severity of such public nuisance. The bill for the cost thereof shall be paid within 60 days after receipt of the bill.

(2) If the costs are not so recovered, the City may collect the costs by any of the following methods:

A. The City may cause the costs of abating or lessening the severity of such public nuisance to be levied as an assessment and recovered in accordance with Ohio Revised Code section 715.261.

B. The City may commence a civil action to recover the costs from the owner, as provided in Ohio Revised Code section 715.261.

Sec. 1767.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

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CHAPTER 1771 – ANIMALS

Sec. 1771.01: Abandoning Animals.

[Repealed Previously]

Sec. 1771.02: Killing or Injuring Animals.

[Repealed Previously]

Sec. 1771.03: Poisoning Animals.

[Repealed Previously]

Sec. 1771.04: Cruelty to Animals Generally.

[Repealed Previously]

Sec. 1771.05: Cruelty to Companion Animals.

[Repealed Previously]

Sec. 1771.06: Barking or Howling Dogs.

[Repealed Previously]

Sec. 1771.07: Enticing Away Dogs.

[Repealed Previously]

Sec. 1771.08: Hunting of Animals in City Prohibited.

- (a) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle, or any other means within the corporate limits of the Municipality.
- (b) Whoever violates this section is guilty of a minor misdemeanor.
- (c) Under this section, privilege to engage in the acts otherwise prohibited by subsection (a) hereof may be granted exclusively by the City Manager and/or his or her designee.

Sec. 1771.09: Running At Large.

[Repealed Previously]

Sec. 1771.10: Impounding.

[Repealed Previously]

Sec. 1771.11: Odors.

No owner, operator, or occupant of any property shall keep in any pen or otherwise confine any animal or any fowl so that such animal or fowl, or such pen or other confinement, shall become noisome or offensive to persons residing by or being in the vicinity thereof.

Sec. 1771.12: Feces Removal.

- (a) The owner or harbinger of every dog, except guide dogs for blind individuals, shall be responsible for the immediate removal of any feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or person in charge of such dog or dogs.
- (b) No person, being the owner or harbinger of any dog, except guide dogs for blind individuals, shall fail to immediately remove feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or harbinger of such dog.

Sec. 1771.13: Restraint of Vicious Animals, Vicious Dogs and Dangerous Dogs.

[Repealed Previously]

Sec. 1771.14: Wild or Exotic Animals.

[Repealed Previously]

Sec. 1771.15: Rabies Vaccination.

- (a) For the purpose of these regulations, pertaining to the inoculation of dogs and cats with anti-rabic vaccine, the following meanings shall be given to the following terms, words, and/or phrases:
 - (1) "Dog" includes dogs of either sex more than six months of age.

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- (2) "Cat" includes cats of either sex more than six months of age.
- (3) "Inoculated" means the administration of an anti-rabic vaccine, the material, method, and administration of which has been approved by the City of Hamilton Health Department.
- (4) "Veterinarian" means any person licensed to practice the profession of veterinary medicine in the State of Ohio.
- (5) "Harbored" means a person who permits any dog or cat to remain and be lodged and fed within his or her home or enclosure.
- (b) It shall be the duty of every person who owns or harbors a dog or cat in the City of Hamilton to have such dog or cat inoculated with anti-rabic vaccine by a veterinarian:
 - (1) Before the dog or cat reaches its sixth month of age; or
 - (2) Within one month after acquiring possession of such dog or catand to maintain the immunity of such dog or cat by having such dog or cat re-inoculated before the validity of such vaccination expires.
- (c) It shall be the duty of each veterinarian when inoculating a dog or cat with anti-rabic vaccine to insert on a certificate:
 - (1) The name and address of the owner or harbored of the dog or cat;
 - (2) The date of vaccination;
 - (3) The year of expiration of vaccination;
 - (4) The tag number given to the dog or cat after inoculation;
 - (5) The breed, age, color, and sex of dog or cat; and
 - (6) The veterinarian shall immediately present one copy of the certificate to the owner or harbored of the dog or cat and one copy shall be retained by the veterinarian for his file.
- (d) At the time of the inoculation of any dog or cat the veterinarian shall also deliver to the owner or harbored of the dog or cat a tag that contains:
 - (1) The tag number;
 - (2) The year of expiration of the vaccination; and
 - (3) The identity of the veterinarianas evidence of such inoculation with anti-rabic vaccine.
- (e) Every owner or harbored of a dog or cat, upon obtaining the tag from a veterinarian, shall immediately attach the tag to the collar or harness of the dog or cat to be worn by the dog or cat at all times.
- (f) The certificates obtained from the veterinarian shall be retained by the owner or harbored of such dog or cat for inspection by the officials of the Health and Police Departments of the City of Hamilton at all times.
- (g) The requirement imposed by subsection (b) hereof shall not apply to:
 - (1) Dogs or cats kept by regularly chartered medical colleges or other education or scientific institutions to be used for scientific purposes;
 - (2) To dogs or cats kept in licensed breeding kennels and confined to the premises at all times; or
 - (3) To dogs brought to the City of Hamilton for exhibition purposes at any dog show, provided a permit for the holding of such show is obtained from the Department of Health of the City of Hamilton.
- (h) Failure to have a valid re-inoculation for the dog or cat shall subject such person to the penalty hereinafter provided.

1771.16: Animal bites; reports and quarantine.

- (a) Whenever any person is bitten by a dog, cat, or other animal, report of such bite shall be made to the Commissioner of Health within twenty-four (24) hours.
- (b) Whenever it is reported that any dog or cat has bitten a person, that dog or cat shall be quarantined, under an order issued by the Commissioner of Health, for isolation and observation.
- (c) The dog or cat shall be quarantined:
 - (1) By its owner or harbored; or
 - (2) In a pound or kennel.
- (d) In all cases of quarantine as required by subsection (b) herein, such quarantine shall be under the supervision of a veterinarian and shall be at the expense of the owner or harbored.
- (e) Quarantine shall continue until the Commissioner of Health determines that the dog or cat is not afflicted with rabies.
- (f) In no case shall the quarantine period be for less than ten (10) days from the date on which the person was bitten.
- (g) During the quarantine, a veterinarian shall observe the dog or cat twice, once at the beginning and again at the end of the quarantine, for symptoms of rabies.

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(h) The veterinarian shall report to the Commissioner of Health the conclusions reached as a result of these observations.

(i) No dog or cat shall be released from the required quarantine unless and until it has been properly immunized against rabies.

(j) If the owner or harbinger of the dog or cat is unknown, and the dog or cat is exhibiting signs of illness, as determined by a veterinarian, the dog or cat shall be destroyed, as directed by the Commissioner of Health, and the head of the dog or cat shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(k) Whenever it is reported to the Commissioner of Health that any other animal that is commonly known to transmit rabies has bitten a person, the animal shall be destroyed, as directed by the Commissioner of Health, and the head of the animal shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(l) No person shall fail to comply with the requirements of this section or with any order of the Commissioner of Health made pursuant thereto, nor fail to immediately report to the Commissioner of Health any symptoms or behavior suggestive of rabies.

1771.17: Notice of Disease; Sale of Animal Prohibited.

(a) If any person has reason to suspect the existence of a dangerously contagious or infectious disease in any animal, he or she shall give notice of such fact immediately to the Commissioner of Health or to a licensed veterinarian.

(b) If a veterinarian receives notice of the existence or suspected existence of a dangerously contagious or infectious disease as provided in subsection (a) hereof, the veterinarian shall immediately communicate that notice to the Commissioner of Health.

(c) No person shall:

- (1) Sell;
- (2) Attempt to sell;
- (3) Keep with the intent to sell;
- (4) Bring into the City of Hamilton; or
- (5) Otherwise transfer to another person

any animal which he or she knows, or has reason to know, is infected with or exposed to any dangerously contagious or infectious disease, except as otherwise provided in Ohio Revised Code Chapter 941, or regulations promulgated thereunder.

(d) The Commissioner of Health, upon obtaining information regarding the case of any animal having any communicable disease, shall cause the destruction, removal, or isolation, as may be required of such animal.

1771.18: Sanitary Maintenance of Horses and Farm Animals.

(a) No person shall use any structure as a stable or housing for any horse, mule, donkey, bovine, sheep, or goat, that is situated upon a lot that permits water and sewer connections, unless the portion of the lot used as a stable or housing has running water and an impervious floor constructed so as to drain into the public sewer.

(b) It shall be the duty of every person in charge of any stable, pen, coop, runway, or other place where animals or fowls are kept, to maintain the same in a clean condition, free from any accumulation of filth, garbage, rubbish, or other waste.

(c) No person shall keep any horse, mule, or donkey in any stable or other structure situated nearer than twenty-five (25) feet to any place of human habitation or to any food establishment or food service operation.

(d) No person shall keep any bovine, sheep, or goat upon any premises not directly connected with a stock yard or with a slaughtering establishment, unless such premises are at least one hundred (100) feet from any place of human habitation or from any food establishment or food service operation.

(e) No person shall keep any swine upon any premises not directly connected with a stock yard or with a slaughtering establishment.

(f) No person shall own, keep, brood, raise, or harbor any live fowl or poultry within the City of Hamilton except in a district which is zoned for agricultural use.

(g) The prohibition in subsection (f) herein is not intended to prevent the ownership and enjoyment of pet fowl which are caged such as, but not limited to, canaries, parakeets, parrots and the like, provided such pet is confined within the residence of the owner, person in control, or person responsible for it.

(h) The provisions of subsection (f) herein are not intended to prevent the brooding of chicks and other fowl or poultry by a school for educational or scientific purposes, provided the activity is conducted in a safe and sanitary manner in an enclosed structure on school property.

(i) The provisions of subsection (h) above are not intended to permit the private keeping of such live fowl or poultry after the educational or scientific program is concluded.

1771.19: Harvest of Wildlife.

(a) Whenever the Commissioner of Health determines that the presence of wildlife upon public property:

- (1) Creates a health hazard;
- (2) Poses a potential physical danger or health hazard to members of the public; or
- (3) Creates conditions which may destroy public property

such wildlife may be harvested by City of Hamilton personnel upon application to and approval by the Ohio Division of Wildlife.

(b) The Commissioner of Health shall make such application to the Ohio Division of Wildlife, and all harvesting shall be done pursuant to the requirements and mandates of the Ohio Division of Wildlife.

1771.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

1771.99: Penalty.

(a) Where no other penalty is provided, whoever violates any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150.00).

(b) Whoever violates section 1771.08 is guilty of a minor misdemeanor.

(c) The penalty for each subsequent offense of section 1771.11 shall be a fine of not more than two hundred dollars (\$200.00).

(d) Whoever violates section 1771.17 hereof shall be fined not more than three hundred dollars (\$300.00) for a first offense. The penalty for each subsequent offense shall be:

- (1) A fine of not more than five hundred dollars (\$500.00); or
- (2) Imprisonment for not more than six (6) months; or
- (3) Both a fine of not more than five hundred dollars (\$500.00) and imprisonment for not more than six (6) months.

CHAPTER 1775 – MISCELLANEOUS SANITARY REQUIREMENTS
[NO CHANGES]

CHAPTER 1776 – HOUSEHOLD SEWAGE TREATMENT SYSTEMS
[NO CHANGES]

CHAPTER 1779 - NON-RESIDENTIAL PROPERTY MAINTENANCE CODE

Sec. 1779.01: Purpose.

(a) This chapter establishes minimum uniform maintenance standards applicable to non-residential property, including all buildings, structures, and grounds.

(b) Enforcing the provisions of this chapter is designed to achieve the following goals:

- (1) Protect the public peace, health, safety, and welfare;
- (2) Maintain property values;
- (3) Encourage the preservation of aesthetic values in accordance with standards of the community; and

(4) Establish the responsibility of owners, operators, and occupants regarding the maintenance of buildings and grounds in accordance with the provisions of this chapter.

Sec. 1779.02: General Scope.

(a) The provisions of this chapter shall supplement all other provisions of the City of Hamilton's ordinances relating to the maintenance of non-residential property.

(b) Incorporated herein by reference are the standards referenced in the applicable Building Code, including, but not limited to, those standards applicable to electrical, plumbing and building materials, equipment, installation, and repair.

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(c) Where terms are not defined in this chapter and are defined by the applicable Building Code, such terms shall have the meaning described to them in the applicable Building Code.

(d) In the event that the provisions of this chapter impose a higher or more restrictive standard than appears in any other ordinances of the City of Hamilton or under the laws of the State of Ohio or Federal law, then the standards set forth herein shall prevail.

(e) If any provision of this chapter imposes a lower or less restrictive standard than any other City of Hamilton ordinance or under the laws of the State of Ohio or Federal law, then the higher or more restrictive standard contained in such other ordinance or law shall prevail.

Sec. 1779.03: Responsibilities of Owner, Operator, and Occupant.

(a) The owner, operator, and occupants shall have all duties and responsibilities prescribed in this chapter, individually, and jointly and severally.

(b) The owner, operator, and occupants shall monitor the frequency and adequacy of maintenance to assure on-going compliance with the provisions of this chapter.

(c) If the owner of any non-residential improved real estate is not a resident of Butler County, Ohio, and is not responsive to notices, such owner shall be required to designate and file with the Commissioner of Health the name, address, and telephone number of an accessible agent for the purpose of receiving all notices of inspection, orders or otherwise from the City relative to such improved real estate.

(d) Service of notice upon such agent, as described in subsection (c) herein, shall be deemed to be notice upon the owner.

(e) Any such notice upon such agent, as described in subsection (c) herein, shall also be sent by United States certified mail or commercial carrier service to the last known address of the owner.

(f) Notice may also be posted in a conspicuous place on the property to which it relates.

(g) No person shall remove or deface such posted notice without the written permission of the Commissioner of Health.

Sec. 1779.04: Non-Residential Property to be Free of Nuisances.

All non-residential property shall be kept free of public nuisances.

Sec. 1779.05: General Maintenance Requirements.

(a) All non-residential buildings and structures, and all parts thereof, shall be structurally sound, maintained in good repair and in a sanitary condition, and shall be capable of performing the function for which such building, structure, or part thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a non-residential building or structure shall be structurally sound, maintained in a good and safe working order, and be in a sanitary condition.

(c) No non-residential structures may be structurally altered without first obtaining a building permit.

(d) Where required under the Zoning Code, any alteration, construction, reconstruction, erection, removal, or exterior work to any non-residential structure located within the Historic District, shall be approved in advance by the Architectural Design Review Board.

Sec. 1779.06: Specific Maintenance Requirements.

(a) Exterior Building Maintenance.

(1) Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All street numbers shall be in Arabic numerals at least four (4) inches high and one-half (0.5) inch stroke.

(2) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(3) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

(4) Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration.

A. The exterior of every building and structure shall be free of obsolete hardware and fixtures.

B. Any exterior painted surfaces which are altered by repairs or structural alterations shall be repainted.

(5) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

(6) Overhang Extensions. All canopies, marquees, signs, metal awnings, stairways, fire escapes, sandpiper exhaust ducts, and similar overhang extensions shall be maintained in good repair and be

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properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or a similar surface treatment.

(7) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a structurally safe and sound manner and be kept in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or a similar surface treatment.

(8) Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Windows and Doors. Exterior windows and doors, whether transparent, translucent, or opaque, shall be kept in good repair, clean and free of marks, cracks, breaks, soap, wax, and other foreign substances.

A. Windows and doors shall be secured in a tight-fitting and weather proof manner, shall be easily operable, and all windows shall be capable of being held in position by window hardware.

B. No exterior windows shall be permanently removed or enclosed, covered or boarded up, unless treated as an integral component of the facade using materials and detailing compatible with the building facade and style in general.

(10) Insect Screens. During the period from May 1 to October 1, every door, window, and other outside opening utilized or required for ventilation purposes, serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch, and every swinging door shall have a self-closing device in good, working condition. Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans, are employed.

(11) Basement hatchways. Every basement hatchway shall be maintained so as to prevent the entrance of rats, rain, and surface drainage water.

(12) Guards for basement windows. Every basement window that is openable shall be supplied with rat-proof shields, storm windows, or other approved protection against the entry of rats.

(13) Posters and Graffiti. The exterior of all buildings and structures shall be free from all posters, handbills and graffiti.

(14) Scaffolds. Exterior painting scaffolds or other temporary equipment used for construction, repair, or maintenance, shall be maintained in good repair and shall be removed when the project is suspended for fourteen (14) days or more and immediately upon completion of the project.

(b) Roofs and Drainage.

(1) Roofs shall be maintained in good repair and free of trash, debris, and any other materials that are not a permanent part of the building or a functional element.

(2) Any false roof, mansard, like-roof element, or other auxiliary structure on the roof, shall be maintained in good repair and finished in a manner compatible with the exterior of the building.

(3) The roof and flashing shall be sound, tight and not have defects that admit rain.

(4) Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.

(5) Roof water shall not be discharged in a manner that creates a public nuisance.

(c) Interior of Buildings.

(1) The interior of a structure and all equipment therein shall be maintained in good repair, shall be structurally sound, and shall be kept in a sanitary condition.

(2) Structural members. The supporting structural members of every structure shall be maintained in a structurally sound manner and be capable of supporting the imposed loads.

(3) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition.

(4) Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(5) Lead-based paint. Interior and exterior painted surfaces of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding lead-based paint.

A. Should any lead-based paint on the property be removed or covered, it must be done in an approved manner.

B. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

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(6) Asbestos. Both the interior and exterior of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding asbestos.

A. Should any asbestos on the property be removed or covered, it must be done in an approved manner.

(7) Stairs and railings. All interior stairs and railings shall be maintained in a structurally sound condition and in good repair, with proper anchorage, and capable of supporting the imposed loads.

(8) Handrails and guards. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Storage and display. All window displays and screening of interiors as backdrops shall be maintained in good repair and in a clean and attractive manner.

(10) Infestation. The interior of every structure shall be free from insect, rodent, and/or vermin infestation.

Sec. 1779.07: Grounds.

(a) Accessory Structures. All accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

(1) In good repair and be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration; and

A. As pertaining to fences and fence-like structures:

(i) No section(s) of the fence or fence-like structure shall be missing; and

(ii) No section(s) of the fence or fence-like structure shall be broken; and

(iii) If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.

(2) Free from health, fire, and accident hazards; and

(3) Free from vermin, insect, and rodent harborage.

(b) Exterior Property Areas.

(1) All exterior property shall be maintained in a clean, safe, and sanitary condition.

(2) Exterior property areas shall be free of excessive vegetation, weeds, trash, and debris.

(3) Grading and drainage. All exterior property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water, including accumulation within structures, with the exception of water retention areas and reservoirs approved by the City Engineer.

(4) Exhaust vents. Pipes, ducts, conductors, fans, and/or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particular wastes directly upon abutting or adjacent public or private property.

(5) Structures and equipment, including curbs, guardrails, signs, light fixtures and poles, garages, fences, and walls, shall be maintained in good repair.

A. Structures and equipment which are deteriorated or obsolete shall be removed or replaced.

(6) Paved grounds and parking areas. Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation.

A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands.

B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles.

(7) Stairs. All stairs and handrails shall be structurally sound and capable of supporting normally imposed loads.

(8) Rat harborage. All structures and exterior property areas shall be kept free from rat infestation.

A. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health.

B. After extermination, proper precautions shall be taken to prevent re-infestation.

(9) Motor vehicles. No motor vehicle or trailer that does not bear current, valid, state license plates, and that is not owned or leased by the owner or operator of the subject non-residential property, nor any boat, aircraft, or camper, shall, at any time, be kept or stored on non-residential property for more than thirty (30) days, without being kept or stored in a structure with at least three (3) sides. Neither a carport nor a fence meets the above requirement that motor vehicles, boats, aircraft, campers, or trailers be kept or stored in a structure with at least three (3) sides.

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A. Exception: A vehicle of any type, boat, aircraft, camper, or trailer, is permitted to undergo mechanical repair and body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

B. Exception: Motor vehicles, boats, aircraft, campers, and trailers are permitted in impound lots:

- (i) Operated by the City, or
- (ii) Used in connection with the operation of the Police Department, and/or
- (iii) Otherwise approved by the City.

C. Notice of Violation and Order to Remove. Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice of the violation to the person responsible therefore and order that the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) be removed to a place of lawful storage or into a structure with at least three (3) sides within five (5) days of receipt of the notice of violation. The Commissioner of Health shall also give, or cause to be given, written notice of the violation and order to remove to the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s). Written notice shall be by United States certified mail return receipt requested, commercial carrier service, or by personal service.

D. Removal by City.

(i) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the person responsible for the violation of this section, or the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s), fails, neglects, or refuses to remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in accordance with the notice given by the Commissioner of Health pursuant to the provisions of this section, the Commissioner may remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in any manner authorized by state law. In addition to any other penalty authorized by law, the person responsible for the violation of this section shall be assessed any costs incurred by the City in removing the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) from the property.

(ii) Right of Entry.

(a) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter upon the subject property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose.

(b) Any person to whom notice of violation was given pursuant to subsection (C) hereof shall have the right to remove or house such motor vehicle, boat, aircraft, camper, or trailer in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives for the purpose of removal.

(10) Graffiti. All surfaces, including but not limited to, walls, fences, parking lots, sidewalks, curbs, furniture and equipment, signs, and dumpsters shall be maintained free of graffiti.

(c) Landscaping.

(1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, rocks, or other appropriate, approved material as determined by municipal ordinance.

(2) Trees, shrubs, ground cover, grasses, and other landscape materials shall be maintained.

(3) Landscape materials which die or are damaged shall be replaced with similar vegetation, and shall comply with the approved site plan, if any.

(4) No landscaping shall impede vehicular or pedestrian traffic.

(d) Sidewalks and Tree Lawns.

(1) Sidewalk and tree lawns shall be maintained in good repair and free from hazardous conditions.

A. Sidewalks shall be kept clean.

B. Sidewalks and tree lawns shall be free of excessive vegetation, trash, and debris.

(2) Free standing objects, including but not limited to, trash receptacles, vending machines, and benches, shall be maintained in good repair and free of trash, debris, and excessive vegetation.

(e) Rubbish and Garbage.

(1) All exterior property, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, such that causes a health hazard or public nuisance.

(2) The outside storage of any equipment, materials, and/or merchandise shall be in accordance with the requirements of the Zoning Code and all other applicable City ordinances, including the Fire and Health Codes.

(3) Dumpsters shall be maintained in good repair and free from rust and damaged components.

Ordinance No. _____ (cont'd)

- A. Areas surrounding dumpsters shall be free from trash, debris, and excessive vegetation.
 - B. Dumpsters shall be of adequate size to hold all garbage and rubbish with a closed cover.
 - C. Covers shall remain closed at all times except when filling and emptying.
 - D. Dumpsters shall be located in an appropriate place so as not to impede pedestrian or vehicular traffic.
 - E. Dumpsters shall be located on a solid, non-earth surface that is capable of being cleaned.
- (4) Rubbish or garbage kept or disposed of in violation of the City Health Code shall be deemed to be a public nuisance.

Sec. 1779.08: Light and Ventilation.

- (a) Light.
 - (1) All spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and utilization of the appliances, equipment, and fixtures.
- (b) Ventilation.
 - (1) Where injurious, toxic, irritating, or noxious fumes, gases, dusts, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source.
 - A. Air shall be exhausted to the exterior and not be recirculated to any space.
 - (2) Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

Sec. 1779.09: Plumbing Facilities and Future Requirements.

- (a) The requirements listed herein for plumbing facilities represent minimum requirements; where applicable, the requirements of the applicable Building Code shall govern.
 - (1) A minimum of one (1) water closet, one (1) lavatory, and one (1) drinking facility shall be available to employees.
 - (2) Toilet facilities shall be located not more than one (1) story above or below the employees' regular working area and the path of travel to such facilities shall not exceed five hundred (500) feet.
 - (3) Toilet rooms and bathrooms shall provide privacy.
 - (4) Drinking facilities shall be at least one of the following:
 - A. Drinking fountain, or
 - B. Water cooler, or
 - C. Bottled water cooler, or
 - D. Disposable cups next to a sink or water dispenser.
 - (5) Drinking facilities shall not be located in toilet rooms or bathrooms.
- (b) Plumbing Fixtures.
 - (1) All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects.
 - (2) All plumbing fixtures shall be capable of performing the function for which such plumbing fixtures are designed.
 - (3) All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.
 - (4) Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) Water System.
 - (1) Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to a public water system.
 - (2) All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water.
 - (3) The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.
 - (4) Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved, permanently attached hose connection vacuum breaker.
 - (5) The water supply system shall be installed and maintained so as to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

Ordinance No. _____ (cont'd)

(6) Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than one hundred and ten (110) degrees F. (forty-three (43) degrees C.).

(7) A gas-burning water heater shall not be located in any bathroom, toilet room, or other occupied room normally kept closed, unless adequate combustion air is provided.

(8) An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(7) Water heating facilities used in conjunction with the preparation of food shall also comply with the applicable provisions of the City Health Code and State Law, including Ohio Revised Code Chapter 3732.

(d) Sanitary Drainage System.

(1) All plumbing fixtures shall be properly connected to a public sewer system or to an approved, private septic system as determined by the Commissioner of Health.

(2) Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

(e) Drainage of roofs and paved areas, yards and courts, and other open areas on the property shall not be discharged in a manner that creates a public nuisance.

Sec. 1779.10: Mechanical and Electrical Requirements.

(a) Heating Facilities.

(1) Heating facilities shall be provided in structures as required by this section.

