

**VILLAGE OF CHIPPEWA LAKE  
CODE OF MISCELLANEOUS ORDINANCES**

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# VILLAGE OF CHIPPEWA LAKE

## CODE OF MISCELLANEOUS ORDINANCES

### I. ADMINISTRATIVE

#### A. OPEN RECORDS POLICY:

##### **Ordinance No. 706-10**

[Amends Ordinance No. 655-07]

##### **Introduction:**

It is the policy of this Village that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Village to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

**Section 1. Public records** - This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this village are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

**1.1** It is the policy of this village that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

**Section 2. Record requests** - Each request for public records should be evaluated for a response using the following guidelines:

**2.1** Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

- 2.2 The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this office's general policy that this information is not to be requested.
- 2.3 Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
- 2.4 Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:
- a. An estimated number of business days it will take to satisfy the request.
  - b. An estimated cost if copies are requested.
  - c. Any items within the request that may be exempt from disclosure.
- 2.5 Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

**Section 3. Costs for Public Records** - Those seeking public records will be charged only the actual cost of making copies.

- 3.1 The charge for paper copies is 5 cents per page.
- 3.2 The charge for downloaded computer files to a compact disc is \$1 per disc.
- 3.3 There is no charge for documents e-mailed.
- 3.4 Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

**Section 4. E-mail** - Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

**4.1** Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

**4.2** The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

**Section 5. Failure to respond to a public records request** - The Village recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the village's failure to comply with a request may result in a court ordering the village to comply with the law and to pay the requester attorney's fees and damages.

## **B. PERSONNEL POLICIES AND PROCEDURES**

### **ORDINANCE NO. 625-06:**

Personnel policies and procedures regarding harassment, hiring and driving rules

SECTION I: Village Council hereby adopts the following Personnel Policies and Procedures, attached hereto and incorporated herein, for application to Village employees, agents and representatives:

1. HARASSMENT IN THE WORKPLACE.
2. DISCIPLINE AND TERMINATION.
3. RECRUITING AND HIRING.
4. DRIVING RULES AND REGULATIONS with forms.

### **Harassment in the Workplace**

#### **PURPOSE**

The purpose of this policy is to maintain a healthy work environment free from all forms of harassment and to provide procedures for reporting, and the resolution of complaints of harassment, sexual or otherwise.

#### **DEFINITION**

**Sexual Harassment** - Sexual harassment is unwelcome explicit or implicit sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- f.l It is made a condition of employment,
- f.l It affects the employee's employment status, or
- f.l It interferes with the work environment through the creation of intimidating, hostile, or offensive work conditions.

Harassment does not include the conduct or actions of supervisors/managers intended to provide employee discipline, performance evaluations, oral/written reprimands or other supervisory actions intended to promote positive performance.

## **POLICY**

No employee shall explicitly or implicitly mock, threaten, intimidate, degrade, or insult any person. Every Employee is responsible for assisting in preventing harassment. Any employee who harasses another employee may be subject to discipline, including termination.

## **PROCEDURES**

Individuals who consider themselves to have been harassed in the workplace should bring the matter immediately to their supervisor or department head.

The supervisor or department head will immediately investigate the complaint and take any appropriate action. This shall include a review of this harassment policy with the offender and, if necessary, disciplinary action based upon the nature of the offense.

- f.1 Capricious and unfounded charges of harassment may be a cause for disciplinary action
- f.1 Refusal by a supervisor or department head to act in legitimate cases of harassment may be a cause for disciplinary action
- f.1 Retaliation against an employee for having complained about harassment may result in disciplinary action.
- f.1 The rights of all parties shall be protected and due process shall be observed in dealing with complaints of harassment. However, since the Law dictates that a thorough investigation of sexual harassment complaints must be undertaken, complete confidentiality cannot be promised.

## **DISCIPLINE AND TERMINATION**

### **DISCIPLINE**

All employees are expected to exercise good judgment and common sense during the performance of their duties. All employees are expected to be courteous, loyal and dedicated. Acts, errors or omissions that impair an employee or hinder performance can result in discipline, including termination. The following are examples of the types of behavior that can result in discipline. These examples are not all-inclusive but serve as a general guide. Employees can be disciplined for other than the reasons presented directly below.