(2) Every enclosed occupied work space shall be supplied with sufficient heat to maintain an inside ambient temperature of not less than sixty-five (65) degrees F. (eighteen [18] degrees Celsius) during all working hours.

A. Exception: Processing, storage, and operating areas that require cooling or special temperature conditions.

B. Exception: Areas in which persons are primarily engaged in vigorous physical activities.

(3) The required room temperatures shall be measured at a point three (3) feet (nine hundred and fourteen (914) mm) above the floor and three (3) feet (nine hundred and fourteen (914) mm) from the exterior walls.

(b) Mechanical Equipment.

(1) All mechanical equipment, fireplaces, and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing their intended function.

(2) All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from leaks and obstructions.

(3) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except where such fuel burning equipment and appliances are labeled for unvented operation and tested by a testing laboratory approved by the applicable Building Code.

(4) All required clearances to combustible materials shall be maintained.

(5) All safety controls for fuel-burning equipment shall be maintained in effective operation.

(6) A supply of air for complete combustion of fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(7) Devices purporting to reduce fuel consumption by attachment to:

A. A fuel-burning appliance, or

B. To the fuel supply line thereto, or

C. To the vent outlet or vent piping therefrom, shall not be installed unless labeled

for such purpose and the installation is specifically approved.

(c) Electrical Facilities and Equipment.

(1) Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(2) The size and usage of appliances and equipment shall serve as a basis for determining the need for additional or upgraded electrical services and/or equipment, in accordance with the applicable Building Code.

(3) All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

(4) Every public hall, interior stairway, water closet compartment, bathroom, laundry room, and furnace room shall contain at least one (1) electric lighting fixture.

(d) Elevators, Escalators, and Dumbwaiters.

(1) Elevators, escalators, and dumbwaiters shall be maintained to:

A. Sustain safely all imposed loads, and

Ordinance No. _____ (cont'd)

- B. Operate properly, and
 - C. Be free from physical and fire hazards.
- (2) In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.
- A. Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 1779.11: Signs.

- (a) All signs are required to be in compliance with the City of Hamilton Zoning Code and the applicable Building Code.
- (b) Signs shall be maintained in good repair.

Sec. 1779.12: Inspection.

- (a) The Commissioner of Health shall annually make, or cause to be made, inspections of the exterior of all non-residential properties, and shall conduct such additional inspections as may be deemed necessary. Such additional inspections may include, but not be limited to, the exterior or interior of non-residential structures upon complaint.
- (b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any non-residential properties upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his duties under the Non-Residential Property Maintenance Code.
- (c) The provisions of this chapter shall apply to all such inspections of non-residential property.

Sec. 1779.13: Access to Property in Emergency.

The owner, operator, or occupant of every non-residential property shall give personnel authorized in section 1779.12 access to such non-residential property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1779.14: Identification of Authorized Personnel.

Authorized personnel of the Department of Community Development - Health Division shall be supplied with official identification and shall exhibit such identification when entering any non-residential property.

Sec. 1779.15: Notice of Violation.

- (a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the owner, operator, or occupant of the non-residential property and order compliance, as herein provided.
- (b) The notice and order shall:
 - (1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;
 - (2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;
 - (3) Specify the time within which to comply; and
 - (4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.
- (c) The Commissioner of Health may re-inspect a non-residential property from time to time, so as to determine the status of any violation.
 - (1) Upon the written request of the noticed person stating that a violation has been corrected, the Commissioner of Health or his or her designee shall re-inspect the property and shall notify the owner, operator or occupant of the result of the re-inspection.

Sec. 1779.16: Final Order.

Any order contained in a notice of violation provided for in section 1779.15 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Ordinance No. _____ (cont'd)

Sec. 1779.17: Hearing.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Non-Residential Property Maintenance Code may request and shall be granted a hearing as provided for in Chapter 1705.26.

Sec. 1779.18: Severability and conflict.

(a) The regulations, rights, and remedies set forth herein are not exclusive and do not restrict the right of the City to pursue other remedies which are set forth in the Codified Ordinances of the City or which are within the authority of the City under Ohio law.

(b) In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1779.99: Penalty.

(a) Any owner, operator, or occupant who violates any provision of this chapter is guilty of a misdemeanor of the first degree.

(b) Each day a violation continues constitutes a separate offense.

(c) Any owner, operator, or occupant who violates the provisions of this chapter shall be subject to a civil action in any court of competent jurisdiction to be brought by the City for any appropriate relief, including but not limited to injunction, declaratory judgment, and damages.

(d) Damages may include all actual costs incurred by the City in the enforcement of this chapter, including but not limited to, reasonable attorney fees, administrative costs, court costs, and costs incurred in abating a public nuisance.

DRAFT

Sec. 1763.01: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Building" means any structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.

(b) "City" means the City of Hamilton, Ohio.

(c) "Grass" means any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.

(d) "Lot" means a single parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the City of Hamilton's Zoning Ordinance.

(e) "Noxious" means physically harmful or destructive to living human beings.

(f) "Noxious Weeds" means any plant designated a noxious weed by the State of Ohio or the federal government, and also turf grasses or weeds exceeding seven (7) inches in height. This term also includes any and all grass, weeds, vegetation, and wild plants exceeding seven (7) inches in height shrubs that are growing into or onto any portion of a public sidewalk or road.

(g) "Parcel" means a plot or tract, undivided acreage or group of lots in common ownership or control.

(h) "Property" means any land, lot, parcel of lands, or part thereof.

(i) "Structure" means anything constructed, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

(j) "Weeds" means any plant and all vegetation that is not valued where it managed or maintained by the owner, operator, or occupant of the property on which such vegetation is growing and tends to overgrow more desirable plants. This term also includes grass, noxious weeds, vegetation, and located, but excludes trees, shrubs that are growing into or onto any portion of a public sidewalk or road and/or cultivated flowers and gardens.

(k) "Undeveloped" means that the entire lot and/or parcel that is free from any building or structure, as those words are defined above.

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City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Joshua A. Smith, City Manager

Agenda Item: Report regarding an ordinance supplementing the Codified Ordinances relative to amending Chapter 134, by eliminating the Department of Energy Management and Utility Business Affairs, and establishing the Department of Utilities Engineering

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> R Realize new investments <input checked="" type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<p>1st Reading Date: 1-13-16 2nd Reading Date: 1-13-16 Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$</p>	
	<p>Source Funds: Utilities</p>	

Policy Issue

Does City Council wish to adopt legislation to amend Chapter 134 of the Codified Ordinances eliminating the Department of Energy Management and Utility Business Affairs, and establishing the Department of Utilities Engineering?

Policy Alternative(s)

Council may choose to adopt such legislation eliminating the Department of Energy Management and Utility Business Affairs, and establishing the Department of Utilities Engineering, which places all utility (electric, water, wastewater and natural gas) engineering functions under the direction of a new Director of Utilities Engineering. Alternatively, Council may choose to not eliminate the Department of Energy Management and Utility Business Affairs and not to establish the new Department of Utilities Engineering.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to eliminate the Department of Energy Management and Utility Business Affairs, and to establish the Department of Utilities Engineering. As part of the Utilities reorganization, the former Director of Energy Management and Utility Business Affairs position was abolished and the duties and responsibilities of said position were divided between the new Energy Management



Administrator and Utility Business Manager positions. By abolishing the Director's position, the Department of Energy Management and Utility Business Affairs should be removed from the Codified Ordinances. The proposed Department of Utilities Engineering will place all utility (electric, water, wastewater and natural gas) engineering functions under a new Director of Utilities Engineering, providing greater coordination and planning focus on utilities capital improvement projects. With increased utilities capital improvement projects, complexity and expenditures, including the Greenup and Meldahl Hydroelectric Plants, utilities engineering functions have risen to a departmental level requiring greater professional oversight and staff resources to be effective.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary

The 2016 budget for the Department of Utilities Engineering is approximately \$1.5 million. However, the estimated costs of proposed 2016 utilities capital improvements projects under the Department's oversight are approximately \$18.7 million. There are currently no proposed modifications from the 2016 utilities budget recently approved by City Council.

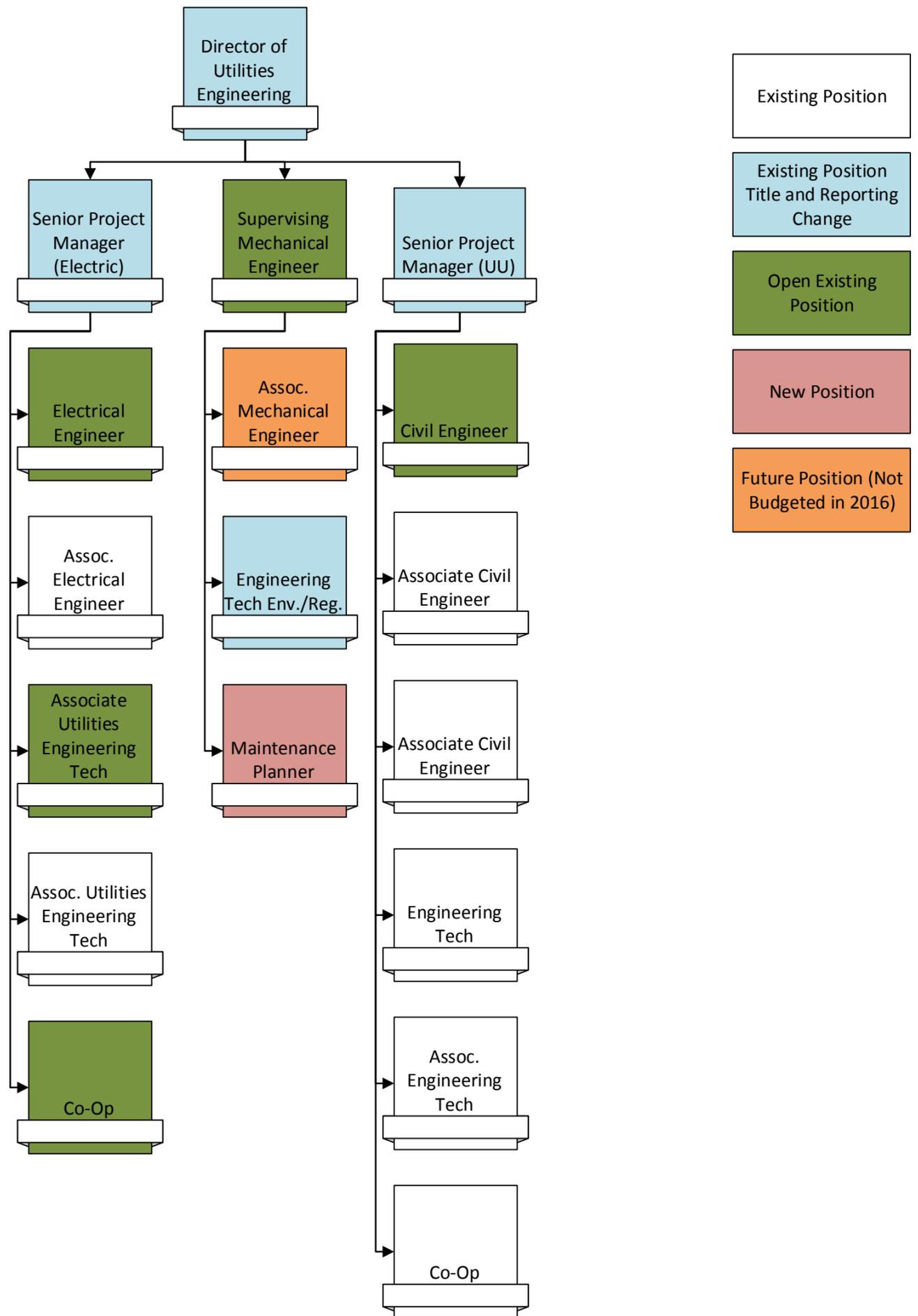
Attached Information

- Organization Chart of Department of Utilities Engineering

Copies Provided to:

N/A





ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO BY AMENDING CHAPTER 134, ELIMINATING THE DEPARTMENT OF ENERGY MANAGEMENT AND UTILITY BUSINESS AFFAIRS, AND ESTABLISHING THE DEPARTMENT OF UTILITIES ENGINEERING.

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the Department of Energy Management and Utility Business Affairs be eliminated and the Department of Utilities Engineering be established; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement the City's Codified Ordinances by amending Chapter 134, to eliminate the Department of Energy Management and Utility Business Affairs, and to establish the Department of Utilities Engineering; and

WHEREAS, this Council desires that said Chapter 134 of the Codified Ordinances be amended as stated above;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Codified Ordinances of the City of Hamilton, Ohio, are hereby amended and supplemented by eliminating the Department of Energy Management and Utility Business Affairs, and establishing the Department of Utilities Engineering to be and read as follows:

ONE – ADMINISTRATIVE CODE

TITLE FIVE – ADMINISTRATIVE

CHAPTER 134 – DEPARTMENT OF UTILITIES ENGINEERING

Sec. 134.01 Establishment of Department of Utilities Engineering.

There is hereby established the Department of Utilities Engineering to be administered and controlled by the Director of Utilities Engineering, who shall be subject to the Charter and ordinances of the City and to the direction of the Director of Public Utilities.

Sec. 134.02 Duties of the Director of Utilities Engineering.

It shall be the duty of the Director of Utilities Engineering to serve as appointing authority in the Department of Utilities Engineering and such other administrative staff level departments and divisions as assigned by ordinance or by the Director of Public Utilities. Within such assigned departments and divisions, the Director of Utilities Engineering shall further act as liaison to and for the Director of Public Utilities on matters of Utilities Engineering pertaining to professional, administrative and supervisory work in the planning, organization, direction and coordination of the operations, maintenance, capital improvements and activities of the Utilities Engineering Department, and all such other duties as may be assigned pertaining to the Department of Utilities Engineering.

SECTION II: That Chapter 134 of the Codified Ordinances of the City of Hamilton, Ohio, is hereby amended and supplemented by eliminating the Department of Energy Management and Utility Business Affairs, and establishing the Department of Utilities Engineering.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____

**Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO**

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Brandon Saurber, Director of Strategy & Information

Agenda Item: Report regarding an emergency ordinance amending Schedule “A” to add the new classifications of Senior Analyst, Associate Analyst, GIS Administrator, and retitle/amend the classifications of Information Systems Administrator & Utilities Network Support Specialist to IT Administrator, and Computer Network Support Specialist

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Emergency Ordinance</i></p>	<p>1st Reading Date: 1-13-16 2nd Reading Date: 1-13-16 Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: 2016</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: See Summary Below</p>	
	<p>Source Funds: General Fund</p>	

Policy Issue
Does City Council wish to adopt legislation to amend schedule “A” of the City’s Classification and compensation plan?

Policy Alternative(s)
Council may choose not to adopt such legislation to amend schedule “A” of the City’s Classification and compensation plan.

Staff Recommendation
Staff recommends that Council receive this report and adopt the legislation to amend schedule “A” of the City’s Classification and compensation plan.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary
These positions are included in the 2016 Adopted Budget. No additional fiscal impact is projected.



Background Information

The newly created Department of Strategy & Information is composed of three divisions: Strategy, Information Technology, and GIS. The department's mission is to make the decision making & performance of every city employee more effective by providing the information, hardware, and software needed to affect the strategic outcomes of the organization.

The classifications of: Senior Analyst, Associate Analyst, and GIS Administrator do not exist in Schedule A and need to be created and added. The current classifications of Information Systems Administrator & Utilities Network Support Specialist are being proposed to be retitled/amended to meet the organizational restructuring of the City.

The Senior Analyst and Associate Analyst positions will be in the Strategy Division, the GIS Administrator will be in the GIS Division, and the IT Administrator and the Computer Network Support Specialist will be in the IT Division. The specific duties and responsibilities associated with these positions are included in the attached Classification Descriptions.

The primary functions of these positions will be under the direction of the Director of Strategy & Information.

Attached Information

- Classification Descriptions

Copies Provided to:

N/A





CITY OF HAMILTON, OHIO

CLASSIFICATION DESCRIPTION

CLASS TITLE	ASSOCIATE ANALYST
CLASS CODE NUMBER	1124
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	November 17, 2015
REVISED	
PROBATIONARY PERIOD	One (1) year

GENERAL DESCRIPTION OF DUTIES

The Associate Analyst assists with strategic alignment across the entire organization by assisting with research and analysis. Additionally, this position works to analyze problems and develop creative solutions to improve the efficiency and quality of services. This position reports to the Senior Analyst within the Department of Strategy and Information.

ESSENTIAL JOB FUNCTIONS

- Assists in reporting on strategic progress.
- Supports the execution of the City's strategic plan.
- Assists in report creation and development.
- Conducts research and analyzes complex issues.
- Works to provide solutions to aid in service delivery both internally and externally.
- Assists with GIS and IT related projects.
- Assists in developing GIS web-based applications.
- Performs related work as assigned.

SKILLS/KNOWLEDGE/ABILITIES

- Knowledge of strategic planning principles, practices, and procedures; organization structure, and overall operation, mission, and goals of the City of Hamilton;
- Ability to think creatively to develop and provide solutions;
- Ability to represent the City before both public and private sector agencies; Identify and respond appropriately to issues, concerns, and needs;
- Ability to exercise initiative and sound judgement; Deal constructively with conflict, and use tact and diplomacy in sensitive situations;
- Ability to analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals;
- Ability to communicate clearly and concisely verbally and in writing; Prepare and maintain accurate written reports, correspondence, and other written materials; Use correct spelling, grammar, and punctuation;
- Adobe Photoshop, Illustrator, and InDesign skills preferred;
- Intermediate to advanced knowledge of ArcGIS preferred.

TRAINING/EDUCATION/QUALIFICATIONS

- Bachelor's Degree from an accredited college or university with a major in management information systems, information technology, computer science, or a related field including management and business; one (1) year of professional experience; or an equivalent combination of education, training, and work experience.
- Advanced degree from an accredited college or university is desired.

ESSENTIAL SPECIAL REQUIREMENTS

- Must possess a valid driver's license from the state of residence at the time of appointment and maintain an excellent driving record.

ESSENTIAL PHYSICAL ABILITIES

- Vision sufficient to read rules, regulations, policies, procedures, laws, ordinances, reports, agendas, budgets, plans, computer screens and computer print outs, audio visual materials, and other documents encountered in the course of work.
- Hearing sufficient to hear conversational levels in person, over the telephone, and radio.
- Speech sufficient to be heard and understood in person, in front of groups, in meetings, and over the telephone and radio.

PRIMARY WORK ENVIRONMENT

- Primary work environment is in a climate controlled office setting. However, work does involve travel to attend meetings and other related events. Work does involve working hours outside the standard workweek.

· · · END · · ·



CLASS TITLE	SENIOR ANALYST
CLASS CODE NUMBER	1125
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	November 17, 2015
REVISED	
PROBATIONARY PERIOD	One (1) year

GENERAL DESCRIPTION OF DUTIES

The Senior Analyst ensures strategic alignment, execution, and deployment of resources across the entire organization by leading a research-based, insight-driven process, including research design and analysis of implementation. This position reports to the Director of Strategy & Information.

ESSENTIAL JOB FUNCTIONS

- Leads efforts to gather information on ways in which to strategically deploy resources to maximize service delivery and impact.
- Works with directors and chiefs to identify research/information needs that could aid service delivery.
- Assists Director of S&I in the organization and management of projects.
- Assists in capital planning and budget development.
- Assists in reporting on strategic progress.
- Conducts research and analyzes complex issues.
- Develops, recommends, and implements solutions to provide more efficient and higher quality service delivery.
- Performs related work as required

SKILLS/KNOWLEDGE/ABILITIES

- Knowledge of strategic planning principles, practices, and procedures; organizational structure, and overall operation, mission, and goals of the City of Hamilton; project management techniques and procedures;
- Ability to provide leadership and strategic direction, and oversee the activities and functions of the department; work independently and manage and prioritize work;
- Ability to effectively apply strategic knowledge and principles;
- Ability to represent the City before both public and private sector agencies; identify and respond appropriately to issues, concerns, and needs.

- Ability to analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals;
- Ability to manage a broad range of diverse projects simultaneously;
- Ability to communicate clearly and concisely verbally and in writing; prepare and maintain accurate written reports, correspondence, and other written materials; use correct spelling, grammar, and punctuation;
- Ability to exercise initiative and sound judgment; deal constructively with conflict, and use tact and diplomacy in sensitive situations;
- Ability to make recommendations to management; communicate effectively with individuals from various socioeconomic, ethnic, and culturally diverse backgrounds; Foster collaborative efforts to build and lead partnerships with the City Council, City Manager, executive leadership team, large management team, division leaders, supervisors, customers, business partners, and others contacted in the course of work including community groups and the media.

TRAINING/EDUCATION/QUALIFICATIONS

- Bachelor's Degree from an accredited college or university with a major in management information systems, information technology, computer science, or a closely related field including management and business; two (2) years of progressively responsible experience; or an equivalent combination of education, training, and work experience.
- MBA, MPA, or similar advanced degree from an accredited college or university is desired.

ESSENTIAL SPECIAL REQUIREMENTS

- Must possess a valid driver's license from the state of residence at the time of appointment and maintain an excellent driving record.

ESSENTIAL PHYSICAL ABILITIES

- Vision sufficient to read rules, regulations, policies, procedures, laws, ordinances, reports, agendas, budgets, plans, computer screens and computer print outs, audio visual materials, and other documents encountered in the course of work.
- Hearing sufficient to hear conversational levels in person, over the telephone, and radio.
- Speech sufficient to be heard and understood in person, in front of groups, in meetings, and over the telephone and radio.

PRIMARY WORK ENVIRONMENT

- Primary work environment is in a climate controlled office setting. However, work does involve travel to attend meetings and other related events. Work does involve working hours outside the standard workweek.

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CLASS TITLE	COMPUTER NETWORK SUPPORT SPECIALIST
CLASS CODE NUMBER	6090
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	July 30, 1996
REVISED	11/17/2015
PROBATIONARY PERIOD	One Hundred Eighty (180) Days

GENERAL DESCRIPTION OF DUTIES

This is responsible personal computer, printer, network and phone support work involving the setup, maintenance and support of the hardware, software, network equipment. The work is performed under the direction and supervision of Senior Network Engineer but considerable leeway is granted for the exercise of independent judgement. An employee in this class is expected to cooperate closely with other City employees in the performance and achievement of assigned responsibilities. Direction and supervision maybe exercised over the work of other personnel assigned to Information Technology like interns and/or volunteers.

ESSENTIAL JOB FUNCTIONS

- Installs personal computer hardware and software, including peripheral devices and desk phones in user departments and integrates them into the city network;
- Configures and deploys mobile computing devices;
- Works with other information technology personnel in troubleshooting and correcting networking and application problems;
- Meets with user department representatives to help determine and define computing needs and provide technical assistance with personal computer and network applications;
- Participates in systems management by adding, deleting and modifying files and ensuring adequate disk space for files;
- Provides user support and training on personal computer and network software as needed;
- Maintains an inventory of hardware, operating software and users;
- Assists in security administration for various systems and city network;
- Coordinates work with Information Technology personnel to ensure application compatibility where required;
- Demonstrates strong sense of urgency in support of all customers.
- Responds in a timely manner to support calls during and after business hours as needed.
- Attends meetings, conferences and workshops as requested and authorized;
- Performs related work as required.

SKILLS/KNOWLEDGES/ABILITIES

- Good knowledge of personal computer hardware and peripherals;
- Good knowledge of Microsoft Windows and other operating system platforms;
- Good knowledge of computer software currently used by the City;
- Skill in the application of computing principles and techniques to support user department needs;
- Skill in designing training for personal computer users;
- Ability to communicate well with others both orally and in writing, using both technical and non-technical language;
- Ability to provide excellent customer service and training to users with poise, tact and consistency;
- Ability to establish and maintain effective working relationships with other City employees;
- Ability to use logical thought processes to efficiently implement solutions to user problems according to written specifications and oral instructions;
- Ability to develop reports, files and analysis as assigned;
- Ability to thoroughly test a computer program to replicate and solve user or compatibility problems;
- Ability to quickly learn and put to use new skills and knowledge brought about by rapidly changing technology;
- Ingenuity and inventiveness in the performance of assigned tasks.

TRAINING/EDUCATION/QUALIFICATIONS

- Graduation from a college or university of recognized standing with an Associate's Degree in computer science; and
- Considerable experience in personal computer troubleshooting and networking; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities required to perform the work.

ESSENTIAL SPECIAL REQUIREMENTS

- None.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing which permits the employee to communicate well with other City employees to determine computer needs and problems and discuss potential solutions;
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of on-screen solutions;
- Sufficient manual dexterity which permits the employee to operate a computer keyboard and to install computer terminals and related peripheral devices;
- Sufficient personal mobility which permits the employee to visit various other work stations in the City and at field locations.



CLASS TITLE	GIS ADMINISTRATOR
CLASS CODE NUMBER	6102
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	November 17, 2015
REVISED	
PROBATIONARY PERIOD	One (1) year

GENERAL DESCRIPTION OF DUTIES

Under general supervision, plans, organizes, coordinates and participates in the development and implementation of the City of Hamilton's geographic information system (GIS); directs and participates in the long-term development and enhancement of GIS information technology to meet city mapping and end user service objectives; supervises and performs GIS modeling duties; provides expertise, support, assistance and guidance to city staff and external contacts; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

GIS Administrator is a Schedule A position requiring the application of a body of GIS theory and principles. The GIS Administrator completes standard professional level work assignments or projects. The position's duties require interacting with multiple internal departments and outside agencies or individuals to meet City work requirements and objectives. The incumbent must have sufficient job content knowledge in the functional area to ensure City standards are met.

GIS Administrator independently performs responsible analytical work in support of the City of Hamilton Geographic Information System and other management goals and objectives. Assignments are typically received in terms of expected outcomes and incumbents are expected to act independently to develop required information, including selecting approach and analytical techniques, and to provide sound analyses and recommendations. Assigned projects may include analysis, application development, database design or other areas specific to the assignment.

ESSENTIAL JOB FUNCTIONS

The following statements are intended to describe the general nature and level of work performed by people assigned to this classification. They are not intended to be an exhaustive list of all responsibilities, duties and skills required of personnel so classified.

1. Works closely with end users to identify GIS requirements, technical issues and training needs; analyzes current business processes and recommends best practice solutions; constructs information technology definitions based on identified needs of the organization to Information Technology Department for compatibility with other City computer systems.
2. Performs GIS data maintenance, manipulation, analysis, extraction and generation assignments; performs data research, investigation and verification; creates and maintains geographical feature data into various layers; prepares projects and data for archival storage; performs record keeping and inventory; documents and files data sources and map files for future reference; responds to requests from the public for mapping data; responds to emergency mapping and information requests.
3. Prepares, plans, produces, maintains and updates a variety of maps, drawings, plans and other graphic representations displaying layers and attribute data from databases, using cartographic techniques to represent spatial data; develops and maintains data layers, using GIS tools, CAD tools and relational databases; performs detailed spatial analysis including notifications, buffering, and zone consolidation; manipulates images for electronic mapping; enters attribute data pertaining to specific features into a relational database; incorporates maps, charts, data files, spreadsheet data, documentation and text into reports.
4. Analyzes requests for a variety of new applications, programs and modifications to existing GIS programs; analyzes and documents user work processes and systems functionality requirements; analyzes current GIS system functions, procedures and capabilities to determine if improved methods are possible; develops and presents proposals for new approaches and options to meet user needs; participates on software selection and implementation teams, including software evaluation, requirements gathering, work flow analysis and system implementation, testing and training.
5. Designs, implements, and tests configuration changes in packaged software such as ESRI and Oracle to meet end user business requirements.
6. Tests new and revised programs and interfaces to ensure accuracy and efficiency; develops and executes test plans and forwards to users for user acceptance testing; creates test scenarios; generates test data and keeps logs of test results; tests and analyzes the effectiveness and functionality of new fields and code; notifies programming staff of testing problems and required fixes; proofreads screen layouts to ensure all system requirements are met.
7. Analyzes, troubleshoots and resolves GIS applications problems; communicates with internal and external technical resources to resolve end user issues; provides guidance to users on methods for correcting reported problems.
8. Coordinates and conducts user applications training classes; develops training materials and manuals; responds to and resolves user inquiries; develops and maintains user documentation. Develop necessary extraction programs, transfer rules, update rules if necessary using SQL code. Develop standard and custom reports, as specified by department/user requirements. Work to bring together the individual departments information into a City wide Geographic Information System.

SKILLS/KNOWLEDGE/ABILITIES

Knowledge of:

1. GIS concepts and analytical techniques, including computerized mapping and digital data conversion, manipulation and analysis.
2. GIS database administration and management principles, methods and techniques, including quality control methods and practices.
3. Knowledge of GIS software tools and applications including but not limited to ArcGIS, ArcIMS, ArcSDE, AutoCAD suite, MS Visio and applications of MS Office Suite.
4. Principles and practices of GIS analysis and design.
5. Hardware and software applications development methods, tools and utilities applicable to the GIS system.
6. Methods, procedures and techniques for the preparation, review for accuracy and updating of lease plats and legal descriptions.

Ability to:

1. Plan, organize, integrate, monitor, and maintain a comprehensive GIS and its related applications to meet City-wide mapping and customer service objectives, including developing long-range GIS system goals.
2. Develop and maintain effective customer-focused service processes with City directors, managers and end users.
3. Understand, analyze and define user requirements and recommend cost effective systems solutions.
4. Analyze complex problems, evaluate alternatives and make sound independent decisions within established guidelines.
5. Train others in the use of GIS applications.
6. Organize, plan and complete projects efficiently.
7. Work collaboratively and effectively with project teams including user representatives and outside resources and others encountered in the course of work.
8. Communicate effectively, orally and in writing.
9. Establish and maintain effective working relationships with those encountered in the course of work.

TRAINING/EDUCATION/QUALIFICATIONS

Requires graduation from a four-year college or university with a major in geography, GIS, computer science or a closely related field; and three years of progressively responsible experience in the design and development of GIS systems and applications or graduation from high school or G.E.D. equivalent and six years of progressively responsible experience in the design and development of GIS systems and applications. Time served as a District Intern will count towards the years of experience.

ESSENTIAL SPECIAL REQUIREMENTS

A current, valid driver's license at time of appointment and maintained at all times thereafter in order to operate a vehicle on City business.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing which permits the employee to communicate well with other City Department and Division Heads, employees and the general public;
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of reports and related materials;
- Sufficient manual dexterity which permits the employee to operate a keyboard and produce hand-written materials and notations and to lift and move equipment or materials up to 40 lbs. from time to time;
- Sufficient personal mobility which permits the employee to visit and inspect other City and field work locations and to kneel.

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CLASS TITLE	INFORMATION TECHNOLOGY ADMINISTRATOR
CLASS CODE NUMBER	1120
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	July 30, 1996
REVISED	11/17/2015
PROBATIONARY PERIOD	One (1) Year

GENERAL DESCRIPTION OF DUTIES

This is highly responsible and complex administrative and technical work involving the planning, organization, direction, supervision and coordination of the operations of the City's Information Technology Division. The work is performed under the general direction and supervision of the Director of Strategy and Information or the City Manager's designee but extensive leeway is granted for the exercise of independent judgment and initiative. The nature of the work performed requires establishing and maintaining close cooperative working relationships with supervisory personnel in all City departments and Divisions. Supervision is exercised over the work of all employees in the Information Technology Division.

ESSENTIAL JOB FUNCTIONS

- Plans, organizes, directs, supervises and coordinates the operations and activities of the City's Information Technology Division;
- Develops goals, plans and measurements for the identification and evaluation of the City's information technology needs;
- Confers with City department and division heads and other supervisory personnel to discuss, identify and assess information needs;
- Identifies the costs, timing and other key issues involved in conversion of various City information processing operations;
- Develops recommendations for expanding and enhancing the City's computer systems and applications in collaboration with Director of Strategy and Information or the City Manager's designee;
- Directs and coordinates all services and activities of the Information Technology division including systems analysis and design, computer programming, computer operations, network systems, telecommunications, video operations, mobile workforce, and business intelligence solutions;
- Establishes IT procurement and disposal standards, and directs technological infrastructure requirements throughout the City;
- Oversees the development and administration of the annual operating budget of the Information Technology Division;
- Coordinates, monitors and manages on-going Information Technology projects;
- Identifies and recommends the acquisition of both hardware and software required to maintain an efficient and effective information technology system;
- Consults with Information Technology personnel on technical issues and provides advice and assistance as needed;
- Develops and implements Information Technology policies, procedures and memoranda in collaboration with the Director of Strategy and Information or the City Manager's designee;
- Directs, supervises, advises, prioritizes and evaluates the work and performance of Information Technology personnel;
- Interviews and recommends the hiring, discipline and termination of assigned personnel in consultation with the Director of Strategy and Information or the City Manager's designee;

- Performs the work of Computer Programmer, Computer Systems Analyst and other technical Information Technology personnel as needed;
- Attends meetings, conferences and workshops as requested and authorized;
- Performs related work as required.

SKILLS/KNOWLEDGES/ABILITIES

- Comprehensive knowledge of the principles and techniques of computer programming;
- Comprehensive knowledge of computer hardware and software currently used by the City;
- Thorough knowledge of City's operational practices and procedures, particularly in the areas of finance, payroll and public utilities;
- Thorough knowledge of current and emerging trends in information technology, including computer systems programming and related applications;
- Skill in listening and understanding the technical needs of other City employees and supervisory personnel;
- Skill in leadership, motivation, management, coordination, supervision and evaluation of the work of others;
- Skill in interpersonal communications and persuasion;
- Skill in the application of computer programming principles and techniques to practical user department needs;
- Ability to communicate well with others both orally and in writing, using both technical and non-technical language;
- Ability to plan, organize, prioritize, motivate and evaluate the work of others;
- Ability to teach and encourage others to learn new practices and procedures to accomplish work objectives;
- Ability to establish and maintain effective working relationships with other City employees, Department Heads, Division Heads and other supervisory personnel;
- Ability to thoroughly test a computer program to achieve desired results;
- Ability to quickly learn and put to use new skills and knowledge brought about by rapidly changing technology;
- Ingenuity and inventiveness in the performance of tasks.

TRAINING/EDUCATION/QUALIFICATIONS

- Graduation from a college or university of recognized standing with a Bachelor's Degree in computer Science or a related field combined with at least 5 years of supervisory experience in information technology,; and
- Extensive experience in computer systems analysis preferably with a city or county government; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities required to perform the work.

NECESSARY SPECIAL QUALIFICATIONS

- None

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing which permits the employee to communicate well with other City employees to determine information technology needs and problems and discuss potential solutions;
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of on-screen computer programs and applications;
- Sufficient manual dexterity which permits the employee to operate a computer keyboard and to install computer terminals and related peripheral devices;
- Sufficient personal mobility which permits the employee to visit various other work stations in the City.

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE “A” OF THE CITY’S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN ORDINANCE NO. OR2014-1-5, ADOPTED JANUARY 8, 2014, AND AS AMENDED FROM TIME TO TIME, RELATIVE TO THE CLASSIFICATION OF SENIOR ANALYST, ASSOCIATE ANALYST, GIS ADMINISTRATOR, INFORMATION TECHNOLOGY DIRECTOR, AND COMPUTER NETWORK SUPPORT SPECIALIST, AND DECLARING AN EMERGENCY.

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the positions of Senior Analyst, Associate Analyst, GIS Administrator, be added to Schedule A and established within the Department of Strategy & Information; and

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the positions of Information Systems Administrator and Utilities Network Support Specialist be retitled and renamed to Information Technology Administrator and Computer Network Support Specialist, respectively, and established within the Department of Strategy & Information; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule “A” of the City’s Classification and Compensation Plan as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014; and

WHEREAS, this Council desires that said amendment be made;

WHEREAS, the subject matter herein constitutes an emergency measure for the reasons that it provides for the immediate preservation of the public health, safety and welfare of the community by providing for the continuous operation of the municipal government;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following positions be established at the following pay range, effective as of the date this legislation becomes effective:

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
1125	Senior Analyst	46	\$ 59,613 – \$75,733
1124	Associate Analyst	34	\$ 44,346 – \$56,909
6102	GIS Administrator	54	\$ 71,947 – \$92,248

SECTION II: That the following classifications be retitled/amended to be and read as follows, effective as of the date this legislation becomes effective:

<u>Class Code</u>	<u>Proposed New Title</u>	<u>Original Title</u>
1120	Information Technology Administrator	Information Systems Administrator
6090	Computer Network Support Specialist	Utilities Network Support Specialist

SECTION III: That the portion of Schedule “A” of the City’s Classification and Compensation Plan as set forth in Ordinance No. OR2014-1-5 adopted January 8, 2014, is hereby amended to be and read as follows, effective as of the date this legislation becomes effective.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
1125	Senior Analyst	46	\$ 59,613 – \$75,733
1124	Associate Analyst	34	\$ 44,346 – \$56,909
6102	GIS Administrator	54	\$ 71,947 – \$92,248
1120	Information Technology Administrator	59	\$ 81,390 – \$104,312
6090	Computer Network Support Specialist	36	\$ 46,613 – \$59,758

Ordinance No. _____ (cont'd)

SECTION IV: This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble and shall take effect and be in full force retroactively to January 1, 2016.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Emergency Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Kevin Maynard, Public Utilities Director

Agenda Item: Report regarding legislation to amend existing Schedule “A” of the City’s Classification and Compensation Plan to change the Pay Range for the Classifications of Assistant Public Utilities Director, Director of Electric and Director of Underground Utilities and add the new Classification of Director of Utilities Engineering

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Emergency Ordinance</i></p>	<p>1st Reading Date: 1-13-16 2nd Reading Date: 1-13-16 Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$ Expenditure: \$ Source Funds:</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to amend Schedule “A” of the City’s Classification and Compensation Plan to change the pay range for the classifications of Assistant Public Utilities Director, Director of Electric and Director of Underground Utilities and add the new Classification of Director of Utilities Engineering?

Policy Alternative(s)

City Council can decide not to amend said Classification and Compensation Plan.

Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation to amend and supplement existing Schedule “A” of the City’s Classification and Compensation Plan as set forth in Ordinance No. R-2014-1-5 adopted January 8, 2014, by changing the pay range for the classifications of Assistant Public Utilities Director, Director of Electric and Director of Underground Utilities, and adding the classification of Director of Utilities Engineering.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.



Fiscal Impact Summary

Class Code	Title	Pay Range	Annual Salary
6290	Assistant Public Utilities Director	59	\$81,390 to \$104,312
6290	Assistant Public Utilities Director	70	\$106,829 to \$136,843

Class Code	Title	Pay Range	Annual Salary
6180	Director of Electric	64	\$92,102 to \$118,040
6180	Director of Electric	66	\$96,782 to \$123,989

Class Code	Title	Pay Range	Annual Salary
6287	Director of Underground Utilities	64	\$92,102 to \$118,040
6287	Director of Underground Utilities	66	\$96,782 to \$123,989

Class Code	Title	Pay Range	Annual Salary
6109	Director of Utilities Engineering	66	\$96,782 to \$123,989

Background Information

As part of the Utilities reorganization, the job classification descriptions for Assistant Public Utilities Director, Director of Electric, and the Director of Underground Utilities have been updated to include additional responsibilities and increased focus in the areas of capital improvement planning, budgeting, performance monitoring, prudent utility management and operation practices, cost of service studies and rate plans, strategic planning, and utility financial principles, accounting and budgeting to help the utilities meet the reliability and cost competitiveness goals and objectives of the City's Strategic Plan. The department of Utilities Engineering is a new department and the job classification description for the Director of Utilities Engineering has been created.

Attached Information

- Assistant Public Utilities Director Position Description
- Director of Electric Position Description
- Director of Underground Utilities Position Description
- Director of Utilities Engineering Position Description

Copies Provided to:

N/A



CLASS TITLE	Assistant Public Utilities Director
CLASS CODE NUMBER	6290
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	July 30, 1996
REVISED	December 23, 2015
PROBATIONARY PERIOD	One (1) Year

DESCRIPTION OF DUTIES

This position is responsible for difficult professional, administrative and supervisory work in the planning, organization, direction and coordination of the operations, maintenance, capital improvements and activities of the Power Supply and Generation, Electric Transmission and Distribution, Natural Gas Transportation and Distribution, Water Supply and Treatment, Water Transmission and Distribution, Wastewater Collection and Water Reclamation Facility Systems, Utility Engineering, Utility Business and Customer Service functions (“Utility Systems”). This position reports directly to the Director of Public Utilities; however, extensive leeway is granted for the exercise of independent judgment in managing the Utilities. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with Directors and supervisory personnel in other City departments and divisions. Under the direction of the Director of Public Utilities, this position manages and leads, through subordinate staff, the operation, maintenance and capital improvements of the Utility Systems. Direct and indirect supervision is exercised over professional, managerial/supervisory, technical and clerical staff.

ESSENTIAL JOB FUNCTIONS

- Plans, organizes, directs, supervises and coordinates the operation, maintenance and capital improvement activities of the Utility Systems;
- Directs and coordinates through subordinate supervisory staff, all departmental activities to optimize use of equipment and personnel. Consults with staff regarding work procedures and develops plans to improve Utility Systems operations;
- Develops administrative and operational policies, rules and regulations for approval by the Director of Public Utilities, Public Utilities Commission and City Council; implements approved policies, rules and regulations;
- Ensures compliance with all applicable policies, safety rules and policies, governmental regulations, and non-discrimination/affirmative action plans;
- Assists the Director of Public Utilities with preparation of budgets, capital improvement plans, rates and riders, strategic plans, and customer, vendor and collective bargaining agreements;
- Administers customer, vendor and collective bargaining agreements and maintains effective labor relations;
- Conducts grievance hearings and participates in labor-management meetings and collective bargaining sessions;
- Assists the Director of Public Utilities with development of Utility Systems goals and objectives and implements the same in conjunction with subordinate staff;

- Assists in the development of Utility Systems business plans; assists Directors with implementation and administration of said business plans;
- Demonstrates regular and predictable attendance;
- Analyzes Utility Systems design and operations; recommends necessary capital and operational improvements to maximize efficiency, reliability and competitive rates;
- Develops and implements design, operation and maintenance standards for the safe and reliable operation of the Utility Systems;
- Coordinates the activities of subordinate divisions and other City departments as necessary;
- Prepares technical reports and completes special assignments pertaining to the Utility Systems;
- Assists with the preparation of Utility Systems operation and maintenance budgets and capital improvement budgets, monitors revenues and expenditures, and recommends corrective budgetary actions;
- Assists Directors with effective implementation of Utility Systems capital improvement plans;
- Directs, supervises, advises, motivates, counsels, trains, prioritizes and evaluates the work and performance of subordinate staff;
- Attends meetings, conferences, workshops and seminars as requested and authorized;
- Assists in the preparation of cost of service and rate studies, engineering studies and utility financings;
- Assists the Director of Public Utilities in establishing Utility Systems operation and performance measures, monitors performance and recommends corrective action as needed;
- Assists with City Economic Development efforts as needed;
- Serves as the Director of Public Utilities in the Director of Public Utilities' absence;
- Performs related work as required.

DESIRED SKILLS/KNOWLEDGE/ABILITIES

- Comprehensive knowledge of utility operations and industry practices;
- Comprehensive knowledge of financial analyses and budgeting;
- Ability to make quick and sound business decisions under tight operating deadlines;
- Ability to prioritize multiple difficult professional level duties;
- Skill in leadership, negotiations, motivation, management, project coordination and supervision;
- Ability to perform tasks with ingenuity and inventiveness;
- Ability to perform work with speed, accuracy and attention to detail;

- Ability to make informed decisions in accordance with established policies and procedures;
- Ability to effectively plan, organize, prioritize, motivate, supervise and evaluate the work of others;
- Ability to establish and maintain effective working relationships with other City Department Heads, Division Heads, supervisory personnel, contractors, developers, engineering consultants and the general public;
- Ability to communicate effectively with others, both verbally and in writing;
- Ability to handle confidential customer, employee and administrative information with tact and discretion.
- Comprehensive knowledge of the principles, practices and procedures of utility operations, maintenance and administration;
- Comprehensive knowledge of prudent utility management and operation practices and methods, analyses, procedures and budgeting, including electric, telecommunications, natural gas, water and wastewater utilities;
- Thorough knowledge of effective management principles;
- Thorough knowledge of engineering principles and practices;
- Thorough knowledge of the occupational hazards associated with utility operations and utility industry safety practices;
- Skill in interpersonal communications and persuasion;
- Ability to develop and implement short-term and long-range plans;
- Ability to effectively manage and control large capital improvement projects and expenditures;
- Ability to prepare complex technical reports and presentations;
- Ability to perform financial analyses of operations and contracts;
- Thorough knowledge of cost of service principles and rates;
- Thorough understanding of utility financial principles, accounting and budgeting;
- Ability to interpret and negotiate contracts;

TRAINING AND EDUCATION QUALIFICATIONS

- Graduation from a college or university of recognized standing with a Bachelor's Degree in Business Administration, Engineering, Public Administration or closely related field with a professional certification such as a CPA or PE and/or graduate experience preferred.
- Class IV Ohio Environmental Protection Agency Wastewater Treatment Operator's certification and Class III Ohio Environmental Protection Agency Water Supply Operator's certification preferred.
- Extensive professional experience in public utility management, including supervisory experience; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities to effectively perform the Essential Job Functions.
- Possession of a valid Registration as a Professional Engineer in the State of Ohio, or other equivalent certification from another state is desirable but not required.

SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES

- Extensive, progressively responsible management experience in a public utility, with experience in a multi-service utility preferred.
- Extensive, progressively responsible management experience in electric power supply and generation, transmission and distribution systems preferred.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing that permits the employee to communicate effectively with other City Department and Division heads, staff, contractors, developers, engineering and other consultants, and the general public;
- Sufficient vision, with or without correction, that permits the employee to produce and review a wide variety of reports, technical drawings and related materials;
- Sufficient manual dexterity that permits the employee to operate a keyboard and produce handwritten materials and notations and to lift and move equipment or materials from time to time;
- Sufficient personal mobility that permits the employee to visit and inspect other City and field work locations.



CITY OF HAMILTON, OHIO

CLASSIFICATION DESCRIPTION

6180

Director of Electric

Page 1 of 4

CLASS TITLE	Director of Electric
CLASS CODE NUMBER	6180
ADMINISTRATIVE SERVICE CATEGORY	Unclassified
ADOPTED	September 9, 1999
REVISED	December 23, 2015
PROBATIONARY PERIOD	One (1) Year

DESCRIPTION OF DUTIES

This position is responsible for difficult professional, administrative and supervisory work in the planning, organization, direction and coordination of the operations, maintenance, capital improvements and activities of the Power Supply and Generation, Transmission and Distribution, and telecommunications facilities and systems ("Electric Utility"). This position reports directly to the Director of Public Utilities; however, extensive leeway is granted for the exercise of independent judgment in managing the Electric Utility. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with Directors and supervisory personnel in other City departments and divisions. Under the direction of the Director of Public Utilities, this position manages and leads, through subordinate staff, the operation, maintenance and capital improvements of the Electric Utility. Direct and indirect supervision is exercised over professional, managerial/supervisory, technical and clerical staff.

ESSENTIAL JOB FUNCTIONS

- Plans, organizes, directs, supervises and coordinates the operation, maintenance and capital improvement activities of the Electric Utility;
- Directs and coordinates through subordinate supervisory staff, all departmental activities to optimize use of equipment and personnel. Consults with staff regarding work procedures and develops plans to improve Electric Utility operations;
- Develops administrative and operational policies, rules and regulations for approval by the Director of Public Utilities, Public Utilities Commission and City Council; implements approved policies, rules and regulations;
- Ensures compliance with all applicable policies, safety rules and policies, governmental regulations, and non-discrimination/affirmative action plans;
- Assists the Director of Public Utilities with preparation of budgets, capital improvement plans, rates and riders, strategic plans, and customer, vendor and collective bargaining agreements;
- Administers customer, vendor and collective bargaining agreements and maintains effective labor relations;
- Conducts grievance hearings and participates in labor-management meetings and collective bargaining sessions;

- Assists the Director of Public Utilities with development of Electric Utility goals and objectives and implements the same in conjunction with subordinate staff;
- Assists in the development of the Electric Utility business plan; implements and administers said business plan;
- Demonstrates regular and predictable attendance;
- Analyzes Electric Utility design and operations; recommends necessary capital and operational improvements to maximize efficiency, reliability and competitive rates;
- Develops and implements design, operation and maintenance standards for the safe and reliable operation of the Electric Utility;
- Coordinates the activities of subordinate divisions and other City departments as necessary;
- Prepares technical reports and completes special assignments pertaining to the Electric Utility;
- Assists with the preparation of Electric Utility operation and maintenance budgets and capital improvement budgets, monitors revenues and expenditures, and recommends corrective budgetary actions;
- Responsible for effective implementation of the Electric Utility capital improvement plan;
- Directs, supervises, advises, motivates, counsels, trains, prioritizes and evaluates the work and performance of subordinate staff;
- Attends meetings, conferences, workshops and seminars as requested and authorized;
- Assists in the preparation of cost of service and rate studies, engineering studies and utility financings;
- Assists the Director of Public Utilities in establishing Electric Utility operation and performance measures, monitors performance and recommends corrective action as needed;
- Assists with City Economic Development efforts as needed;
- Performs related work as required.

DESIRED SKILLS/KNOWLEDGE/ABILITIES

- Comprehensive knowledge of electric power supply and generation, transmission and distribution, and telecommunications operations and industry practices;
- Knowledge of financial analyses and budgeting;
- Ability to make quick and sound business decisions under tight operating deadlines;
- Ability to prioritize multiple difficult professional level duties;

- Skill in leadership, negotiations, motivation, management, project coordination and supervision;
- Ability to perform tasks with ingenuity and inventiveness;
- Ability to perform work with speed, accuracy and attention to detail;
- Ability to make informed decisions in accordance with established policies and procedures;
- Ability to effectively plan, organize, prioritize, motivate, supervise and evaluate the work of others;
- Ability to establish and maintain effective working relationships with other City Department Heads, Division Heads, supervisory personnel, contractors, developers, engineering consultants and the general public;
- Ability to communicate effectively with others, both verbally and in writing;
- Ability to handle confidential customer, employee and administrative information with tact and discretion.
- Comprehensive knowledge of the principles, practices and procedures of electric utility operations, maintenance and administration;
- Comprehensive knowledge of prudent utility management and operation practices and methods, analyses, procedures and budgeting, including power supply and generation, transmission and distribution, and telecommunications;
- Thorough knowledge of effective management principles;
- Thorough knowledge of engineering principles and practices;
- Thorough knowledge of the occupational hazards associated with electric utility operations and industry safety practices;
- Skill in interpersonal communications and persuasion;
- Ability to develop and implement short-term and long-range plans;
- Ability to effectively manage and control large capital improvement projects and expenditures;
- Ability to prepare complex technical reports and presentations;
- Ability to perform financial analyses of operations and contracts;
- Thorough knowledge of cost of service principles and rates;
- Thorough understanding of utility financial principles, accounting and budgeting;
- Ability to interpret and negotiate contracts;

TRAINING AND EDUCATION QUALIFICATIONS

- Graduation from a college or university of recognized standing with a Bachelor's Degree in Business Administration, Engineering, Public Administration or closely related field with a professional certification such as a CPA or PE and/or graduate experience preferred.
- Extensive professional experience in public utility management, including supervisory experience; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities to effectively perform the Essential Job Functions.
- Possession of a valid Registration as a Professional Engineer in the State of Ohio, or other equivalent certification from another state is desirable but not required.

SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES

- Extensive, progressively responsible management experience in a public utility, with experience in a multi-service utility preferred.
- Extensive, progressively responsible management experience in electric power supply and generation, transmission and distribution, and telecommunications systems preferred.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing that permits the employee to communicate effectively with other City Department and Division heads, staff, contractors, developers, engineering and other consultants, and the general public;
- Sufficient vision, with or without correction, that permits the employee to produce and review a wide variety of reports, technical drawings and related materials;
- Sufficient manual dexterity that permits the employee to operate a keyboard and produce handwritten materials and notations and to lift and move equipment or materials from time to time;
- Sufficient personal mobility that permits the employee to visit and inspect other City and field work locations.

CLASS TITLE	Director of Underground Utilities
CLASS CODE NUMBER	6287
ADMINISTRATIVE SERVICE CATEGORY	Unclassified
ADOPTED	May 17, 2013
REVISED	December 23, 2015
PROBATIONARY PERIOD	One (1) Year

DESCRIPTION OF DUTIES

This position is responsible for difficult professional, administrative and supervisory work in the planning, organization, direction and coordination of the operations, maintenance, capital improvements and activities of the Natural Gas Transportation and Distribution, Water Supply and Treatment, Water Transmission and Distribution, Wastewater Collection and Water Reclamation Facility Systems (“Underground Utilities”). This position reports directly to the Director of Public Utilities; however, extensive leeway is granted for the exercise of independent judgment in managing the Underground Utilities. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with Directors and supervisory personnel in other City departments and divisions. Under the direction of the Director of Public Utilities, this position manages and leads, through subordinate staff, the operation, maintenance and capital improvements of the Underground Utilities. Direct and indirect supervision is exercised over professional, managerial/supervisory, technical and clerical staff.

ESSENTIAL JOB FUNCTIONS

- Plans, organizes, directs, supervises and coordinates the operation, maintenance and capital improvement activities of the Underground Utilities;
- Directs and coordinates through subordinate supervisory staff, all departmental activities to optimize use of equipment and personnel. Consults with staff regarding work procedures and develops plans to improve Underground Utilities’ operations;
- Develops administrative and operational policies, rules and regulations for approval by the Director of Public Utilities, Public Utilities Commission and City Council; implements approved policies, rules and regulations;
- Ensures compliance with all applicable policies, safety rules and policies, governmental regulations, and non-discrimination/affirmative action plans;
- Assists the Director of Public Utilities with preparation of budgets, capital improvement plans, rates and riders, strategic plans, and customer, vendor and collective bargaining agreements;
- Administers customer, vendor and collective bargaining agreements and maintains effective labor relations;
- Conducts grievance hearings and participates in labor-management meetings and collective bargaining sessions;
- Assists the Director of Public Utilities with development of Underground Utilities’ goals and objectives and implements the same in conjunction with subordinate staff;

- Assists in the development of the Underground Utilities' business plan; implements and administers said business plan;
- Demonstrates regular and predictable attendance;
- Analyzes Underground Utilities' design and operations; recommends necessary capital and operational improvements to maximize efficiency, reliability and competitive rates;
- Develops and implements design, operation and maintenance standards for the safe and reliable operation of the Underground Utilities;
- Coordinates the activities of subordinate divisions and other City departments as necessary;
- Prepares technical reports and completes special assignments pertaining to the Underground Utilities;
- Assists with the preparation of Underground Utilities' operation and maintenance budgets and capital improvement budgets, monitors revenues and expenditures, and recommends corrective budgetary actions;
- Responsible for effective implementation of the Underground Utilities' capital improvement plan;
- Directs, supervises, advises, motivates, counsels, trains, prioritizes and evaluates the work and performance of subordinate staff;
- Attends meetings, conferences, workshops and seminars as requested and authorized;
- Assists in the preparation of cost of service and rate studies, engineering studies and utility financings;
- Assists the Director of Public Utilities in establishing Underground Utilities' operation and performance measures, monitors performance and recommends corrective action as needed;
- Assists with City Economic Development efforts as needed;
- Performs related work as required.

DESIRED SKILLS/KNOWLEDGE/ABILITIES

- Comprehensive knowledge of water, wastewater and natural gas utility operations and industry practices;
- Knowledge of financial analyses and budgeting;
- Ability to make quick and sound business decisions under tight operating deadlines;
- Ability to prioritize multiple difficult professional level duties;
- Skill in leadership, negotiations, motivation, management, project coordination and supervision;
- Ability to perform tasks with ingenuity and inventiveness;
- Ability to perform work with speed, accuracy and attention to detail;

- Ability to make informed decisions in accordance with established policies and procedures;
- Ability to effectively plan, organize, prioritize, motivate, supervise and evaluate the work of others;
- Ability to establish and maintain effective working relationships with other City Department Heads, Division Heads, supervisory personnel, contractors, developers, engineering consultants and the general public;
- Ability to communicate effectively with others, both verbally and in writing;
- Ability to handle confidential customer, employee and administrative information with tact and discretion.
- Comprehensive knowledge of the principles, practices and procedures of natural gas, water and wastewater utility operations, maintenance and administration;
- Comprehensive knowledge of prudent utility management and operation practices and methods, analyses, procedures and budgeting, including natural gas, water and wastewater utilities;
- Thorough knowledge of effective management principles;
- Thorough knowledge of engineering principles and practices;
- Thorough knowledge of the occupational hazards associated with utility operations and utility industry safety practices;
- Skill in interpersonal communications and persuasion;
- Ability to develop and implement short-term and long-range plans;
- Ability to effectively manage and control large capital improvement projects and expenditures;
- Ability to prepare complex technical reports and presentations;
- Ability to perform financial analyses of operations and contracts;
- Thorough knowledge of cost of service principles and rates;
- Thorough understanding of utility financial principles, accounting and budgeting;
- Ability to interpret and negotiate contracts;

TRAINING AND EDUCATION QUALIFICATIONS

- Graduation from a college or university of recognized standing with a Bachelor's Degree in Business Administration, Engineering, Public Administration or closely related field with a professional certification such as a CPA or PE and/or graduate experience preferred.

- Class IV Ohio Environmental Protection Agency Wastewater Treatment Operator's certification and Class III Ohio Environmental Protection Agency Water Supply Operator's certification preferred.
- Extensive professional experience in public utility management, including supervisory experience; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities to effectively perform the Essential Job Functions.
- Possession of a valid Registration as a Professional Engineer in the State of Ohio, or other equivalent certification from another state is desirable but not required.

SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES

- Extensive, progressively responsible management experience in a public utility, with experience in a multi-service utility preferred.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing that permits the employee to communicate effectively with other City Department and Division heads, staff, contractors, developers, engineering and other consultants, and the general public;
- Sufficient vision, with or without correction, that permits the employee to produce and review a wide variety of reports, technical drawings and related materials;
- Sufficient manual dexterity that permits the employee to operate a keyboard and produce handwritten materials and notations and to lift and move equipment or materials from time to time;
- Sufficient personal mobility that permits the employee to visit and inspect other City and field work locations.

CLASS TITLE	Director of Utilities Engineering
CLASS CODE NUMBER	6109
ADMINISTRATIVE SERVICE CATEGORY	Unclassified
ADOPTED	11-18-2015
REVISED	
PROBATIONARY PERIOD	One (1) Year

DESCRIPTION OF DUTIES

This position is responsible for difficult professional, administrative and supervisory work in the planning, organization, direction and coordination of the operations, maintenance, capital improvements and activities of the Utilities Engineering Department. This position reports directly to the Director of Public Utilities; however, extensive leeway is granted for the exercise of independent judgment in managing the Utilities Engineering Department. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with Directors and supervisory personnel in other City departments and divisions. Under the direction of the Director of Public Utilities, this position manages and leads, through subordinate staff, the operation, maintenance and capital improvements of the Utilities Engineering Department. Direct and indirect supervision is exercised over professional, managerial/supervisory, technical and clerical staff.

ESSENTIAL JOB FUNCTIONS

- Plans, organizes, directs, supervises and coordinates the operation, maintenance and capital improvement activities of the Utilities Engineering Department;
- Directs and coordinates through subordinate supervisory staff, all department activities to optimize use of equipment and personnel. Consults with staff regarding work procedures and develops plans to improve Utilities Engineering Department operations;
- Develops administrative and operational policies, rules and regulations for approval by the Director of Public Utilities, Public Utilities Commission and City Council; implements approved policies, rules and regulations;
- Ensures compliance with all applicable policies, safety rules and policies, governmental regulations, and non-discrimination/affirmative action plans;
- Assists the Director of Public Utilities with preparation of budgets, capital improvement plans, rates and riders, strategic plans, and customer, vendor and collective bargaining agreements;
- Administers customer, vendor and collective bargaining agreements and maintains effective labor relations;
- Conducts grievance hearings and participates in labor-management meetings and collective bargaining sessions;
- Assists the Director of Public Utilities with development of Utilities Engineering Department goals and objectives and implements the same in conjunction with subordinate staff;

- Assists in the development of the Utilities Engineering Department and other department business plan; implements and administers said Utilities Engineering Department business plan;
- Demonstrates regular and predictable attendance;
- Analyzes utilities' design and operations; recommends necessary capital and operational improvements to maximize efficiency, reliability and competitive rates;
- Develops and implements design, operation and maintenance standards for the safe and reliable operation of the municipal utilities;
- Coordinates the activities of subordinate divisions and other City departments as necessary;
- Prepares technical reports and completes special assignments pertaining to the Utilities;
- Assists with preparation of Utilities operation and maintenance budgets and capital improvement budgets;
- Directs, supervises, advises, motivates, counsels, trains, prioritizes and evaluates the work and performance of subordinate staff;
- Attends meetings, conferences, workshops and seminars as requested and authorized;
- Assists in the preparation of cost of service and rate studies, engineering studies and utility financings;
- Assists the Director of Public Utilities in establishing Utilities Engineering Department operation and performance measures, monitors performance and recommends corrective action as needed;
- Assists with City Economic Development efforts as needed;
- Confers with City department and division heads and other supervisory personnel to identify and assess utility engineering needs and services;
- Identifies issues involved in the expansion and improvement of the Utilities operations and activities and develops related recommendations;
- Directs and supervises professional engineers and engineering technicians in the preparation of design criteria, designs, analysis, specifications, plans, investigations, cost estimates, tabulations of contract bids and contract payments, and establishes schedules, reviews work and provides advice and counsel as required;
- Directs and supervises the Utilities Engineering Department's project construction management activities and operations, including bid reviews, payment to contractors, project documentation and change order preparations;
- Reviews subdivision plans and construction to ensure compliance with Utilities standards and sound engineering practices;
- Directs and supervises the preparation and maintenance of Utilities maps, drawings, records and files;
- Plans and recommends Utility improvements and maintenance programs;
- Prepares grant applications and required documentation as required;
- Provides liaison with developers, consulting engineers and the general public;

- Provides technical assistance to the public and other City divisions and departments relating to Utilities Engineering Department activities and operations;
- Responds to public inquiries and complaints;
- Performs related work as required.

DESIRED SKILLS/KNOWLEDGE/ABILITIES

- Comprehensive knowledge of the theory, principles and practices of engineering as related to the utilities industry;
- Knowledge of financial analyses and budgeting;
- Ability to make quick and sound business decisions under tight operating deadlines;
- Ability to prioritize multiple difficult professional level duties;
- Skill in leadership, negotiations, motivation, management, project coordination and supervision;
- Ability to perform tasks with ingenuity and inventiveness;
- Ability to perform work with speed, accuracy and attention to detail;
- Ability to make informed decisions in accordance with established policies and procedures;
- Ability to effectively plan, organize, prioritize, motivate, supervise and evaluate the work of others;
- Ability to establish and maintain effective working relationships with other City Department Heads, Division Heads, supervisory personnel, contractors, developers, engineering consultants and the general public;
- Ability to communicate effectively with others, both verbally and in writing;
- Ability to handle confidential customer, employee and administrative information with tact and discretion.
- Comprehensive knowledge of the principles, practices and procedures of electric, natural gas fiber optic, water and wastewater utility operations, maintenance and administration;
- Comprehensive knowledge of prudent utility management and operation practices and methods, analyses, procedures and budgeting;
- Thorough knowledge of effective management principles;
- Thorough knowledge of engineering principles and practices;
- Thorough knowledge of the occupational hazards associated with utility operations and utility safety practices;

- Skill in interpersonal communications and persuasion;
- Ability to develop and implement short-term and long-range plans;
- Ability to effectively manage and control large capital improvement projects and expenditures;
- Ability to prepare complex technical reports and presentations;
- Ability to perform financial analyses of operations and contracts;
- Thorough knowledge of cost of service principles and rates;
- Thorough understanding of utility financial principles, accounting and budgeting;
- Ability to interpret and negotiate contracts;

TRAINING AND EDUCATION QUALIFICATIONS

- Graduation from a college or university of recognized standing with a Bachelor's Degree in Electrical, Mechanical or Civil Engineering with a professional certification such as Professional Engineer and/or graduate experience preferred.
- Extensive professional experience in public utility design, construction and maintenance, including supervisory experience;
- Considerable experience in computerized mapping/drafting, Geographic Information Systems (GIS) and utility distribution systems analyses; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities to effectively perform the Essential Job Functions.
- Possession of a valid Registration as a Professional Engineer in the State of Ohio, or other equivalent certification from another state is desirable but not required.

SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES

- Extensive, progressively responsible management experience in a public utility, with experience in a multi-service utility preferred.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing that permits the employee to communicate effectively with other City Department and Division heads, staff, contractors, developers, engineering and other consultants, and the general public;
- Sufficient vision, with or without correction, that permits the employee to produce and review a wide variety of reports, technical drawings and related materials;



CITY OF HAMILTON, OHIO

CLASSIFICATION DESCRIPTION

6109

Director of Utilities Engineering

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- Sufficient manual dexterity that permits the employee to operate a keyboard and produce handwritten materials and notations and to lift and move equipment or materials from time to time;
- Sufficient personal mobility that permits the employee to visit and inspect other City and field work locations.

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN ORDINANCE NO. OR2014-1-5, ADOPTED JANUARY 8, 2014, AND AS AMENDED FROM TIME TO TIME, RELATIVE TO THE CLASSIFICATION OF DIRECTOR OF UTILITIES ENGINEERING, ASSISTANT PUBLIC UTILITIES DIRECTOR, DIRECTOR OF ELECTRIC, DIRECTOR OF UNDERGROUND UTILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the position of Director of Utilities Engineering, be added to Schedule A and established as the Director of the Department of Utilities Engineering; and

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the pay ranges for the positions of Assistant Public Utilities Director, Director of Electric, and Director of Underground Utilities, be changed due to increased job duties and responsibilities; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule "A" of the City's Classification and Compensation Plan as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014; and

WHEREAS, this Council desires that said amendment be made;

WHEREAS, the subject matter herein constitutes an emergency measure for the reasons that it provides for the immediate preservation of the public health, safety and welfare of the community by providing for the continuous operation of the municipal government;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following position be established at the following pay range, effective as of the date this legislation becomes effective:

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
6109	Director of Utilities Engineering	66	\$96,782 – \$123,989

SECTION II: That the following classifications' pay ranges be amended to be and read as follows, effective as of the date this legislation becomes effective:

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
6290	Assistant Public Utilities Director	70	\$106,829 – \$136,843
6180	Director of Electric	66	\$ 96,782 – \$123,989
6287	Director of Underground Utilities	66	\$ 96,782 – \$123,989

SECTION III: That the portion of Schedule "A" of the City's Classification and Compensation Plan as set forth in Ordinance No. OR2014-1-5 adopted January 8, 2014, is hereby amended to be and read as follows, effective as of the date this legislation becomes effective.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
6109	Director of Utilities Engineering	66	\$96,782 – \$123,989
6290	Assistant Public Utilities Director	70	\$106,829 – \$136,843
6180	Director of Electric	66	\$ 96,782 – \$123,989
6287	Director of Underground Utilities	66	\$ 96,782 – \$123,989

Ordinance No. _____ (cont'd)

SECTION IV: This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble and shall take effect and be in full force retroactively to January 1, 2016.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Emergency Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Joshua A. Smith, City Manager

Agenda Item: Report regarding legislation to amend existing Schedule “A” of the City’s Classification and Compensation Plan as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014, to provide for salary increases

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Emergency Ordinance</i></p>	<p>1st Reading Date: 1-13-16 2nd Reading Date: 1-13-16 Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: 2016 Expenditure: Approximately \$244,000 for all funds. Source Funds: Various Funds</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to amend existing Schedule “A” of the City’s Classification and Compensation Plan as set forth in Ordinance No. OR2015-12-106, adopted December 9, 2015, to provide a 2% salary increase to the employees in Schedule “A”?

Policy Alternative(s)

City Council can decide not to amend said Classification and Compensation Plan.

Staff Recommendation

It is the recommendation of this office that Council receive this report and adopt an ordinance to amend existing Schedule “A” to provide for said salary increases.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.



Fiscal Impact Summary

The net General Fund impact of this increase is approximately \$56,000 after General Fund allocations and the non-General Fund impact is approximately \$188,000 for a grand total of about \$244,000 including taxes and benefits. As part of the 2016 Adopted Budget a 2% rate increase was calculated for Schedule A employees using the City's position budgeting tool.

Background Information

The employees covered by Schedule A of the City of Hamilton's Classification and Compensation Plan have received only one across the board wage increase since July of 2007 due to adverse economic conditions in the nation and the region, and the resulting severe negative impact on the City's budget. The 2016 General Fund Budget is structurally balanced and economic conditions in the City are cautiously stable. Therefore, the City Manager and City Administration recommend to Council that the employees in Schedule A be provided an across the board wage increase of 2%.

These salary increases will take effect retroactive to the pay period beginning January 1, 2016 and will be paid in the check issued January 29, 2016.

In order to accomplish these actions it is necessary to amend Schedule A.

Attached Information

N/A

Copies Provided to:

N/A



EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CLASSIFICATION AND COMPENSATION PLAN OF THE CITY OF HAMILTON, OHIO, AS SET FORTH IN ORDINANCE NO. OR2014-1-5 ADOPTED JANUARY 8, 2014, RELATIVE TO SALARIES FOR CERTAIN CITY EMPLOYEES, AND REPEALING EXISTING SCHEDULE "A" AS SET FORTH IN SAID ORDINANCE.

WHEREAS, upon the recommendation of the City Administration, Council wishes to grant a two-percent (2%) general salary increase, to those City employees who are not a member of any Collective Bargaining Unit as listed in Schedule "A" of the City's Classification and Compensation Plan; and

WHEREAS, these salary increases will take effect retroactive to January 1, 2016 and will be paid in the paycheck issued on January 29, 2016; and

WHEREAS, it will be necessary to amend existing Schedule "A" of the City's Classification and Compensation Plan, as set forth in Ordinance No. OR2014-1-5 to effectuate the aforesaid salary increase; and

WHEREAS, the subject matter herein constitutes an emergency measure for the reasons that it provides for the immediate preservation of the public health, safety and welfare of the community by providing for the continuous operation of the municipal government;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That Schedule "A" of the Classification and Compensation Plan of the City of Hamilton, Ohio, as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014, be and the same is hereby amended to grant a two percent (2%) increase and these salary increases shall take effect retroactive to January 1, 2016. These amendments are set forth in detail in Exhibit No. 1, the ***Alphabetical Index of Classifications – Salary and Hourly – Schedule A*** and Exhibit No. 2, the ***Salary Rates – Schedule A – Effective January 1, 2016***, both of which Exhibits are attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: That the salaries set forth in Schedule "A" as set forth in Ordinance No. OR2014-1-5, adopted January 8, 2014, as amended, **be and the same are hereby repealed, effective January 1, 2016.**

SECTION III: This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble and shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Emergency Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

Emergency Ordinance No. _____ (cont'd)

EXHIBIT NO. 1

**ALPHABETICAL INDEX
OF
CLASSIFICATIONS
SALARY AND HOURLY: SCHEDULE A**

Code	Classification	Range
2015	Accountant	39
2016	Accountant II	43
2010	Accounting Specialist	28
2083	Accounts Supervisor	34
1030	Administrative Assistant to the City Manager	42
5070	Administrative Engineer	53
1010	Administrative Secretary	28
1040	Administrative Specialist I	34
1050	Administrative Specialist II	40
1060	Administrative Specialist III	46
1070	Administrative Specialist IV	51
1082	Administrator of Business Development	59
1117	Application Support Specialist	41
1090	Assistant City Manager	62
1032	Assistant to the City Manager	42
3111	Assistant Director of Community Development/Public Health Administrator	53
6179	Assistant Director of Electric	62
5155	Assistant Director of Public Works	59
6251	Assistant Electric Distribution Superintendent	52
6210	Assistant Electric Power Systems Superintendent	52
6190	Assistant Electric Production Superintendent	50
2112	Assistant Finance Director	59
6228	Assistant Hydroelectric Plant Superintendent	45
1190	Assistant Law Director (Full Time)	53
1191	Assistant Law Director (Part Time)	46
4040	Assistant Parks and Recreation Director	53
6290	Assistant Public Utilities Director	70
5130	Assistant Streets and Sewers Superintendent	45
6130	Assistant Water Reclamation Facility Superintendent	47
6150	Assistant Water Production Superintendent	47
1124	Associate Analyst	34
3060	Associate City Planner	39
5040	Associate Civil Engineer	42
1100	Associate Computer Programmer	34
6060	Associate Electric Engineer	42

Emergency Ordinance No. _____ (cont'd)

5010	Associate Engineering Technician	32
6040	Associate Utilities Engineering Technician	32
4035	Athletics and Recreation Supervisor	46
2019	Budget Analyst	46
2055	Building Systems Supervisor	33
1033	Chief of Staff	59
1220	City Clerk	31
5080	City Engineer	59
9000	City Manager	79
5050	Civil Engineer	48
5115	City Garage Superintendent	54
1160	Civil Service and Personnel Director	61
2080	Collection Supervisor	37
2030	Commissioner of Taxation	48
7025	Community Service Unit Supervisor	19
3005	Community Technician	22
2050	Comptroller	54
6090	Computer Network Support Specialist	36
1105	Computer Programmer	38
1110	Computer Systems Analyst	45
6097	Computer Systems Engineer	45
4008	Concessions and Tournament Manager	30
5083	Construction Administrator	50
3090	Construction Services Supervisor	48
8024	Corrections Officer Manager	40
8023	Corrections Officer Supervisor	24
6310	Customer Relations Manager	59
2090	Customer Service Administrator	46
2085	Customer Service Supervisor	37
1210	Deputy City Clerk	15
8099	Deputy City Manager/Director of General Operations	72
6296	Deputy Public Utilities Director	61
3108	Director of Community Development	61
6180	Director of Electric	66
1083	Director of Employee Relations	47
6177	Director of Energy Management and Utility Business Affairs	61
1025	Director of Human Resources	64
1122	Director of Information Technology	62
6303	Director of Project Implementation	76
8442	Director of Public Safety	66
1037	Director of Resident Services	59
1096	Director of Strategy and Information	59
6287	Director of Underground Utilities	66

Emergency Ordinance No. _____ (cont'd)

6109	Director of Utilities Engineering	66
3130	Economic Development Administrator	49
3140	Economic Development Director	61
3120	Economic Development Specialist	41
3125	Economic Development Specialist II	45
6250	Electric Distribution Superintendent	57
6240	Electric Distribution Supervisor	47
6070	Electric Engineer	48
6220	Electric Power Systems Superintendent	57
6200	Electric Production Superintendent	57
6085	Electric Transmission and Distribution Engineer	51
6173	Energy Management Administrator	60
1079	Engineering Project Manager	58
5030	Engineering Surveyor	41
5020	Engineering Technician	37
1020	Executive Secretary to the City Manager	32
6075	Field Service Superintendent	55
6078	Field Service Supervisor	47
2110	Finance Director	64
8070	Fire Chief	65
8035	Fire Prevention Assistant	23
5110	Fleet Maintenance Superintendent	54
6270	Gas and Water Distribution Engineer	48
6280	Gas and Water Distribution Superintendent	52
6260	Gas and Water Distribution Supervisor	45
6255	Gas and Water Inspector	34
6102	GIS Administrator	54
6100	GIS Specialist	41
4010	Golf Course Maintenance Supervisor	32
4012	Golf Course Operations Manager	41
4020	Golf Superintendent	45
7030	Health Director	58
7012	Home Health Aide	22
6230	Hydroelectric Plant Superintendent	57
2020	Income Tax Auditor	39
1120	Information Technology Administrator	59
3145	Innovation Officer	46
6170	Laboratory Supervisor	46
108	Laborer	8
1080	Labor Relations/Risk Management Administrator	47
1200	Law Director	65
6176	Manager of Energy Operations	51
6229	Manager of Hydroelectric Plant Operations	59

Emergency Ordinance No. _____ (cont'd)

6189	Manager of Power Plant Operations	59
6083	Manager of Transmission and Distribution Operations	59
6174	Manager of Utilities Services	59
6020	Meter Reading Superintendent	39
6010	Meter Reading Supervisor	34
6005	Meter Shop Supervisor	38
6082	Municipal Arborist/Urban Forester	55
3050	Neighborhood Development Administrator	51
3049	Neighborhood Development Coordinator	39
3030	Neighborhood Development Specialist	41
1180	Paralegal/Legislative Specialist	41
5085	Parking Facilities Supervisor	28
4050	Parks and Recreation Director	61
4039	Parks and Recreation Superintendent	50
4030	Parks Maintenance Supervisor	37
4032	Parks Supervisor	46
1150	Personnel Analyst	41
1130	Personnel Assistant	25
1140	Personnel Specialist	34
3078	Planning and Zoning Specialist	40
3092	Plans Examiner I	50
3100	Plans Examiner II	52
6192	Plant Maintenance Supervisor	46
6183	Plant Supervisor	44
8050	Police Chief	65
8025	Police Civilian Desk Officer	23
8032	Police Civilian Employee	31
8010	Police Records Clerk	23
8020	Police Records Supervisor	30
3065	Preservation Planner	41
1038	Program Coordinator for Volunteers and RiversEdge Amphitheater	28
1075	Project Manager	46
7020	Public Health Nursing Administrator	48
7015	Public Health Sanitarian	38
8045	Public Safety Communications Manager	40
8040	Public Safety Communications Supervisor	38
8040	Public Safety Communications Supervisor (<i>new hires/promotions as of 9/9/09</i>)	31
6300	Public Utilities Director	77
5150	Public Works Director	62
2070	Purchasing Agent	54
7010	Registrar of Vital Statistics	25
3010	Rehabilitation Specialist	34

Emergency Ordinance No. _____ (cont'd)

3020	Rehabilitation Supervisor	40
1041	Resident Services Supervisor	47
1036	Safety Specialist	46
1085	Safety/OSHA Compliance Specialist	46
6084	SCADA Specialist	41
431	School Resource Officer	22
1015	Secretary to Police Chief	28
2017	Senior Accountant	46
2018	Senior Accountant II	51
1125	Senior Analyst	46
3070	Senior City Planner	46
5060	Senior Civil Engineer	52
6101	Senior GIS Specialist	45
3040	Senior Neighborhood Development Specialist	46
1118	Senior Network Engineer	51
1077	Senior Project Manager	54
7017	Senior Sanitarian	46
2022	Senior Tax Auditor	46
6055	Senior Utilities Engineering Technician	41
2060	Stores Supervisor	34
5120	Streets and Sewers Maintenance Supervisor	38
5140	Streets and Sewers Superintendent	52
6178	Supervising Mechanical Engineer	54
1039	Sustainability Coordinator	36
1119	Systems Application Administrator	52
1089	Team Hamilton Coordinator	40
6087	Telecommunications Supervisor	48
5100	Transportation and Traffic Engineer	59
5090	Transportation Systems Specialist	40
2040	Treasurer	54
6030	Utilities Business Administrator	50
6110	Utilities Engineering Administrator	58
6050	Utilities Engineering Technician	37
6120	Utilities Environmental Administrator	48
6080	Utilities Service Specialist	41
6184	Utility Business Manager	56
6095	Utility Computer Systems Analyst	45
6140	Wastewater Treatment Superintendent	52
6160	Water Production Superintendent	52
3080	Zoning Inspector	34

EXHIBIT NO. 2

**SALARY RATES: SCHEDULE A
EFFECTIVE: JANUARY 1, 2016**

RANGE	1	2	3	4	5	6	7	8	9	10	11
1 Yr	20,010	20,530	21,029	21,570	22,090	22,630	23,192	23,816	24,440	25,002	25,750
BiW	769.60	789.60	808.80	829.60	849.60	870.40	892.00	916.00	940.00	961.60	990.40
Hr	9.62	9.87	10.11	10.37	10.62	10.88	11.15	11.45	11.75	12.02	12.38
2 Yr	20,530	21,029	21,570	22,090	22,630	23,192	23,816	24,440	25,002	25,605	26,374
BiW	789.60	808.80	829.60	849.60	870.40	892.00	916.00	940.00	961.60	984.80	1014.40
Hr	9.87	10.11	10.37	10.62	10.88	11.15	11.45	11.75	12.02	12.31	12.68
3 Yr	21,029	21,570	22,090	22,630	23,192	23,816	24,440	25,002	25,605	26,250	27,019
BiW	808.80	829.60	849.60	870.40	892.00	916.00	940.00	961.60	984.80	1009.60	1039.20
Hr	10.11	10.37	10.62	10.88	11.15	11.45	11.75	12.02	12.31	12.62	12.99
4 Yr	21,570	22,090	22,630	23,192	23,816	24,440	25,002	25,605	26,250	26,915	27,747
BiW	829.60	849.60	870.40	892.00	916.00	940.00	961.60	984.80	1009.60	1035.20	1067.20
Hr	10.37	10.62	10.88	11.15	11.45	11.75	12.02	12.31	12.62	12.94	13.34
5 Yr	22,090	22,630	23,192	23,816	24,440	25,002	25,605	26,250	26,915	27,643	28,475
BiW	849.60	870.40	892.00	916.00	940.00	961.60	984.80	1009.60	1035.20	1063.20	1095.20
Hr	10.62	10.88	11.15	11.45	11.75	12.02	12.31	12.62	12.94	13.29	13.69
6 Yr	22,630	23,192	23,816	24,440	25,002	25,605	26,250	26,915	27,643	28,371	29,224
BiW	870.40	892.00	916.00	940.00	961.60	984.80	1009.60	1035.20	1063.20	1091.20	1124.00
Hr	10.88	11.15	11.45	11.75	12.02	12.31	12.62	12.94	13.29	13.64	14.05
7 Yr	23,192	23,816	24,440	25,002	25,605	26,250	26,915	27,643	28,371	28,954	29,806
BiW	892.00	916.00	940.00	961.60	984.80	1009.60	1035.20	1063.20	1091.20	1113.60	1146.40
Hr	11.15	11.45	11.75	12.02	12.31	12.62	12.94	13.29	13.64	13.92	14.33
8 Yr	23,816	24,440	25,002	25,605	26,250	26,915	27,643	28,371	28,954	29,682	30,576
BiW	916.00	940.00	961.60	984.80	1009.60	1035.20	1063.20	1091.20	1113.60	1141.60	1176.00
Hr	11.45	11.75	12.02	12.31	12.62	12.94	13.29	13.64	13.92	14.27	14.70
9 Yr	24,440	25,002	25,605	26,250	26,915	27,643	28,371	28,954	29,682	30,451	31,366
BiW	940.00	961.60	984.80	1009.60	1035.20	1063.20	1091.20	1113.60	1141.60	1171.20	1206.40
Hr	11.75	12.02	12.31	12.62	12.94	13.29	13.64	13.92	14.27	14.64	15.08
10 Yr	25,002	25,605	26,250	26,915	27,643	28,371	28,954	29,682	30,451	31,221	32,157
BiW	961.60	984.80	1009.60	1035.20	1063.20	1091.20	1113.60	1141.60	1171.20	1200.80	1236.80
Hr	12.02	12.31	12.62	12.94	13.29	13.64	13.92	14.27	14.64	15.01	15.46
11 Yr	25,605	26,250	26,915	27,643	28,371	28,954	29,682	30,451	31,221	32,032	32,968

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
BiW	984.80	1009.60	1035.20	1063.20	1091.20	1113.60	1141.60	1171.20	1200.80	1232.00	1268.00
Hr	12.31	12.62	12.94	13.29	13.64	13.92	14.27	14.64	15.01	15.40	15.85
12 Yr	26,250	26,915	27,643	28,371	28,954	29,682	30,451	31,221	32,032	32,864	33,758
BiW	1009.60	1035.20	1063.20	1091.20	1113.60	1141.60	1171.20	1200.80	1232.00	1264.00	1298.40
Hr	12.62	12.94	13.29	13.64	13.92	14.27	14.64	15.01	15.40	15.80	16.23
13 Yr	26,915	27,643	28,371	28,954	29,682	30,451	31,221	32,032	32,864	33,634	34,653
BiW	1035.20	1063.20	1091.20	1113.60	1141.60	1171.20	1200.80	1232.00	1264.00	1293.60	1332.80
Hr	12.94	13.29	13.64	13.92	14.27	14.64	15.01	15.40	15.80	16.17	16.66
14 Yr	27,643	28,371	28,954	29,682	30,451	31,221	32,032	32,864	33,634	34,445	35,464
BiW	1063.20	1091.20	1113.60	1141.60	1171.20	1200.80	1232.00	1264.00	1293.60	1324.80	1364.00
Hr	13.29	13.64	13.92	14.27	14.64	15.01	15.40	15.80	16.17	16.56	17.05
15 Yr	28,371	28,954	29,682	30,451	31,221	32,032	32,864	33,634	34,445	35,298	36,338
BiW	1091.20	1113.60	1141.60	1171.20	1200.80	1232.00	1264.00	1293.60	1324.80	1357.60	1397.60
Hr	13.64	13.92	14.27	14.64	15.01	15.40	15.80	16.17	16.56	16.97	17.47
16 Yr	28,954	29,682	30,451	31,221	32,032	32,864	33,634	34,445	35,298	36,192	37,253
BiW	1113.60	1141.60	1171.20	1200.80	1232.00	1264.00	1293.60	1324.80	1357.60	1392.00	1432.80
Hr	13.92	14.27	14.64	15.01	15.40	15.80	16.17	16.56	16.97	17.40	17.91
17 Yr	29,682	30,451	31,221	32,032	32,864	33,634	34,445	35,298	36,192	37,107	38,168
BiW	1141.60	1171.20	1200.80	1232.00	1264.00	1293.60	1324.80	1357.60	1392.00	1427.20	1468.00
Hr	14.27	14.64	15.01	15.40	15.80	16.17	16.56	16.97	17.40	17.84	18.35
18 Yr	30,451	31,221	32,032	32,864	33,634	34,445	35,298	36,192	37,107	38,022	39,146
BiW	1171.20	1200.80	1232.00	1264.00	1293.60	1324.80	1357.60	1392.00	1427.20	1462.40	1505.60
Hr	14.64	15.01	15.40	15.80	16.17	16.56	16.97	17.40	17.84	18.28	18.82
19 Yr	31,221	32,032	32,864	33,634	34,445	35,298	36,192	37,107	38,022	39,021	40,082
BiW	1200.80	1232.00	1264.00	1293.60	1324.80	1357.60	1392.00	1427.20	1462.40	1500.80	1541.60
Hr	15.01	15.40	15.80	16.17	16.56	16.97	17.40	17.84	18.28	18.76	19.27
20 Yr	32,032	32,864	33,634	34,445	35,298	36,192	37,107	38,022	39,021	39,978	41,122
BiW	1232.00	1264.00	1293.60	1324.80	1357.60	1392.00	1427.20	1462.40	1500.80	1537.60	1581.60
Hr	15.40	15.80	16.17	16.56	16.97	17.40	17.84	18.28	18.76	19.22	19.77
21 Yr	32,864	33,634	34,445	35,298	36,192	37,107	38,022	39,021	39,978	40,976	42,141
BiW	1264.00	1293.60	1324.80	1357.60	1392.00	1427.20	1462.40	1500.80	1537.60	1576.00	1620.80
Hr	15.80	16.17	16.56	16.97	17.40	17.84	18.28	18.76	19.22	19.70	20.26

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
22 Yr	33,634	34,445	35,298	36,192	37,107	38,022	39,021	39,978	40,976	42,016	43,202
BiW	1293.60	1324.80	1357.60	1392.00	1427.20	1462.40	1500.80	1537.60	1576.00	1616.00	1661.60
Hr	16.17	16.56	16.97	17.40	17.84	18.28	18.76	19.22	19.70	20.20	20.77
23 Yr	34,445	35,298	36,192	37,107	38,022	39,021	39,978	40,976	42,016	43,077	44,262
BiW	1324.80	1357.60	1392.00	1427.20	1462.40	1500.80	1537.60	1576.00	1616.00	1656.80	1702.40
Hr	16.56	16.97	17.40	17.84	18.28	18.76	19.22	19.70	20.20	20.71	21.28
24 Yr	35,298	36,192	37,107	38,022	39,021	39,978	40,976	42,016	43,077	44,138	45,365
BiW	1357.60	1392.00	1427.20	1462.40	1500.80	1537.60	1576.00	1616.00	1656.80	1697.60	1744.80
Hr	16.97	17.40	17.84	18.28	18.76	19.22	19.70	20.20	20.71	21.22	21.81
25 Yr	36,192	37,107	38,022	39,021	39,978	40,976	42,016	43,077	44,138	45,240	46,488
BiW	1392.00	1427.20	1462.40	1500.80	1537.60	1576.00	1616.00	1656.80	1697.60	1740.00	1788.00
Hr	17.40	17.84	18.28	18.76	19.22	19.70	20.20	20.71	21.22	21.75	22.35
26 Yr	37,107	38,022	39,021	39,978	40,976	42,016	43,077	44,138	45,240	46,384	47,674
BiW	1427.20	1462.40	1500.80	1537.60	1576.00	1616.00	1656.80	1697.60	1740.00	1784.00	1833.60
Hr	17.84	18.28	18.76	19.22	19.70	20.20	20.71	21.22	21.75	22.30	22.92
27 Yr	38,022	39,021	39,978	40,976	42,016	43,077	44,138	45,240	46,384	47,549	48,838
BiW	1462.40	1500.80	1537.60	1576.00	1616.00	1656.80	1697.60	1740.00	1784.00	1828.80	1878.40
Hr	18.28	18.76	19.22	19.70	20.20	20.71	21.22	21.75	22.30	22.86	23.48
28 Yr	39,021	39,978	40,976	42,016	43,077	44,138	45,240	46,384	47,549	48,693	50,086
BiW	1500.80	1537.60	1576.00	1616.00	1656.80	1697.60	1740.00	1784.00	1828.80	1872.80	1926.40
Hr	18.76	19.22	19.70	20.20	20.71	21.22	21.75	22.30	22.86	23.41	24.08
29 Yr	39,978	40,976	42,016	43,077	44,138	45,240	46,384	47,549	48,693	49,962	51,314
BiW	1537.60	1576.00	1616.00	1656.80	1697.60	1740.00	1784.00	1828.80	1872.80	1921.60	1973.60
Hr	19.22	19.70	20.20	20.71	21.22	21.75	22.30	22.86	23.41	24.02	24.67
30 Yr	40,976	42,016	43,077	44,138	45,240	46,384	47,549	48,693	49,962	51,147	52,582
BiW	1576.00	1616.00	1656.80	1697.60	1740.00	1784.00	1828.80	1872.80	1921.60	1967.20	2022.40
Hr	19.70	20.20	20.71	21.22	21.75	22.30	22.86	23.41	24.02	24.59	25.28
31 Yr	42,016	43,077	44,138	45,240	46,384	47,549	48,693	49,962	51,147	52,458	53,914
BiW	1616.00	1656.80	1697.60	1740.00	1784.00	1828.80	1872.80	1921.60	1967.20	2017.60	2073.60
Hr	20.20	20.71	21.22	21.75	22.30	22.86	23.41	24.02	24.59	25.22	25.92
32 Yr	43,077	44,138	45,240	46,384	47,549	48,693	49,962	51,147	52,458	53,810	55,245
BiW	1656.80	1697.60	1740.00	1784.00	1828.80	1872.80	1921.60	1967.20	2017.60	2069.60	2124.80
Hr	20.71	21.22	21.75	22.30	22.86	23.41	24.02	24.59	25.22	25.87	26.56

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
33 Yr	44,138	45,240	46,384	47,549	48,693	49,962	51,147	52,458	53,810	55,099	56,576
BiW	1697.60	1740.00	1784.00	1828.80	1872.80	1921.60	1967.20	2017.60	2069.60	2119.20	2176.00
Hr	21.22	21.75	22.30	22.86	23.41	24.02	24.59	25.22	25.87	26.49	27.20
34 Yr	45,240	46,384	47,549	48,693	49,962	51,147	52,458	53,810	55,099	56,472	58,053
BiW	1740.00	1784.00	1828.80	1872.80	1921.60	1967.20	2017.60	2069.60	2119.20	2172.00	2232.80
Hr	21.75	22.30	22.86	23.41	24.02	24.59	25.22	25.87	26.49	27.15	27.91
35 Yr	46,384	47,549	48,693	49,962	51,147	52,458	53,810	55,099	56,472	57,949	59,426
BiW	1784.00	1828.80	1872.80	1921.60	1967.20	2017.60	2069.60	2119.20	2172.00	2228.80	2285.60
Hr	22.30	22.86	23.41	24.02	24.59	25.22	25.87	26.49	27.15	27.86	28.57
36 Yr	47,549	48,693	49,962	51,147	52,458	53,810	55,099	56,472	57,949	59,280	60,944
BiW	1828.80	1872.80	1921.60	1967.20	2017.60	2069.60	2119.20	2172.00	2228.80	2280.00	2344.00
Hr	22.86	23.41	24.02	24.59	25.22	25.87	26.49	27.15	27.86	28.50	29.30
37 Yr	48,693	49,962	51,147	52,458	53,810	55,099	56,472	57,949	59,280	60,798	62,525
BiW	1872.80	1921.60	1967.20	2017.60	2069.60	2119.20	2172.00	2228.80	2280.00	2338.40	2404.80
Hr	23.41	24.02	24.59	25.22	25.87	26.49	27.15	27.86	28.50	29.23	30.06
38 Yr	49,962	51,147	52,458	53,810	55,099	56,472	57,949	59,280	60,798	62,400	63,398
BiW	1921.60	1967.20	2017.60	2069.60	2119.20	2172.00	2228.80	2280.00	2338.40	2400.00	2438.40
Hr	24.02	24.59	25.22	25.87	26.49	27.15	27.86	28.50	29.23	30.00	30.48
39 Yr	51,147	52,458	53,810	55,099	56,472	57,949	59,280	60,798	62,400	63,253	64,958
BiW	1967.20	2017.60	2069.60	2119.20	2172.00	2228.80	2280.00	2338.40	2400.00	2432.80	2498.40
Hr	24.59	25.22	25.87	26.49	27.15	27.86	28.50	29.23	30.00	30.41	31.23
40 Yr	52,458	53,810	55,099	56,472	57,949	59,280	60,798	62,400	63,253	64,854	66,664
BiW	2017.60	2069.60	2119.20	2172.00	2228.80	2280.00	2338.40	2400.00	2432.80	2494.40	2564.00
Hr	25.22	25.87	26.49	27.15	27.86	28.50	29.23	30.00	30.41	31.18	32.05
41 Yr	53,810	55,099	56,472	57,949	59,280	60,798	62,400	63,253	64,854	66,518	68,286
BiW	2069.60	2119.20	2172.00	2228.80	2280.00	2338.40	2400.00	2432.80	2494.40	2558.40	2626.40
Hr	25.87	26.49	27.15	27.86	28.50	29.23	30.00	30.41	31.18	31.98	32.83
42 Yr	55,099	56,472	57,949	59,280	60,798	62,400	63,253	64,854	66,518	68,162	69,992
BiW	2119.20	2172.00	2228.80	2280.00	2338.40	2400.00	2432.80	2494.40	2558.40	2621.60	2692.00
Hr	26.49	27.15	27.86	28.50	29.23	30.00	30.41	31.18	31.98	32.77	33.65
43 Yr	56,472	57,949	59,280	60,798	62,400	63,253	64,854	66,518	68,162	69,867	71,760
BiW	2172.00	2228.80	2280.00	2338.40	2400.00	2432.80	2494.40	2558.40	2621.60	2687.20	2760.00
Hr	27.15	27.86	28.50	29.23	30.00	30.41	31.18	31.98	32.77	33.59	34.50

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
44 Yr	57,949	59,280	60,798	62,400	63,253	64,854	66,518	68,162	69,867	71,614	73,507
BiW	2228.80	2280.00	2338.40	2400.00	2432.80	2494.40	2558.40	2621.60	2687.20	2754.40	2827.20
Hr	27.86	28.50	29.23	30.00	30.41	31.18	31.98	32.77	33.59	34.43	35.34
45 Yr	59,280	60,798	62,400	63,253	64,854	66,518	68,162	69,867	71,614	73,382	75,462
BiW	2280.00	2338.40	2400.00	2432.80	2494.40	2558.40	2621.60	2687.20	2754.40	2822.40	2902.40
Hr	28.50	29.23	30.00	30.41	31.18	31.98	32.77	33.59	34.43	35.28	36.28
46 Yr	60,798	62,400	63,253	64,854	66,518	68,162	69,867	71,614	73,382	75,254	77,251
BiW	2338.40	2400.00	2432.80	2494.40	2558.40	2621.60	2687.20	2754.40	2822.40	2894.40	2971.20
Hr	29.23	30.00	30.41	31.18	31.98	32.77	33.59	34.43	35.28	36.18	37.14
47 Yr	62,400	63,253	64,854	66,518	68,162	69,867	71,614	73,382	75,254	77,126	79,186
BiW	2400.00	2432.80	2494.40	2558.40	2621.60	2687.20	2754.40	2822.40	2894.40	2966.40	3045.60
Hr	30.00	30.41	31.18	31.98	32.77	33.59	34.43	35.28	36.18	37.08	38.07
48 Yr	63,253	64,854	66,518	68,162	69,867	71,614	73,382	75,254	77,126	78,998	81,120
BiW	2432.80	2494.40	2558.40	2621.60	2687.20	2754.40	2822.40	2894.40	2966.40	3038.40	3120.00
Hr	30.41	31.18	31.98	32.77	33.59	34.43	35.28	36.18	37.08	37.98	39.00
49 Yr	64,854	66,518	68,162	69,867	71,614	73,382	75,254	77,126	78,998	81,016	83,179
BiW	2494.40	2558.40	2621.60	2687.20	2754.40	2822.40	2894.40	2966.40	3038.40	3116.00	3199.20
Hr	31.18	31.98	32.77	33.59	34.43	35.28	36.18	37.08	37.98	38.95	39.99
50 Yr	66,518	68,162	69,867	71,614	73,382	75,254	77,126	78,998	81,016	83,013	85,218
BiW	2558.40	2621.60	2687.20	2754.40	2822.40	2894.40	2966.40	3038.40	3116.00	3192.80	3277.60
Hr	31.98	32.77	33.59	34.43	35.28	36.18	37.08	37.98	38.95	39.91	40.97
51 Yr	68,162	69,867	71,614	73,382	75,254	77,126	78,998	81,016	83,013	85,114	87,422
BiW	2621.60	2687.20	2754.40	2822.40	2894.40	2966.40	3038.40	3116.00	3192.80	3273.60	3362.40
Hr	32.77	33.59	34.43	35.28	36.18	37.08	37.98	38.95	39.91	40.92	42.03
52 Yr	69,867	71,614	73,382	75,254	77,126	78,998	81,016	83,013	85,114	87,214	89,565
BiW	2687.20	2754.40	2822.40	2894.40	2966.40	3038.40	3116.00	3192.80	3273.60	3354.40	3444.80
Hr	33.59	34.43	35.28	36.18	37.08	37.98	38.95	39.91	40.92	41.93	43.06
53 Yr	71,614	73,382	75,254	77,126	78,998	81,016	83,013	85,114	87,214	89,419	91,790
BiW	2754.40	2822.40	2894.40	2966.40	3038.40	3116.00	3192.80	3273.60	3354.40	3439.20	3530.40
Hr	34.43	35.28	36.18	37.08	37.98	38.95	39.91	40.92	41.93	42.99	44.13
54 Yr	73,382	75,254	77,126	78,998	81,016	83,013	85,114	87,214	89,419	91,624	94,099
BiW	2822.40	2894.40	2966.40	3038.40	3116.00	3192.80	3273.60	3354.40	3439.20	3524.00	3619.20
Hr	35.28	36.18	37.08	37.98	38.95	39.91	40.92	41.93	42.99	44.05	45.24

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
55 Yr	75,254	77,126	78,998	81,016	83,013	85,114	87,214	89,419	91,624	93,954	96,429
BiW	2894.40	2966.40	3038.40	3116.00	3192.80	3273.60	3354.40	3439.20	3524.00	3613.60	3708.80
Hr	36.18	37.08	37.98	38.95	39.91	40.92	41.93	42.99	44.05	45.17	46.36
56 Yr	77,126	78,998	81,016	83,013	85,114	87,214	89,419	91,624	93,954	96,304	98,821
BiW	2966.40	3038.40	3116.00	3192.80	3273.60	3354.40	3439.20	3524.00	3613.60	3704.00	3800.80
Hr	37.08	37.98	38.95	39.91	40.92	41.93	42.99	44.05	45.17	46.30	47.51
57 Yr	78,998	81,016	83,013	85,114	87,214	89,419	91,624	93,954	96,304	98,717	101,317
BiW	3038.40	3116.00	3192.80	3273.60	3354.40	3439.20	3524.00	3613.60	3704.00	3796.80	3896.80
Hr	37.98	38.95	39.91	40.92	41.93	42.99	44.05	45.17	46.30	47.46	48.71
58 Yr	81,016	83,013	85,114	87,214	89,419	91,624	93,954	96,304	98,717	101,130	103,875
BiW	3116.00	3192.80	3273.60	3354.40	3439.20	3524.00	3613.60	3704.00	3796.80	3889.60	3995.20
Hr	38.95	39.91	40.92	41.93	42.99	44.05	45.17	46.30	47.46	48.62	49.94
59 Yr	83,013	85,114	87,214	89,419	91,624	93,954	96,304	98,717	101,130	103,730	106,392
BiW	3192.80	3273.60	3354.40	3439.20	3524.00	3613.60	3704.00	3796.80	3889.60	3989.60	4092.00
Hr	39.91	40.92	41.93	42.99	44.05	45.17	46.30	47.46	48.62	49.87	51.15
60 Yr	85,114	87,214	89,419	91,624	93,954	96,304	98,717	101,130	103,730	106,267	109,096
BiW	3273.60	3354.40	3439.20	3524.00	3613.60	3704.00	3796.80	3889.60	3989.60	4087.20	4196.00
Hr	40.92	41.93	42.99	44.05	45.17	46.30	47.46	48.62	49.87	51.09	52.45
61 Yr	87,214	89,419	91,624	93,954	96,304	98,717	101,130	103,730	106,267	108,971	111,821
BiW	3354.40	3439.20	3524.00	3613.60	3704.00	3796.80	3889.60	3989.60	4087.20	4191.20	4300.80
Hr	41.93	42.99	44.05	45.17	46.30	47.46	48.62	49.87	51.09	52.39	53.76
62 Yr	89,419	91,624	93,954	96,304	98,717	101,130	103,730	106,267	108,971	111,696	114,587
BiW	3439.20	3524.00	3613.60	3704.00	3796.80	3889.60	3989.60	4087.20	4191.20	4296.00	4407.20
Hr	42.99	44.05	45.17	46.30	47.46	48.62	49.87	51.09	52.39	53.70	55.09
63 Yr	91,624	93,954	96,304	98,717	101,130	103,730	106,267	108,971	111,696	114,483	117,458
BiW	3524.00	3613.60	3704.00	3796.80	3889.60	3989.60	4087.20	4191.20	4296.00	4403.20	4517.60
Hr	44.05	45.17	46.30	47.46	48.62	49.87	51.09	52.39	53.70	55.04	56.47
64 Yr	93,954	96,304	98,717	101,130	103,730	106,267	108,971	111,696	114,483	117,291	120,411
BiW	3613.60	3704.00	3796.80	3889.60	3989.60	4087.20	4191.20	4296.00	4403.20	4511.20	4631.20
Hr	45.17	46.30	47.46	48.62	49.87	51.09	52.39	53.70	55.04	56.39	57.89
65 Yr	96,304	98,717	101,130	103,730	106,267	108,971	111,696	114,483	117,291	120,286	123,406
BiW	3704.00	3796.80	3889.60	3989.60	4087.20	4191.20	4296.00	4403.20	4511.20	4626.40	4746.40
Hr	46.30	47.46	48.62	49.87	51.09	52.39	53.70	55.04	56.39	57.83	59.33

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
66 Yr	98,717	101,130	103,730	106,267	108,971	111,696	114,483	117,291	120,286	123,261	126,464
BiW	3796.80	3889.60	3989.60	4087.20	4191.20	4296.00	4403.20	4511.20	4626.40	4740.80	4864.00
Hr	47.46	48.62	49.87	51.09	52.39	53.70	55.04	56.39	57.83	59.26	60.80
67 Yr	101,130	103,730	106,267	108,971	111,696	114,483	117,291	120,286	123,261	126,339	129,688
BiW	3889.60	3989.60	4087.20	4191.20	4296.00	4403.20	4511.20	4626.40	4740.80	4859.20	4988.00
Hr	48.62	49.87	51.09	52.39	53.70	55.04	56.39	57.83	59.26	60.74	62.35
68 Yr	103,730	106,267	108,971	111,696	114,483	117,291	120,286	123,261	126,339	129,522	132,891
BiW	3989.60	4087.20	4191.20	4296.00	4403.20	4511.20	4626.40	4740.80	4859.20	4981.60	5111.20
Hr	49.87	51.09	52.39	53.70	55.04	56.39	57.83	59.26	60.74	62.27	63.89
69 Yr	106,267	108,971	111,696	114,483	117,291	120,286	123,261	126,339	129,522	132,746	136,219
BiW	4087.20	4191.20	4296.00	4403.20	4511.20	4626.40	4740.80	4859.20	4981.60	5105.60	5239.20
Hr	51.09	52.39	53.70	55.04	56.39	57.83	59.26	60.74	62.27	63.82	65.49
70 Yr	108,971	111,696	114,483	117,291	120,286	123,261	126,339	129,522	132,746	136,094	139,589
BiW	4191.20	4296.00	4403.20	4511.20	4626.40	4740.80	4859.20	4981.60	5105.60	5234.40	5368.80
Hr	52.39	53.70	55.04	56.39	57.83	59.26	60.74	62.27	63.82	65.43	67.11
71 Yr	111,696	114,483	117,291	120,286	123,261	126,339	129,522	132,746	136,094	139,464	143,104
BiW	4296.00	4403.20	4511.20	4626.40	4740.80	4859.20	4981.60	5105.60	5234.40	5364.00	5504.00
Hr	53.70	55.04	56.39	57.83	59.26	60.74	62.27	63.82	65.43	67.05	68.80
72 Yr	114,483	117,291	120,286	123,261	126,339	129,522	132,746	136,094	139,464	142,938	146,661
BiW	4403.20	4511.20	4626.40	4740.80	4859.20	4981.60	5105.60	5234.40	5364.00	5497.60	5640.80
Hr	55.04	56.39	57.83	59.26	60.74	62.27	63.82	65.43	67.05	68.72	70.51
73 Yr	117,291	120,286	123,261	126,339	129,522	132,746	136,094	139,464	142,938	146,474	150,342
BiW	4511.20	4626.40	4740.80	4859.20	4981.60	5105.60	5234.40	5364.00	5497.60	5633.60	5782.40
Hr	56.39	57.83	59.26	60.74	62.27	63.82	65.43	67.05	68.72	70.42	72.28
74 Yr	120,286	123,261	126,339	129,522	132,746	136,094	139,464	142,938	146,474	150,197	154,086
BiW	4626.40	4740.80	4859.20	4981.60	5105.60	5234.40	5364.00	5497.60	5633.60	5776.80	5926.40
Hr	57.83	59.26	60.74	62.27	63.82	65.43	67.05	68.72	70.42	72.21	74.08
75 Yr	123,261	126,339	129,522	132,746	136,094	139,464	142,938	146,474	150,197	154,086	157,976
BiW	4740.80	4859.20	4981.60	5105.60	5234.40	5364.00	5497.60	5633.60	5776.80	5926.40	6076.00
Hr	59.26	60.74	62.27	63.82	65.43	67.05	68.72	70.42	72.21	74.08	75.95
76 Yr	126,339	129,522	132,746	136,094	139,464	142,938	146,474	150,197	154,086	157,976	161,928
BiW	4859.20	4981.60	5105.60	5234.40	5364.00	5497.60	5633.60	5776.80	5926.40	6076.00	6228.00
Hr	60.74	62.27	63.82	65.43	67.05	68.72	70.42	72.21	74.08	75.95	77.85

Emergency Ordinance No. _____ (cont'd)

RANGE	1	2	3	4	5	6	7	8	9	10	11
77 Yr	129,522	132,746	136,094	139,464	142,938	146,474	150,197	154,086	157,976	161,928	165,942
BiW	4981.60	5105.60	5234.40	5364.00	5497.60	5633.60	5776.80	5926.40	6076.00	6228.00	6382.40
Hr	62.27	63.82	65.43	67.05	68.72	70.42	72.21	74.08	75.95	77.85	79.78
78 Yr	132,746	136,094	139,464	142,938	146,474	150,197	154,086	157,976	161,928	165,942	170,102
BiW	5105.60	5234.40	5364.00	5497.60	5633.60	5776.80	5926.40	6076.00	6228.00	6382.40	6542.40
Hr	63.82	65.43	67.05	68.72	70.42	72.21	74.08	75.95	77.85	79.78	81.78
79 Yr	136,094	139,464	142,938	146,474	150,197	154,086	157,976	161,928	165,942	170,102	174,366
BiW	5234.40	5364.00	5497.60	5633.60	5776.80	5926.40	6076.00	6228.00	6382.40	6542.40	6706.40
Hr	65.43	67.05	68.72	70.42	72.21	74.08	75.95	77.85	79.78	81.78	83.83
80 Yr	139,464	142,938	146,474	150,197	154,086	157,976	161,928	165,942	170,102	174,366	178,755
BiW	5364.00	5497.60	5633.60	5776.80	5926.40	6076.00	6228.00	6382.40	6542.40	6706.40	6875.20
Hr	67.05	68.72	70.42	72.21	74.08	75.95	77.85	79.78	81.78	83.83	85.94
81 Yr	142,938	146,474	150,197	154,086	157,976	161,928	165,942	170,102	174,366	178,755	183,206
BiW	5497.60	5633.60	5776.80	5926.40	6076.00	6228.00	6382.40	6542.40	6706.40	6875.20	7046.40
Hr	68.72	70.42	72.21	74.08	75.95	77.85	79.78	81.78	83.83	85.94	88.08
82 Yr	146,474	150,197	154,086	157,976	161,928	165,942	170,102	174,366	178,755	183,206	187,782
BiW	5633.60	5776.80	5926.40	6076.00	6228.00	6382.40	6542.40	6706.40	6875.20	7046.40	7222.40
Hr	70.42	72.21	74.08	75.95	77.85	79.78	81.78	83.83	85.94	88.08	90.28
83 Yr	150,197	154,086	157,976	161,928	165,942	170,102	174,366	178,755	183,206	187,782	192,462
BiW	5776.80	5926.40	6076.00	6228.00	6382.40	6542.40	6706.40	6875.20	7046.40	7222.40	7402.40
Hr	72.21	74.08	75.95	77.85	79.78	81.78	83.83	85.94	88.08	90.28	92.53
84 Yr	154,086	157,976	161,928	165,942	170,102	174,366	178,755	183,206	187,782	192,462	197,288
BiW	5926.40	6076.00	6228.00	6382.40	6542.40	6706.40	6875.20	7046.40	7222.40	7402.40	7588.00
Hr	74.08	75.95	77.85	79.78	81.78	83.83	85.94	88.08	90.28	92.53	94.85

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Scott Scrimizzi, Director of Public Safety

Agenda Item: Report regarding a resolution for adopting the tentative agreement for the IAFF Local 20 (International Association of Fire Fighters) Collective Bargaining Agreement

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Resolution</i></p>	<p>1st Reading Date: 1-13-16 2nd Reading Date: Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: No Expenditure: See below Source Funds: General Fund (100)</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to ratify the tentative agreement for a successor collective bargaining agreement reached with IAFF, Local 20?

Policy Alternative(s)

Council may choose not to adopt such legislation to ratify the tentative agreement for a successor collective bargaining agreement reached with IAFF, Local 20. Council may choose to propose an alternative to the tentative agreement.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to ratify the tentative agreement for a successor collective bargaining agreement reached with IAFF, Local 20, and direct the City Manager to execute the collective bargaining agreement.

Statutory/Policy Authority

- Chapter 4117, Public Employees' Collective Bargaining, of the Ohio Revised Code



Fiscal Impact Summary

Table 1, below, illustrates the annual budgetary impact of approving the proposed contract and includes contributions to the Ohio Police and Fire Pension Fund, Ohio Worker's Compensation Fund and Medicare contributions.

Table 1: Forecasted Budgetary Impact of Contract by Pay Type and Year

Year	Lump Sum	Annual Wage Increase	Cumulative Wage Increase	Total Impact
2016	\$ 72,362	\$ 162,253	\$ 162,253	\$ 234,614
2017	\$ -	\$ 165,498	\$ 327,751	\$ 327,751
2018	\$ -	\$ 168,808	\$ 496,558	\$ 496,558
Total Contract Costs	\$ 72,362	\$ 496,558	\$ 986,562	\$ 1,058,923

Background Information

On December 31, 2015, the collective bargaining agreement between the City of Hamilton and IAFF, Local 20 bargaining unit expired. The parties have been negotiating toward a successor collective bargaining agreement. As a result of these negotiations, a tentative agreement for a successor collective bargaining agreement between IAFF, Local 20 and the City has been reached and has been ratified by the IAFF, Local 20 bargaining unit.

The tentative agreement provides for the following changes to the agreement, among other things:

1. Article 9, Kelly Day. Addresses scheduling issues for the Kelly Day.
2. Article 11, Wages, General Adjustment. 2% wage increase effective January 1, 2016, 2% wage increase effective January 1, 2017, and a 2% wage increase effective January 1, 2018. Additionally, all bargaining unit members are awarded a lump sum payment of \$600.00.
3. Article 12, Preferential Pay. Clarified various sections and added preferential pay for Structural Fire Fighting Protective Clothing Inspectors.
4. Article 13, Merit Adjustments. Added Deputy Chief to this Article since that position is a bargaining unit position.
5. Article 17, Overtime. Added language to clarify overtime administration.
6. Article 20, Vacation. Clarified the scheduling section and added Vacation buy-back language.
7. Article 22, Attendance Incentive. Modified Incentive from cash award to compensatory time.
8. Article 42, Grievance Procedure. Removed Deputy Chief and replaced with Chief of Fire for Grievance Step 1.
9. Article 45, No Lay-Offs. Sets the total sworn department complement at 96.

The new successor collective bargaining agreement will expire on December 31, 2018.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF HAMILTON, OHIO, AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 20, AUTHORIZING AND DIRECTING THE EXECUTION OF SAID COLLECTIVE BARGAINING AGREEMENT.

WHEREAS, the City of Hamilton and the International Association of Firefighters (IAFF), Local 20, recently concluded labor negotiations for a successor collective bargaining agreement (CBA); and

WHEREAS, as a result of these negotiations, a tentative agreement for a successor collective bargaining agreement between the parties has been reached and has been ratified by the IAFF, Local 20 bargaining unit; and

WHEREAS, modifications to the CBA include, but are not limited to the following: Kelly Day scheduling issues clarified, 2% wage increase effective January 1, in years 2016, 2017, and 2018 and all bargaining unit members awarded a lump sum payment of \$600.00 in 2016, Preferential Pay Article and Overtime Article was clarified and preferential pay for Structural Fire Fighting Protective Clothing Inspectors was added, added Deputy Chief position to Merit Adjustments since they are a bargaining unit position, language was added to clarify overtime administration, clarified the vacation scheduling section and added a vacation buy-back program, modified the attendance incentive from a cash award to compensatory time, the replacement of the Deputy Chief position to Chief of Fire from Grievance Step 1, and sets the total sworn department complement at 96; and

WHEREAS, the collective bargaining agreement will remain in place through December 31, 2018; and

WHEREAS, this Council desires that the City Manager be authorized and directed to execute said successor CBA;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That City Manager is hereby directed to execute the CBA between the City of Hamilton, Ohio, and the International Association of Firefighters (IAFF), Local 20 for the period continuing through December 31, 2018.

SECTION II: This resolution shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____.

**Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO**

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Tom Vanderhorst, Finance Director

Agenda Item: Request for Advance of Taxes Collected; Tax Year 2015 – Collect 2016

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution Resolution</p>	<p>1st Reading Date: 1-13-16 2nd Reading Date: Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): Caucus – 12-9-15</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$</p>	
	<p>Source Funds:</p>	

Policy Issue

Does City Council wish to adopt legislation to request an advance payment of taxes assessed in tax year 2015 and collected by Butler County in fiscal year 2016?

Policy Alternative(s)

Council may choose not to adopt such legislation to request an advance payment of taxes assessed in tax year 2015 and collected by Butler County in fiscal year 2016. If Council does not adopt such legislation, the City will not have use of these taxes until the normal settlement schedule.

Staff Recommendation

Staff recommends that Council approve the resolution. The Ohio Revised code, Section 321.34 allows for this advance collection of taxes pursuant to an authorizing resolution adopted by City Council. This request has been approved for the last ten fiscal years.

Statutory/Policy Authority

- Section 321.34, Advance Payment to Local Authorities, Ohio Revised Code
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton



Fiscal Impact Summary

Advance collection of the taxes allows the City to have use of these real and tangible property taxes in advance of the normal settlement schedule. This will allow the City to earn interest on these monies in advance of our normal settlement date.

Background Information

N/A

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION REQUESTING THAT THE BUTLER COUNTY AUDITOR ADVANCE TO THE TREASURER OF THE CITY OF HAMILTON, OHIO, TAXES ASSESSED AND COLLECTED FOR AND ON BEHALF OF THE CITY OF HAMILTON, OHIO. (2015-2016)

WHEREAS, Ohio Revised Code Section 321.34 provides that the Council of an Ohio municipal corporation may request from the appropriate County Auditor advance payment of tax funds assessed and collected for and on behalf of such municipal corporation; and

WHEREAS, the aforesaid statute requires that such request be made by a formal resolution and that such advance payment of tax funds be paid to the Treasurer of the municipal corporation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That pursuant to Ohio Revised Code Section 321.34, the Council of the City of Hamilton, Ohio, hereby requests that the Butler County Auditor advance to the Treasurer of the City of Hamilton, Ohio, taxes assessed in 2015 for and on behalf of the City of Hamilton and collected in 2016.

SECTION II: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Deborah Hymer, Treasurer

Agenda Item: Report regarding a resolution to renew the Hamilton Central Business SID

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input checked="" type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
Ordinance or Resolution <i>Resolution</i>	1 st Reading Date: 1-13-16 2 nd Reading Date: Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Caucus Agenda 12-9-15	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$	
	Source Funds:	

Policy Issue

Does City Council wish to adopt legislation to renew the Hamilton Central Business Special Improvement District and to include city-owned property in the Hamilton Central Business Special Improvement District?

Policy Alternative(s)

Council may choose not to adopt such legislation to renew the Hamilton Central Business Special Improvement District or include city-owned property in the Hamilton Central Business Special Improvement District.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to renew the Hamilton Central Business Special Improvement District and include city-owned property in order to enhance the designated downtown areas through program maintenance, promotion, marketability and revitalization, thus promoting the Live, Work, & Play concept for the existing and new businesses within the City's downtown area.

Statutory/Policy Authority

- Section 1710.02(E), Special Improvement Districts, Creation and Organization, Ohio Revised Code.
- Section 1710.06, Plans for Public Improvements or Public Services, Ohio Revised Code.
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.



Fiscal Impact Summary

Approximately \$39,000 expense per year for the city-owned properties that fall within the SID District. The yearly expenses will come from the General Fund (100.198.850.162).

Background Information

Pursuant to Chapter 1710 of the Ohio Revised Code, the City of Hamilton, Ohio has received a request and petitions attached thereto from the Hamilton Central Business Special Improvement District, Inc. (HCBD) asking that the City of Hamilton renew the Special Improvement District (SID), a private/public partnership which was formed to maintain, promote, market and revitalize the downtown area and to retain and expand the employee base and attract new business to the City's downtown area, and approve the Plan of Services submitted by the HCBD.

In accordance with said Section 1710.06 of the Ohio Revised Code and Chapter 168 of the Codified Ordinances of the City of Hamilton, Ohio, Council now wishes to adopt a resolution approving the Plan of Services and declaring the necessity to provide for the levy of special assessments in order to fund the costs of such improvements and services within the entire District.

Council further wishes to designate city-owned property located within the SID to be included in the SID.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION RENEWING THE HAMILTON CENTRAL BUSINESS SPECIAL IMPROVEMENT DISTRICT, APPROVING THE PLAN OF SERVICES, AND DECLARING THE NECESSITY TO LEVY SPECIAL ASSESSMENTS TO IMPLEMENT THE PLAN OF SERVICES FOR THE HAMILTON CENTRAL BUSINESS SPECIAL IMPROVEMENT DISTRICT UPON THE LOTS AND LANDS BENEFITED BY SAID PLAN OF SERVICES.

WHEREAS, the Hamilton Central Business Special Improvement District was originally created pursuant to Resolution No. R96-5-44, adopted May 22, 1996, was renewed and expanded pursuant to R2002-5-19, adopted May 8, 2002, was further renewed pursuant to Resolution No. R2009-4-16, adopted April 8, 2009; and

WHEREAS, pursuant to Chapter 1710 of the Ohio Revised Code, the City of Hamilton, Ohio has received a request and petitions attached thereto from the Hamilton Central Business Special Improvement District, Inc. (HCBD) asking that the City of Hamilton renew the Special Improvement District (SID), a private/public partnership which was formed to maintain, promote, market and revitalize the downtown area and to retain and expand the employee base and attract new business to the City's downtown area, and approve the Plan of Services submitted by the HCBD; and

WHEREAS, such renewal of the SID includes a Plan of Services to be implemented and the costs for such Plan of Services to be funded by special assessments of the property benefiting from such services; and

WHEREAS, the Clerk of the Hamilton City Council has certified and Council so finds that the owners of greater than 60% of the private sector property owners of the front footage of property within the SID have signed petitions to renew said SID and Plan of Services which, among other things, provides for the maintenance, marketing, and promotion of the entire District, including Butler County which is committing 100% of its front footage; and Council further finds that said petitions ask for the imposition of special assessments of the property benefiting from the services; and

WHEREAS, Section 1710.02(E) of the Ohio Revised Code excludes the property owned by the municipal corporation unless the municipal corporation requests designating its property to be included in the special improvement district, and Council deems it beneficial to include the front footage of the municipality within the district be included in the special improvement district; and

WHEREAS, Section 1710.06 of the Ohio Revised Code authorizes the levy of special assessments upon those property owners within a Special Improvement District deemed to be specially benefited by those improvements or services within such District; and

WHEREAS, in accordance with said Section 1710.06 of the Ohio Revised Code and Chapter 168 of the Codified Ordinances of the City of Hamilton, Ohio, Council now wishes to adopt a resolution approving the Plan of Services and declaring the necessity to provide for the levy of special assessments in order to fund the costs of such improvements and services within the entire District ;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton:

SECTION I: That the Petition for the renewal of the Hamilton Central Business Special Improvement District together with the Plan of Services, articles of Incorporation, a map

Resolution No. _____ (cont'd)

generally showing the district boundaries, and certification by the Clerk certifying the signatures of owners of more than 60% of the front footage of the property located in the Central Business Special Improvement District, as "Exhibit A", are hereby accepted and approved.

SECTION II: That by adoption of this Resolution, this Council designates the properties of the City of Hamilton, Ohio abutting upon streets described in the petition as within the Hamilton Central Business Special Improvement District

SECTION III: That Council hereby declares that it is necessary to renew the Plan of Services within the Special Improvement District for the Hamilton Central Business District (HCB) and that said Plan of Services shall be implemented for the entire HCB which shall consist of the following areas and shall be bounded by the following streets within the downtown area:

Special Improvement District Area:

High Street from Monument Avenue to Martin Luther King, Jr. Boulevard;
North side of Court Street from Front Street to Second Street;
Monument Avenue from Court Street to Market Street;
Front Street/Riverfront Plaza from Court Street to Market Street;
Second Street from Court Street to Market Street;
Third Street from Court Street to Market Street;
Journal Square Street from Court Street to High Street;
Market Street from Monument Avenue to Martin Luther King, Jr. Boulevard, excluding the north side of Market Street between Monument Avenue and Riverfront Plaza and excluding the north side of Market Street between Third Street and Martin Luther King Jr. Boulevard;
South side of Dayton Street from Riverfront Plaza to Second Street;
Riverfront Plaza from Market Street to Dayton Street;
Second Street from Market Street to Dayton Street;
Court Street from Monument Avenue to Martin Luther King, Jr. Boulevard, excluding the north side of Court Street from Front Street to Second Street, and excluding the north and south side between Monument Avenue and Front Street;
East side of Monument Avenue from Ludlow Street to Court Street;
Front Street from Ludlow Street to Court Street;
Second Street from Ludlow Street to Court Street;
Third Street from Ludlow Street to Court Street; and
West side of Martin Luther King, Jr. Boulevard from Ludlow Street to Court Street.

SECTION IV: That the plans, specifications, estimates and profiles for the aforesaid proposed Plan of Services are on file with the City Clerk and include but are not limited to: sidewalk sweeping/vacuuming; litter and debris removal; seasonal plantings, street tree and landscaping; snow removal; promotion of image of downtown area; planning, packaging and advertising for special events; and preparation of promotional brochures for, and advertising of, downtown area.

SECTION V: That the estimated cost of the aforesaid Plan of Services is the sum of approximately Nine and Eighty-Two-Hundredths Dollars (\$9.82) per front foot, plus an escalator

Resolution No. _____ (cont'd)

clause beginning in the year 2017, for the term of a period of ten (10) years commencing on September 1, 2016, based upon the local Consumer Price Index with a cap not to exceed three percent (3%) annually.

SECTION VI: That the lots and lands benefiting from the aforesaid Plan of Services which shall be assessed such costs are set forth in the preliminary assessment roll which is on file with the City Clerk.

SECTION VII: That the Council of the City of Hamilton, Ohio, finds and determines that said Plan of Services is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and that the lots and lands to be assessed are specially benefited by the aforesaid services in amounts equal to or greater than the assessed amounts.

SECTION VIII: That the entire cost of the aforesaid services shall be assessed on a front footage basis in proportion to the front footage of the lots and lands benefiting therefrom.

SECTION IX: That the Council of the City of Hamilton hereby further determines that said assessment for such Plan of Services for all property within the entire HCBBD shall be Nine and Eighty-Two-Hundredths Dollars (\$9.82) per front foot, plus an escalator clause beginning in the year 2017 based upon the local Consumer Price Index with a cap not to exceed three percent (3%) annually. Said front footage shall be computed as determined pursuant to Chapter 1710 of the Ohio Revised Code. That the preliminary assessment roll for the aforesaid lots and lands to be assessed, together with the front footage of each parcel or portion thereof is on file with the City Clerk. That Council hereby determines that all property owned by the United States Post Office, and all property owned by churches and used for worshiping purposes or as worshiping centers, which may benefit from the Plan of Services and who have not submitted a petition for inclusion within the Special Improvement District are hereby exempt from any assessments.

SECTION X: That the Director of Finance shall annually certify to the County Auditor the aforesaid escalator amount which shall be added to total for the Nine and Eighty-Two-Hundredths Dollars (\$9.82) per front foot for the implementation of the Plan of Services.

SECTION XI: That the Director of Finance shall cause written notice of the adoption of this resolution to be served upon the owner(s) of each lot, or portion thereof, to be assessed in accordance with the provisions of Chapter 168 of the Codified Ordinances of the City of Hamilton and Chapter 1710 of the Ohio Revised Code, and shall set a meeting of the Board of Revision of Assessments for the purpose of the aforesaid property owners to appear and set forth any claims and objections as to the character of the aforesaid services.

SECTION XII: That Council does reserve the ability to hereafter issue securities in anticipation of the levy and collection of the final assessments for the implementation of the aforesaid Plan of Services.

SECTION XIII: That the Clerk of Council is directed to certify a copy of this resolution to the Director of Finance.

SECTION XIV: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

Resolution No. _____ (cont'd)

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio do hereby certify that the foregoing is a true and exact reproduction of Resolution No. _____ adopted by the Council of the City of Hamilton, Ohio, at the Regular Meeting on the ___th day of January, 2016.

Marcos Nichols, Acting City Clerk
City of Hamilton, Ohio

Exhibit A

Hamilton Central Business District

Petition for Renewal of the Hamilton Central Business Special Improvement District, Inc.
and for Renewal for the Plan of Services and Budget to be provided by the Hamilton
Central Business Special Improvement District, Inc.

To: The Council of the City of Hamilton, Ohio

Date: _____

We the undersigned, owners of the property set opposite our names, being the owners of 60% or more of the front footage of property abutting upon the streets hereinafter described

Core Area

- High Street from Monument Avenue to Martin Luther King, Jr. Boulevard
- Court Street (north side) from Front Street to Second Street
- Monument Avenue from Court Street to Market Street
- Front Street / Riverfront Plaza from Court Street to Market Street
- Second Street from Court Street to Market Street
- Third Street from Court Street to Market Street
- Journal Square Street from Court Street to High Street

Expanded Area

- Market Street from Monument Avenue to Martin Luther King, Jr. Boulevard, excluding the north side of Market Street between Monument Avenue and Riverfront and excluding the north side of Market Street between Third Street and Martin Luther King, Jr. Boulevard
- Dayton Street, south side from Riverfront Plaza to Second Street
- Riverfront Plaza from Market Street to Dayton Street
- Second Street from Market Street to Dayton Street
- Court Street from Monument Avenue to Martin Luther King, Jr. Boulevard, excluding the north side of Court Street from Front Street to Second Street, and excluding the north and south side between Monument Avenue and Front Street
- Monument Avenue (east side) from Ludlow Street to Court Street
- Front Street from Ludlow Street to Court Street
- Second Street from Ludlow Street to Court Street
- Third Street from Ludlow Street to Court Street
- Martin Luther King, Jr. Boulevard (west side) from Ludlow Street to Court Street

do hereby respectfully petition your honorable body for the renewal of the Hamilton Central Business Special Improvement District, Inc. (the District) pursuant to ORC Chapter 1710 and for the renewal of the Plan of Services to be provided by the Hamilton Central Business Special Improvement District, Inc. adopted by the Board of Trustees on May 6, 2015 pursuant to ORC Chapter 1710. A copy of the Plan of Services is attached

to this petition and is incorporated herein as Exhibit 1 and subject to the following exceptions as set forth in Article V of the Articles of Incorporation relative to district boundaries:

The "Expanded Area" will be a part of the Hamilton Central Business Special Improvement District only if owners representing 60% or more of the front footage of the property abutting upon the above described streets of the "Expanded Area" sign the petition for the creation of the Hamilton Central Business Special Improvement District pursuant to ORC Chapter 1710. In the event sufficient signatures are not obtained for the "Expanded Area", but signatures of owners representing 60% or more of the front footage of the property abutting upon the above-described streets of the "Core Area" only will be created and the boundaries of the Hamilton Central Business Special Improvement District will match the "Core Area" description. Failure to obtain signatures from owners representing 60% or more of the front footage of the property abutting upon the above-described streets of the "Expanded Area" will not nullify the formation of the Hamilton Central Business Special Improvement District.

A map generally showing the above described district boundaries is attached as Exhibit A.

The District shall be administered by the Hamilton Central Business Special Improvement District, Inc., an Ohio non profit corporation. The Hamilton Central Business Special Improvement District, Inc. shall use its best efforts to accomplish the goals described in the Articles of Incorporation attached hereto as Exhibit B.

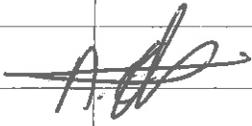
The undersigned and each of the further consent to the creation of the District as aforesaid, and request the Council of the city of Hamilton to proceed expeditiously with said renewal and hereby waive any and all irregularities and defects in any proceedings undertaken in connection therewith.

This petition may be executed in several counterparts each of which shall be an original and all of which shall constitute but one and the same instrument.

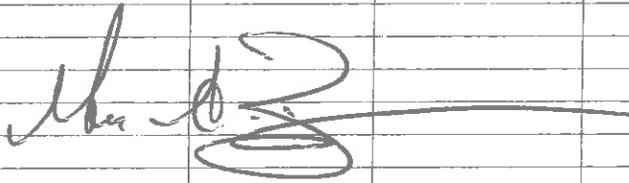
SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-003.000-075	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0201	HIGH ST	87	C6
P6421-003.000-075	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0201	HIGH ST	110	C6
P6421-003.000-078	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0018	SO SECOND ST	10.08	C7
P6421-003.000-079	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0018	SO SECOND ST	90	C8
					TOTAL FF	297.08	
					ASSESSMENT	\$9.82	
					PER FF		
					TOTAL ANNUAL ASSESSMENT	\$2,917.33	
PROPERTY OWNER'S SIGNATURE							
DATE	10/30/15						

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-003.000-060	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0215	COURT ST	21.5	C1
P6421-003.000-070	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0201	COURT ST	20	C2
P6421-003.000-071	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0209	COURT ST	40	C3
P6421-003.000-072	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0207	COURT ST	21.17	C4
P6421-003.000-073	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0203	COURT ST	65	C5
P6421-003.000-073	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0205	COURT ST	38.75	C5
P6421-003.000-079	ALEA COMMERCIAL PROPERTIES LLC	5725 DRAGON WAY SUITE 320	CINCINNATI OH 45245	0018	SO SECOND ST	75	C8
					TOTAL FF	281.42	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$2,763.54	
PROPERTY OWNER'S SIGNATURE							
DATE	10/30/15						

**SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE**

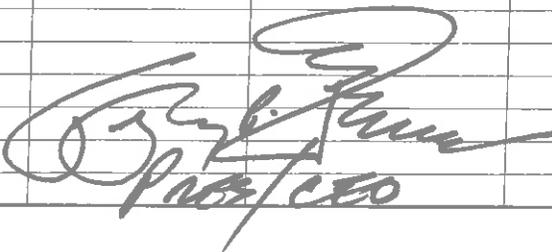
<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-003.000-032	BUTLER COUNTY COMMUNITY HEALTH CONSORTIUM	210 S 2ND ST	HAMILTON OH 45011 2812	0160	LUDLOW ST	198	D1
P6421-003.000-033	BUTLER COUNTY COMMUNITY HEALTH CONSORTIUM	210 S 2ND ST	HAMILTON OH 45011 2812	0202	SO. SECOND ST	50.06	D2
P6421-003.000-034	BUTLER COUNTY COMMUNITY HEALTH CONSORTIUM	210 S 2ND ST	HAMILTON OH 45011 2812	0210	SO. SECOND ST	50.06	D3
					TOTAL FF	298.12	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$2,927.54	
PROPERTY OWNER'S SIGNATURE							
DATE	8-5-15						

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6441-018.000-002	CHACO CREDIT	601 PARK AVE	HAMILTON	0331	COURT ST	106.96	T1
P6441-018.000-002	CHACO CREDIT	601 PARK AVE	HAMILTON	0100	SO. THIRD ST	178	T1
TOTAL FF						284.96	
ASSESSMENT PER FF						\$9.82	
TOTAL ANNUAL ASSESSMENT						\$2,798.31	
PROPERTY OWNER'S SIGNATURE							
DATE 9-29-15							

ELVIS & DATE SIGN

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-003.000-048	COMMUNITY FIRST SOLUTIONS	230 Ludlow	HAMILTON OH 45011	0223	SO. THIRD ST.	50	E1
					TOTAL FF	50	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$491.00	
PROPERTY OWNER'S SIGNATURE							
DATE	9/2/15						

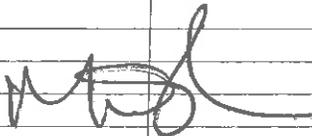
SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-003.000-051	COMMUNITY FIRST SOLUTIONS	230 Ludlow	HAMILTON OH 45011	0207	SO. THIRD ST.	20.83	W1
					TOTAL FF	20.83	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$204.55	
PROPERTY OWNER'S SIGNATURE							
DATE							

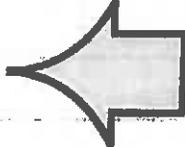
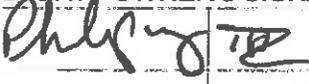
SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u>	
						<u>FI</u>	<u>MAP</u>
P6421-001.000-054	CONCORD HAMILTONIAN HOTEL	11410 COMMON OAKS DR	RALEIGH NC 27614	0001	RIVERFRONT PLAZA	406.17	F1
P6421-001.000-054	CONCORD HAMILTONIAN HOTEL	11410 COMMON OAKS DR	RALEIGH NC 27614	0001	RIVERFRONT PLAZA	36.15	F1
P6421-001.000-054	CONCORD HAMILTONIAN HOTEL	11410 COMMON OAKS DR	RALEIGH NC 27614	0001	RIVERFRONT PLAZA	193.74	F1
TOTAL FF						636.06	
ASSESSMENT PER FF						\$9.82	
TOTAL ANNUAL ASSESSMENT						\$6,246.11	
PROPERTY OWNER'S SIGNATURE		<i>Julie L Richter, VP</i>					
DATE	8/12/15						

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-003.000-054	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0115	SO. THIRD ST.	37.83	Q3
P6441-010.000-026	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0002	SO. THIRD ST	20.7	Q6
P6441-010.000-026	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0002	SO. THIRD ST	65	Q6
P6441-010.000-027	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0010	SO. THIRD ST	39	Q7
P6441-010.000-028	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0012	SO. THIRD ST	20.5	Q8
P6441-010.000-029	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0014	SO. THIRD ST	20	Q9
P6441-010.000-030	CONSORTIUM FOR ONGOING REINVESTMENT EFFORTS	236 HIGH ST	HAMILTON OH 45011 2711	0016	SO. THIRD ST	18.5	Q10
					TOTAL FF	221.53	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$2,175.42	
PROPERTY OWNER'S SIGNATURE							
DATE	8-12-15						

**SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE**

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6421-002.000-082	CLONG LLC	250 HIGH ST	HAMILTON OH 45011	0250	HIGH ST	28	Z1
					TOTAL FF	28	
					ASSESSMENT	\$9.82	
					PER FF		
					TOTAL ANNUAL ASSESSMENT	\$274.96	
PROPERTY OWNER'S SIGNATURE						SIGN & DATE	
							
DATE							
9/7/15							

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6441-010.000-020	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0351	MARKET ST	95	G1
P6441-010.000-075	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0350	HIGH ST	47.77	G2
P6441-010.000-076	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0340	HIGH ST	66.57	G3
P6441-010.000-077	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0300	HIGH	194.7	G4
P6441-010.000-077	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0006	NO. THIRD ST.	94	G4
P6441-010.000-078	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0014	NO THIRD ST	94	G5
					TOTAL FF	592.04	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$5,813.83	
PROPERTY OWNER'S SIGNATURE							
DATE		8-13-15					

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6441-010.000-020	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0351	MARKET ST	94	G1
P6441-010.000-078	FIRST FINANCL FACILITIES	255 EAST 5TH ST STE 700	CINCINNATI, OH 45202	0014	NO. THIRD ST	293.09	G5
					TOTAL FF	387.09	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$3,801.22	
PROPERTY OWNER'S SIGNATURE 							
DATE 8-13-15							

FIRST 7/20/2015
EXPANDED

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

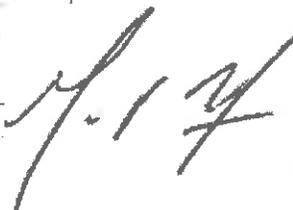
Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-004.000-003	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0023	SO. FRONT ST	36	H1
P6421-004.000-004	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0023	SO. FRONT ST	8	H2
P6421-004.000-004	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0023	S FRONT ST	12	H2
P6421-004.000-006	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0031	HIGH ST	14.4	H3
P6421-004.000-007	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0031	HIGH ST	20.25	H4
P6421-004.000-009	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0031	HIGH ST	110	H5
P6421-004.000-009	FRONT ST PRESBY CH HAM	19 S FRONT ST	HAMILTON OH 45011 2819	0031	HIGH ST	49.91	H5
					TOTAL FF	250.56	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$2,460.50	
PROPERTY OWNER'S SIGNATURE		 trustee					
DATE	8-12-15						

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
E P6421-002.000-061	HAMILTON ARTSPACE LOFTS LTD PRTS	250 THIRD AVENUE NORTH Suite 500	MINNEAPOLIS MN 55401	0216	HIGH ST	70	R1
C P6421-002.000-061	HAMILTON ARTSPACE LOFTS LTD PRTS	250 THIRD AVENUE NORTH Suite 500	MINNEAPOLIS MN 55401	0222	HIGH ST	92	R1
					TOTAL FF	162	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$1,590.84	
PROPERTY OWNER'S SIGNATURE							
DATE	9/2/2015						

M. J.

**SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE**

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6421-002.000-061	HAMILTON ARTSPACE LOFTS LTD PRTS	250 THIRD AVENUE NORTH Suite 500	MINNEAPOLIS MN 55401	0216	HIGH ST	70	R1
					TOTAL FF	70	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$687.40	
PROPERTY OWNER'S SIGNATURE							
DATE	9/2/2015						

ARTSPACE 7/20/2015
EXPANDED

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6421-003.000-049	HAMILTON CIVIC THEATER	PO BOX 482	HAMILTON OH 45011	0219	SO. THIRD ST	50.06	CC1
P6421-003.000-050	HAMILTON CIVIC THEATER	PO BOX 482	HAMILTON OH 45011	0209	SO. THIRD ST.	31.04	CC2
					TOTAL FF	81.1	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$796.40	
PROPERTY OWNER'S SIGNATURE						<i>Jane J. Smith</i>	
DATE						9-10-15	

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6421-002.000-094	HISTORIC DEVELOPERS LLC	7349 RAVENNA NE AVE	LOUISVILLE OH 44641 9788	0228	HIGH ST	95.52	J1
					TOTAL FF	95.52	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$938.01	
PROPERTY OWNER'S SIGNATURE		<i>David J. Jursat</i>					
DATE		9-17-15					

**SID PROPOERTY OWNER PARCELS AND
SIGNATURE PAGE**

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-002.000-094	HISTORIC DEVELOPERS LLC	7349 RAVENNA NE AVE	LOUISVILLE OH 44641 9788	0236	HIGH ST	95.63	J1
					TOTAL FF	95.63	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$939.09	
PROPERTY OWNER'S SIGNATURE		<i>David L. Jurek</i>					
DATE		9-17-13					

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6421-003.000-084	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	56.88	K4
P6421-003.000-094	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	3.12	K5
					TOTAL FF	60	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$589.20	
PROPERTY OWNER'S SIGNATURE		<i>David V. Jursat</i>					
DATE	9-17-15						

SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-003.000-080	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	88	K2
P6421-003.000-080	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	7	K2
P6421-003.000-080	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	46	K2
P6421-003.000-080	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	20	K2
P6421-003.000-083	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	2	K3
P6421-003.000-083	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	40	K3
P6421-003.000-083	HISTORIC JOURNAL NEWS LLC	% HISTORIC DEVELOPERS PO BOX 259	LOUISVILLE OH 44641	0228	COURT ST	100	K3
					TOTAL FF	303	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$2,975.46	
PROPERTY OWNER'S SIGNATURE		<i>David Journal</i>					
DATE	9-17-15						

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

Parcel	Owner Name	Address1	City	NO	Address	Frontage Ft	MAP
P6421-003.000-005	HOME FURNITURE HOLDNG LTD	665 SHULTZ DR	HAMILTON OH 45013	0143	COURT ST	89	DD1
P6421-003.000-005	HOME FURNITURE HOLDNG LTD	665 SHULTZ DR	HAMILTON OH 45013	0143	COURT ST	56	DD1
					TOTAL FF	145	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$1,423.90	
							
PROPERTY OWNER'S SIGNATURE							
ATE 9/8/15							

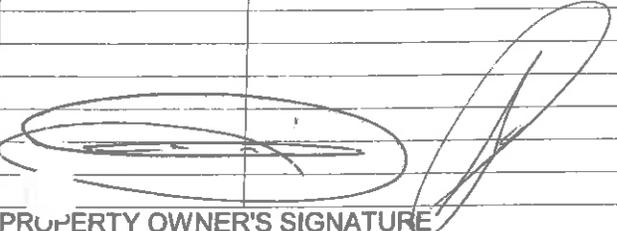
SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-003.000-074	KONCIUS PROPERTIES-KEY #6	4340 WILLOW HILLS LANE	CINCINNATI OH 45243	0018	SO. SECOND ST.	90	JJ1
P6421-003.000-074	KONCIUS PROPERTIES-KEY #6	4340 WILLOW HILLS LANE	CINCINNATI OH 45243	0024	SO. SECOND ST.	100	JJ1
					TOTAL FF	190	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$1,865.80	
PROPERTY OWNER'S SIGNATURE							
DATE	9/5/15						

**SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE**

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-003.000-099	KUMARDOVIC LLC	PO BOX 156	HAMILTON OH 45012 0156	0235	HIGH ST	58	M1
					TOTAL FF	58	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$569.56	
PROPERTY OWNER'S SIGNATURE	<i>Jmalcl v. Ryan</i>						
DATE	9/2/15						

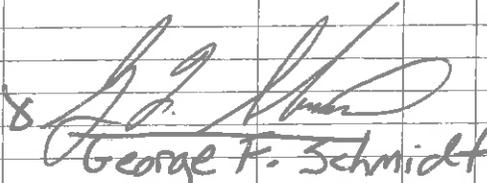
**SID PROPERTY OWNER PARCELS AND
SIGNATURE PAGE**

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-004.000-001	LJ PROPERTY HOLDINGS LLC	445 MILAN DR UNIT 101	SAN JOSE, CA 95134	0003	HIGH ST	99.83	KK1
P6421-004.000-001	LJ PROPERTY HOLDINGS LLC	445 MILAN DR UNIT 101	SAN JOSE, CA 95134	0003	HIGH ST	44.92	KK1
P6421-004.000-002	LJ PROPERTY HOLDINGS LLC	445 MILAN DR UNIT 101	SAN JOSE, CA 95134	0003	HIGH ST	44.92	KK2
P6421-004.000-020	LJ PROPERTY HOLDINGS LLC	445 MILAN DR UNIT 101	SAN JOSE, CA 95134	0002	SO MONUMENT AVE	49.83	KK3
P6421-004.000-021	LJ PROPERTY HOLDINGS LLC	445 MILAN DR UNIT 101	SAN JOSE, CA 95134	0006	COURT ST	49.83	KK4
					TOTAL FF	289.33	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$2,841.22	
							
PROPERTY OWNER'S SIGNATURE							
DATE	9.25.15						

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-004.000-037	MASANA LYNEDA A	530 OAKWOOD AVE	HAMILTON OH 45013	0220	SO. MONUMENT AVE	95	LL1
					TOTAL FF	95	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$932.90	
PROPERTY OWNER'S SIGNATURE 							
DATE 9/2/15							

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage</u> <u>Ft</u>	<u>MAP</u>
P6441-010.000-074	MCDONALDS REAL ESTATES CO	82 WILLIAMS AVE	HAMILTON OH 45015	0401	HIGH ST	178.63	NN1
					TOTAL FF	178.63	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$1,754.15	
PROPERTY OWNER'S SIGNATURE					<u>8/26/15</u>		
DATE							

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-004.000-031	MOELLER PATRICK & DUDLEY M	223 S FRONT	HAMILTON OH 45011	0223	SO. FRONT ST	32	PP1
					TOTAL FF	32	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$314.24	
PROPERTY OWNER'S SIGNATURE							
<i>May K Dudley</i>		<i>Moeller</i>					
DATE <i>10/27/15</i>		<i>10/6/15</i>					

SID PROPERTY OWNER PARCELS AND SIGNATURE PAGE

<u>Parcel</u>	<u>Owner Name</u>	<u>Address1</u>	<u>City</u>	<u>NO</u>	<u>Address</u>	<u>Frontage Ft</u>	<u>MAP</u>
P6421-002.000-047	PALATCHI MARTHA TR & DANIEL CONNAUGHTON	2500 GULF BLVD APT 203B	BELLEAIR BEACH FL 33786	0134	NO. SECOND ST	28.5	QQ1
					TOTAL FF	28.5	
					ASSESSMENT PER FF	\$9.82	
					TOTAL ANNUAL ASSESSMENT	\$279.87	
PROPERTY OWNER'S SIGNATURE <i>M B e tto</i>							
DATE <i>8/12/2015</i> <i>Martha J. Palatchi</i>							

Exhibit 1

Hamilton Central Business District Special Improvement District (SID) (Maintenance, Marketing and Promotion)

The Services Package

Maintenance of the District in the Public Right of Way

Sidewalk Sweeping / Vacuuming	multiple – weekly schedule
Litter and Debris Removal	multiple – weekly schedule
Seasonal Planters & Beds: Water and Care	multiple – weekly schedule and as seasonally needed
Street Trees and Landscaping Maintenance	seasonal schedule
Prunings, fertilization, weed and landscape pest control	seasonal schedule
Replacement of damaged streetscape elements	as needed
Snow Removal and Salting Services	as needed

Marketing and Promotion of the District

Partner with the City of Hamilton, Butler County and the Greater Hamilton Chamber of Commerce for the retention / expansion of existing businesses.

Partner with the City of Hamilton, Butler County and the Greater Hamilton Chamber of Commerce and other community groups to promote positive image of the downtown as the City's center and to provide support of downtown special event programming.

Partner with the property owners and businesses to implement the IMPROVE Program.

Provide connectivity and a gateway to the City's Economic Development Department.

Provide a voice for property owners and businesses for their concerns.

Hamilton Central Business District

Special Improvement District

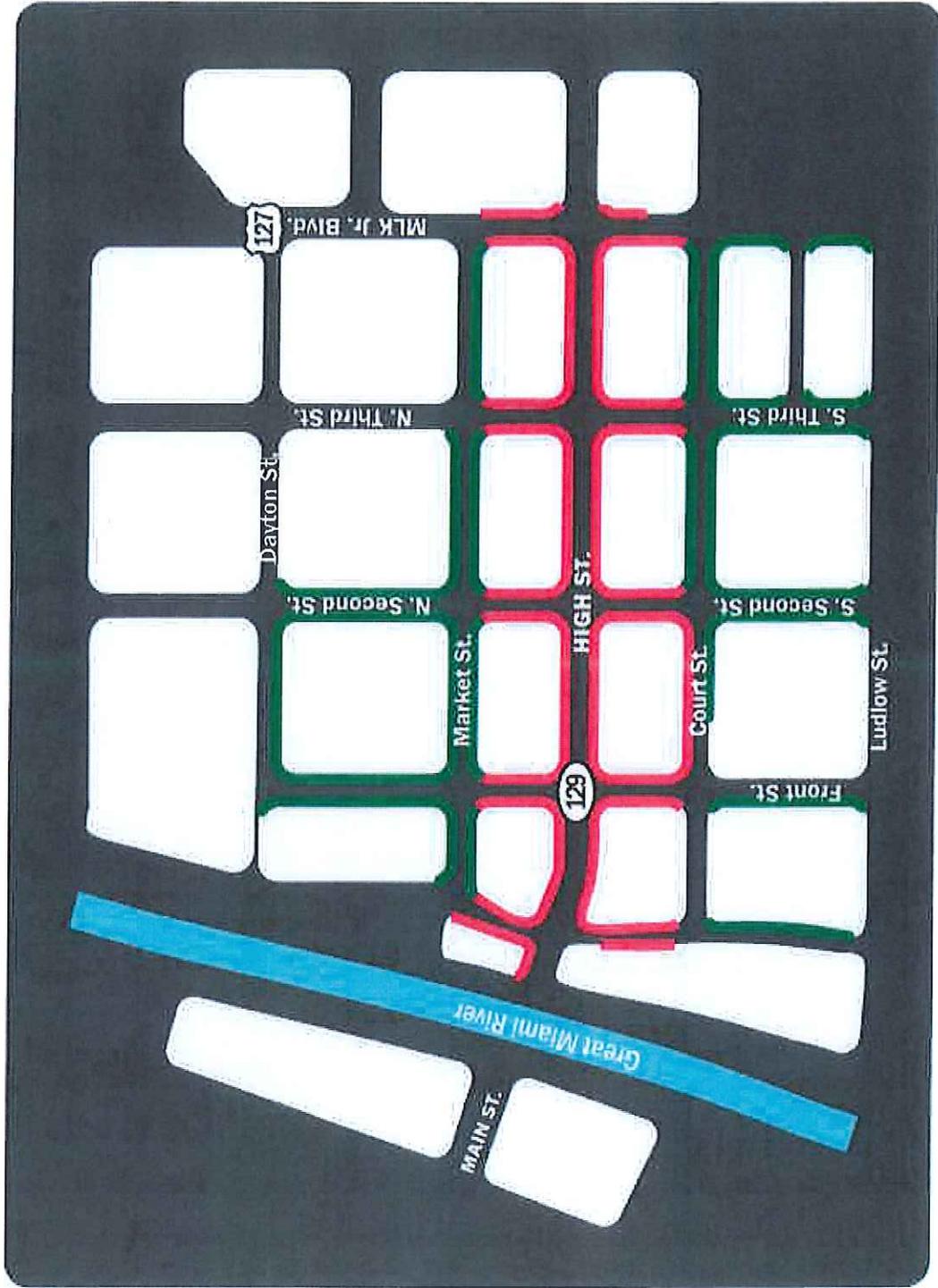


Exhibit A

Core SID Area
Expanded SID Area

05616-0450

ARTICLES OF INCORPORATION
OF
HAMILTON CENTRAL BUSINESS
SPECIAL IMPROVEMENT DISTRICT, INC.

Ok
9/6/96
DS
96090619701

The undersigned, desiring to form a nonprofit corporation under Chapter 1702 of the Ohio Revised Code ("ORC"), adopt the following Articles of Incorporation.

- I: The name of this corporation is HAMILTON CENTRAL BUSINESS SPECIAL IMPROVEMENT DISTRICT, INC. (hereafter referred to as the "Corporation").
- II: The place in Ohio where its principal office will be located is the City of Hamilton, Butler County, Ohio.
- III: The corporation is formed for the following purposes:
 - A. To govern a special improvement district created pursuant to ORC Chapter 1710.
 - B. To encourage and participate in programs that will maintain, improve and expand the central business district of the City of Hamilton as a viable business, cultural and recreational community.
 - C. To assist the City of Hamilton, Butler County and other agencies and groups in providing programming which will preserve the economic well-being and employment opportunities in the central business district of the City of Hamilton.
 - D. To encourage and participate in programs to preserve the aesthetic, architectural and historic character of the central business district of the City of Hamilton.
 - E. To engage in any lawful act or activity for which corporations may be formed under ORC Chapter 1702 and amendments thereto, as may be deemed appropriate by the trustees of the Corporation, and to exercise any powers or rights now or hereafter conferred on nonprofit corporations under the laws of the State of Ohio which are in furtherance of any of the purposes for which the Corporation is formed.
 - F. To engage in any lawful act or activity for which corporations may be formed under ORC Chapter 1710 and amendments thereto, as may be deemed appropriate by the trustees of the Corporation.

05616-0451

- G. The above enumerated purposes shall be interpreted in connection with the limitation that the Corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code").
- IV: The name of the special improvement district formed by the Corporation under ORC Chapter 1710 shall be the "Hamilton Central Business Special Improvement District" (the District").
- V: The District boundary is defined as containing the following described "Core Area" and "Expanded Area", subject to the exceptions noted below. Certain property within this area may be excluded in accordance with ORC Chapter 1710.

Core Area

- High Street from Monument Avenue to Martin Luther King, Jr. Boulevard
- Court Street (north side) from Front Street to Second Street
- Monument Avenue from Court Street to Market Street
- Front Street / Riverfront Plaza from Court Street to Market Street
- Second Street from Court Street to Market Street
- Third Street from Court Street to Market Street
- Journal Square Street from Court Street to High Street
- Martin Luther King, Jr. Blvd. from Court Street to Market Street

Expanded Area

- Market Street from Monument Avenue to Martin Luther King, Jr. Blvd.
- Dayton Street from Riverfront Plaza to Second Street
- Riverfront Plaza from Market Street to Dayton Street
- Second Street from Market Street to Dayton Street
- Court Street from Monument Avenue to Martin Luther King, Jr. Blvd., excluding the north side of Court Street from Front Street to Second Street
- Ludlow Street from Monument Avenue to Martin Luther King, Jr. Blvd./4th Street
- Monument Avenue (east side) from Ludlow Street to Court Street
- Front Street from Ludlow Street to Court Street
- Second Street from Ludlow Street to Court Street
- Third Street from Ludlow Street to Court Street
- Martin Luther King, Jr. Blvd./4th Street (west side) from Ludlow Street to Court Street

Exceptions

The "Expanded Area" will be a part of the Hamilton Central Business Special Improvement District only if owners representing 60% or more of the front footage of the property abutting upon the above-described streets of the "Expanded Area" sign the petition for the creation of the Hamilton Central Business Special Improvement District pursuant to ORC

Chapter 1710. In the event sufficient signatures are not obtained for the "Expanded Area", but signatures of owners representing 60% or more of the front footage of the property abutting upon the above-described streets of the "Core Area" are obtained, a Special Improvement District with boundaries conforming to the "Core Area" only will be created and the boundaries of the Hamilton Central Business Special Improvement District will match the "Core Area" description. Failure to obtain signatures from owners representing 60% or more of the front footage of the property abutting upon the above-described streets of the "Expanded Area" will not nullify the formation of the Hamilton Central Business Special Improvement District.

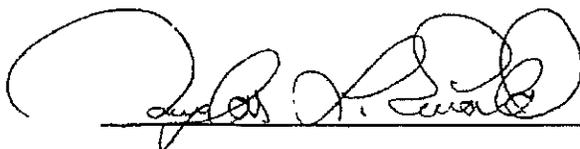
- VI: Each owner of real property within the District, other than the State of Ohio and the United States of America, will be a member of the District ("Members"). Members shall have such voting rights as are described in the By-Laws of the Corporation.
- VII: The Board of Trustees of the Corporation shall consist of five (5) individuals, one of whom shall be the Chief Executive of the City of Hamilton, or alternatively an employee of the City of Hamilton involved with its planning or economic development functions who shall serve at the pleasure of such Chief Executive, and the remainder of whom shall be Members or executive representatives of Members elected by the Members.
- VIII: These Articles may be amended only (A) by the vote of Members entitling them to exercise a majority of the voting power on such proposal, and (B) after receipt of approval of such amendment or amended articles by resolution of the legislative authority of the City of Hamilton, and (C) upon filing of such amendment or amended articles and a certified copy of such resolution with the Ohio Secretary of State.
- IX: The District is being created by concerned central business district property owners in an effort to strengthen the economic vitality, livability and commerce in the Hamilton central business district community. The District is intended to increase the utilization of the Hamilton central business district by businesses and individuals in the Butler County area, thereby better establishing the central business district as a livable center of commerce and entertainment which will in turn be conducive to the public health, safety, peace, convenience and welfare of the District.
- X: No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt

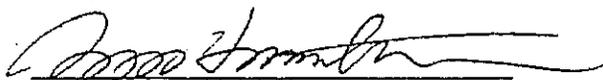
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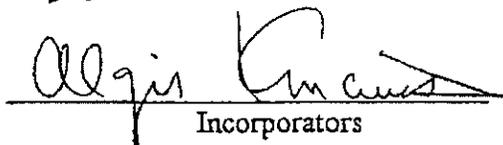
from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

XI: Upon the dissolution of the Corporation, all assets remaining after paying or making provision for the payment of all of the liabilities of the Corporation shall be distributed for one or more exempt purposes within the meaning of Section 5d1(c)(3) of the Code or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations as said Court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this 27 day of JUNE, 1996.







Incorporators

Certificate

I, Marcos Nichols, Acting City Clerk, hereby certifies the petition for renewal of the Hamilton Central Business Special Improvement District together with the Plan of Services therefore and Articles of Incorporation are on file in the City Clerk's Office and contain the signatures of owners of more than 60% of the front footage of the property located in the Hamilton Central Business Special Improvement District.



Marcos Nichols,
Acting City Clerk

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Tom Vanderhorst, Finance Director

Agenda Item: Report regarding accepting Donation of Property – Vista Drive

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input checked="" type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
Ordinance or Resolution <i>Resolution</i>	1 st Reading Date: 1-13-16 2 nd Reading Date: Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$	
	Source Funds:	

Policy Issue

Does City Council wish to adopt legislation to accept a donation of property located on Vista Drive, specifically Parcel Numbers P6441057000037 and P6441058000016 also known as Lot Numbers 22089 and part of lot numbered 21888, respectively?

Policy Alternative(s)

City Council can choose not to accept said property.

Staff Recommendation

Staff recommends that Council receive this report and adopt a resolution approving acceptance of said donation of property.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary

The fiscal impact should be minimal since there are no structures to demolish. The property is vacant.



Background Information

The property in question is adjacent to the Ray Combs Ball Field in Crawford Woods. The donor would like to see the property used as park land. As such, the property will be incorporated into Crawford Woods and will be managed and maintained by the Hamilton Parks Conservancy per the Management Agreement between the City and the Hamilton Parks Conservancy dated January 1, 2015.

Attached Information

N/A

Copies Provided to:

N/A



DONATION AGREEMENT

THIS DONATION AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2015, by and between Stephen W. Anglin, Trustee (“Donor”), and the City of Hamilton, Ohio, an Ohio municipal corporation (“City”).

WHEREAS, Donor owns certain real estate which is located in the City of Hamilton, Butler County, Ohio, which tracts are more particularly described on Exhibit A-1 and Exhibit A-2 attached hereto and include all improvements located on the tracts and all rights appurtenant thereto (collectively, the “Premises”); and

WHEREAS, Donor desires to donate the Premises to the City.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

1. Conveyance. Donor agrees to donate and convey the Premises to the City and, subject to the terms of this Agreement, the City agrees to accept title to the Premises. The closing (“Closing”) shall be held on _____, 2015, at the offices of the City, 345 High Street, Hamilton, Ohio 45011, or at such other place as the City and Donor may agree.

2. Conditions to Closing. The obligation of the City to accept the donation of the Premises shall be subject to the fulfillment of the following conditions (each, a “Condition”):

(A) Title. The City, at its sole cost and expense, may obtain a survey (“Survey”) or title examination of the Premises. If the Survey or title examination shows that title to all or part of the Premises is unmarketable or is subject to any defect, lien, encumbrance, easement, condition or restriction which is not acceptable to the City, in the City’s sole judgment, the City will send Donor a written notice to cure (the “Notice to Cure”) the matter. If Donor is unable or unwilling to cure the matter set forth in the Notice to Cure in a manner that is acceptable to the City, in its sole judgment, Donor shall give a written notice of that fact to the City. Thereafter, the City shall have the option to: (i) waive such defect, lien, encumbrance, easement, condition or restriction and accept such title to the Premises as Donor is able to convey; or (ii) terminate this Agreement as provided below. All such defects, liens, encumbrances, easements, conditions or restrictions which are acceptable or waived by the City shall be “Permitted Encumbrances”.

(B) Environmental Inspection. The City, at its sole cost and expense, may cause an environmental site assessment and related inspections (collectively, the “Audit”) to be performed on the Premises. If the results of the Audit show that an unacceptable condition exists on the Premises, the City will send Donor written notice of that fact (the “Environmental Notice”). If Donor is unable or unwilling to remediate any condition set forth in the Environmental Notice in a manner that is acceptable to the City, in its sole judgment, Donor shall deliver a written notice of that fact to the City. Thereafter, the City shall have the option to: (i) acquire the Premises subject to the condition which Donor is unable or unwilling remediate; or (ii) terminate this Agreement as provided below.

(C) Termination. If any Condition is not met to the City’s satisfaction or is not waived by the City, in its sole discretion, the City may terminate this Agreement by sending a written notice of termination to Donor prior to the Closing. After termination, neither party shall have any further obligations under this Agreement or any liability to the other.



3. Appraisal. The obligations of the City and Donor to complete the transaction contemplated by this Agreement are subject to the receipt of an appraisal (“Appraisal”) that is satisfactory to the City and Donor. In the event that the Appraisal is not satisfactory to the City or Donor, in their sole discretion, either the City or Donor shall have the right to terminate this Agreement by giving a written notice of termination to the other party prior to the Closing. After termination, neither party shall have any further obligations under this Agreement or any liability to the other. Donor and the City agree that the current market value of the Premises is the amount set forth in the Appraisal.

4. Closing. At Closing, Donor shall deliver the following:

(A) A Limited Warranty Deed (the “Deed”), fully executed and acknowledged by Donor, with release of dower, if appropriate, in a form acceptable to the City, conveying good and marketable title to the Premises to the City, subject only to Permitted Encumbrances.

(B) Complete and exclusive possession of the Premises to the City, subject only to the Permitted Encumbrances.

(C) Such affidavits and agreements as are needed to close the transaction.

At the Closing, the City will sign a completed IRS Form 8283 acknowledging that it received a donation of the Premises. The Form 8283 will set forth that the fair market value of the Premises is the amount which is set forth in the Appraisal. Donor will file the completed Form 8283 with its tax return for the year of the Closing.

5. Pro-Rations. Real estate taxes and assessments (special and general) relating to the Premises shall be prorated between the City and Donor as of the date of the Closing. The City shall pay all recording costs, title examination fees, Survey fees and costs of the Audit. Each party shall be responsible for their own attorneys’ fees.

6. Damage. Donor agrees that at the Closing the Premises shall be in the same condition as on the date of this Agreement, reasonable wear and tear excepted. If the Premises or any portion thereof is damaged prior to Closing, the City shall, at its option, have the right to terminate this Agreement by giving written notice to Donor. Thereafter neither party hereto shall have any further obligations hereunder or any liability to the other.

7. Right to Entry. At all reasonable times prior to Closing, the City and its employees and contractors may enter upon the Premises for purposes of conducting the Survey and the Audit. The City will remain fully responsible for any and all losses, claims, actions, demands, expenses and liabilities, which arise out of any actions taken on the Premises by or on behalf of the City pursuant to the rights granted under this Section. The City’s obligations under this Section shall survive the Closing and the delivery of the Deed and any termination of this Agreement.

8. Representations and Warranties. Donor represents and warrants to the City that the following statements are true as of the date of this Agreement, shall continue to be true on the date of the Closing, and shall survive the Closing:

(A) Donor has not received any notification from any governmental agency requiring any repairs, replacements or alterations to the Premises, or any part of it, which have not been satisfactorily made.



(B) Donor has the power and authority to execute and deliver this Agreement and to complete all of the transactions contemplated by the terms of this Agreement. The execution and delivery of this Agreement by Donor and the performance of its obligations under this Agreement does not violate the terms of any agreement that is binding on Donor.

(C) There is no pending or threatened claim, litigation, condemnation, administrative action or other legal proceeding involving or affecting the Premises or any portion of it.

(D) Other than this Agreement, there are no other agreements or contracts which in any way affect or relate to the Premises.

(E) There are no underground tanks, asbestos or other substances on or beneath the surface of the Premises in violation of any federal, state or local law or regulation.

(F) Donor has not entered into any contract for any improvement to the Premises which has not been paid in full.

Prior to the Closing, the City shall have the right to enter upon the Premises to conduct the Audit and inspections and tests to verify the above warranties and representations. If any representation or warranty made by Donor herein is untrue as of the date of this Agreement or the Closing, the City may terminate this Agreement by giving Donor written notice in addition to any other remedies the City may have at law or in equity

9. Notices. Any notice given pursuant to this Agreement shall be given in writing and delivered: (a) in person; (b) by overnight courier; or (c) by certified mail, postpaid, return receipt requested, addressed as follows:

If to Donor: _____

If to the City: 345 High Street
Hamilton, OH 45011
Attention: City Law Director

Such notice, if delivered personally or by overnight courier service, shall be deemed given and delivered at the time of delivery, or, if sent by certified mail, shall be deemed given and delivered two (2) calendar days after the time of mailing with appropriate postage attached thereto.

10. No Brokers. Each party represents to the other that there is no broker or other person entitled to a commission or similar fee in connection with this transaction. Each party covenants and agrees to remain fully responsible for and to defend the other from and against any claim for brokerage or other commission or similar fee or compensation for any service rendered at its instance in connection with this transaction. The obligations contained in this Section 10 shall survive the Closing.

11. Ohio Law. This Agreement shall be governed by the laws of the State of Ohio.



12. Entire Agreement and Time. This Agreement and the Exhibit attached to it comprise the entire understanding of the parties relating to the donation of the Premises to the City. No other representations or agreements have been made or relied upon by either party. Time is of the essence in this Agreement.

Stephen W. Anglin, Trustee

City of Hamilton, Ohio

y: _____

Approved as to Form:

City Law Director

s:\mason\hanrahan\cle corporate\city of hamilton\anglin donationagr 8-26-15.doc



RESOLUTION NO. _____

A RESOLUTION ACCEPTING OF THE DONATION OF TWO PARCELS OF REAL PROPERTY LOCATED ON VISTA DRIVE WITHIN THE CITY OF HAMILTON, OHIO FROM STEPHEN W. ANGLIN, TRUSTEE AND INCORPORATING THE AFORESAID PROPERTY INTO CRAWFORD WOODS. (Parcel Numbers P6441057000037 and P6441058000016)

WHEREAS, Stephen W. Anglin, Trustee has expressed the desire to donate two parcels of real property located on Vista Drive, specifically Parcel Numbers P6441057000037 and P6441058000016 also known as Lot Number 22089 and part of Lot Number 21888, respectively, to the City of Hamilton, Ohio; and

WHEREAS, this Council desires to accept Stephen W. Anglin, Trustee's very generous donation, on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That Council hereby accepts the generous donation of two parcels of real property located on Vista Drive within the City of Hamilton, Ohio, specifically Parcel Numbers P6441057000037 and P6441058000016 also known as Lot Number 22089 and part of Lot Number 21888, respectively, to the City of Hamilton, Ohio.

SECTION II: That the aforementioned donated property shall be incorporated into Crawford Woods.

SECTION II: That the City Manager be and is hereby authorized and directed to take any and all actions necessary to accomplish the foregoing.

SECTION III: That Council expresses its sincere gratitude for the aforementioned donation and hereby acknowledges Stephen W. Anglin, Trustee's generosity, which benefits the citizens of the City of Hamilton.

SECTION IV: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____

**Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO**

Resolution No. _____ (cont'd)

EXHIBIT A

DONATION AGREEMENT

THIS DONATION AGREEMENT ("Agreement") is entered into this ____ day of _____, 2015, by and between Stephen W. Anglin, Trustee ("Donor"), and the City of Hamilton, Ohio, an Ohio municipal corporation ("City").

WHEREAS, Donor owns certain real estate which is located in the City of Hamilton, Butler County, Ohio, which tracts are more particularly described on Exhibit A-1 and Exhibit A-2 attached hereto and include all improvements located on the tracts and all rights appurtenant thereto (collectively, the "Premises"); and

WHEREAS, Donor desires to donate the Premises to the City.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

1. Conveyance. Donor agrees to donate and convey the Premises to the City and, subject to the terms of this Agreement, the City agrees to accept title to the Premises. The closing ("Closing") shall be held on _____, 2015, at the offices of the City, 345 High Street, Hamilton, Ohio 45011, or at such other place as the City and Donor may agree.

2. Conditions to Closing. The obligation of the City to accept the donation of the Premises shall be subject to the fulfillment of the following conditions (each, a "Condition"):

(A) Title. The City, at its sole cost and expense, may obtain a survey ("Survey") or title examination of the Premises. If the Survey or title examination shows that title to all or part of the Premises is unmarketable or is subject to any defect, lien, encumbrance, easement, condition or restriction which is not acceptable to the City, in the City's sole judgment, the City will send Donor a written notice to cure (the "Notice to Cure") the matter. If Donor is unable or unwilling to cure the matter set forth in the Notice to Cure in a manner that is acceptable to the City, in its sole judgment, Donor shall give a written notice of that fact to the City. Thereafter, the City shall have the option to: (i) waive such defect, lien, encumbrance, easement, condition or restriction and accept such title to the Premises as Donor is able to convey; or (ii) terminate this Agreement as provided below. All such defects, liens, encumbrances, easements, conditions or restrictions which are acceptable or waived by the City shall be "Permitted Encumbrances".

(B) Environmental Inspection. The City, at its sole cost and expense, may cause an environmental site assessment and related inspections (collectively, the "Audit") to be performed on the Premises. If the results of the Audit show that an unacceptable condition exists on the Premises, the City will send Donor written notice of that fact (the "Environmental Notice"). If Donor is unable or unwilling to remediate any condition set forth in the Environmental Notice in a manner that is acceptable to the City, in its sole judgment, Donor shall deliver a written notice of that fact to the City. Thereafter, the City shall have the option to: (i) acquire the Premises subject to the condition which Donor is unable or unwilling to remediate; or (ii) terminate this Agreement as provided below.

(C) Termination. If any Condition is not met to the City's satisfaction or is not waived by the City, in its sole discretion, the City may terminate this Agreement by sending a written notice of termination to Donor prior to the Closing. After termination, neither party shall have any further obligations under this Agreement or any liability to the other.

3. Appraisal. The obligations of the City and Donor to complete the transaction contemplated by this Agreement are subject to the receipt of an appraisal ("Appraisal") that is satisfactory to the City and Donor. In the event that the Appraisal is not satisfactory to the City or Donor, in their sole

Resolution No. _____ (cont'd)

discretion, either the City or Donor shall have the right to terminate this Agreement by giving a written notice of termination to the other party prior to the Closing. After termination, neither party shall have any further obligations under this Agreement or any liability to the other. Donor and the City agree that the current market value of the Premises is the amount set forth in the Appraisal.

4. Closing. At Closing, Donor shall deliver the following:

(A) A Limited Warranty Deed (the "Deed"), fully executed and acknowledged by Donor, with release of dower, if appropriate, in a form acceptable to the City, conveying good and marketable title to the Premises to the City, subject only to Permitted Encumbrances.

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(C) Such affidavits and agreements as are needed to close the transaction.

At the Closing, the City will sign a completed IRS Form 8283 acknowledging that it received a donation of the Premises. The Form 8283 will set forth that the fair market value of the Premises is the amount which is set forth in the Appraisal. Donor will file the completed Form 8283 with its tax return for the year of the Closing.

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8. Representations and Warranties. Donor represents and warrants to the City that the following statements are true as of the date of this Agreement, shall continue to be true on the date of the Closing, and shall survive the Closing:

(A) Donor has not received any notification from any governmental agency requiring any repairs, replacements or alterations to the Premises, or any part of it, which have not been satisfactorily made.

(B) Donor has the power and authority to execute and deliver this Agreement and to complete all of the transactions contemplated by the terms of this Agreement. The execution and delivery of this Agreement by Donor and the performance of its obligations under this Agreement does not violate the terms of any agreement that is binding on Donor.

(C) There is no pending or threatened claim, litigation, condemnation, administrative action or other legal proceeding involving or affecting the Premises or any portion of it.

(D) Other than this Agreement, there are no other agreements or contracts which in any way affect or relate to the Premises.

Resolution No. _____ (cont'd)

(E) There are no underground tanks, asbestos or other substances on or beneath the surface of the Premises in violation of any federal, state or local law or regulation.

(F) Donor has not entered into any contract for any improvement to the Premises which has not been paid in full.

Prior to the Closing, the City shall have the right to enter upon the Premises to conduct the Audit and inspections and tests to verify the above warranties and representations. If any representation or warranty made by Donor herein is untrue as of the date of this Agreement or the Closing, the City may terminate this Agreement by giving Donor written notice in addition to any other remedies the City may have at law or in equity

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If to Donor: _____

If to the City: 345 High Street
Hamilton, OH 45011
Attention: City Law Director

Such notice, if delivered personally or by overnight courier service, shall be deemed given and delivered at the time of delivery, or, if sent by certified mail, shall be deemed given and delivered two (2) calendar days after the time of mailing with appropriate postage attached thereto.

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11. Ohio Law. This Agreement shall be governed by the laws of the State of Ohio.

12. Entire Agreement and Time. This Agreement and the Exhibit attached to it comprise the entire understanding of the parties relating to the donation of the Premises to the City. No other representations or agreements have been made or relied upon by either party. Time is of the essence in this Agreement.

Stephen W. Anglin, Trustee

City of Hamilton, Ohio

By: _____

Approved as to Form:

City Law Director