- Drinking alcohol or abusing non-prescription or prescription drugs or other controlled substances on the job.
- Arriving on the job under the influence of or in possession of alcohol, drugs, or other controlled substances.
- Violating a lawful duty
- Insubordination
- Unapproved absences from work
- Habitual absence or tardiness
- Unsatisfactory job performance
- *Conviction* of a felony or a misdemeanor involving moral turpitude.
- Inability, refusal or failure to perform assigned job duties.
- Violation of duties or rules imposed by the personnel policies or other rules, regulations and administrative orders.

In the event discipline is necessary, the following steps may be used, depending on the particular circumstance. These steps do not need to be followed in order to terminate an employee.

Oral Warning: This is a counseling session between an employee and a supervisor in which the

employee's conduct and/or performance are discussed. It is intended to increase the employee's efficiency and value by pointing out problems and suggesting changes in conduct, *attitude*, habits and/or work methods. Supervisors will document any oral warnings.

**Reprimand:** This *is* a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. All reprimands are to be written and placed in an employee's personnel file.

**Suspensions:** This is a temporary paid or unpaid absence from duty that may be imposed as a penalty for significant misconduct, violation of the rules, continuing poor performance or repeated lesser infractions. This is considered a severe disciplinary action that becomes a permanent part of an employee's personnel file.

## **TERMINATION**

An employee can be terminated for any of the following reasons:

- During or at the end of a trial period
- As a result of disciplinary action
- As a result of loss of skills, certifications or other conditions which make the employee unfit for work.
- Elimination of the employee's position
- the employee has a physical or mental impairment that prevents the employee from performing required duties. Termination must be supported by medical evidence that established that the employee is unable to perform essential job functions. Failure by the employee to submit to medical examination can result in termination.

In the event of termination, the employee will be provided with notice of termination. This shall include an explanation of the reasons for termination and the date termination will take effect.

## **TERMINATION HEARING**

In the case of termination, the employee may request a termination hearing. This hearing serves as a check against mistaken decisions. Requesting such a meeting will not delay termination. During this meeting, the employee may explain why they should not be terminated. The employee may bring one person to this meeting as an observer or representative. Within five working days after this meeting, the employee will be informed if termination will proceed and/or stand or, if applicable, the employee will be reinstated and/or lesser disciplinary action will be applied.

## **LAYOFF**

Employees may be laid off because of a lack of work, budgetary restrictions or other changes. In determining who is to be laid off, consideration will be given to individual performance and job qualifications. Seniority will be considered when performance and qualifications are judged to be equal. Laid off employees may be eligible for re-employment, if a vacancy they are eligible for occurs.

## **RESIGNATION**

An employee will provide two weeks notice of resignation, although this time limit may be waived by management.

## **RECRUITING AND HIRING**

### **RECRUITING**

Recruiting will be conducted solely on the basis of ability, merit, qualifications and competence. No regard should be given to race, color, religion, national origin, sex, marital status, pregnancy, age, disability or political affiliation. Each applicant will complete and sign a standard official

application before being considered for employment. Resumes may supplement but cannot take the place of this official application. Any applicant supplying false or misleading information can be dismissed from further consideration or, if already hired, is subject to immediate termination.

## **HIRING**

When a position becomes vacant, the need for the position and examination of the current job description will be undertaken before posting the vacancy. Any changes in the job description will be made at this time.

Residency requirements are not a condition of initial appointment or continued employment. However, residency can be considered if it interferes with performance of duties and responsibilities (e.g., Police Officer must be able to make it to the station within 30 minutes, if called in an emergency).

Those applying for positions that require driving have to be at least 18 years of age and have a valid and appropriate (e.g., CDL) driver's license. In addition, these applicants will have acceptable driving records that are validated through a review of their Motor Vehicle Record.

Pre-employment examinations that test non-medical related qualifications and abilities may be part of the hiring process. Medical examinations, including those for alcohol or controlled substances, will only be administered after a conditional offer of employment has been made as the purpose of these medical exams is to insure that the employee is physically capable of doing the work and will not endanger the health, safety, or well being of other employees or the public. An offer of employment can be withdrawn if an applicant does not pass the medical exams, refuses to take the exams or tests positive for alcohol/controlled substances.

## **TEMPORARY EMPLOYEES**

Temporary employees may be hired without competitive recruitment or examination, although they will complete the standard application. Temporary employees will not work in excess of 90 hours a month for more than five months in a twelve-month period. Temporary employees are eligible for overtime as required by law. They are not eligible and should not receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.

## **TRIAL PERIOD**

All new employees or former employees who are rehired or promoted to new classifications will enter a trial period during which they will be required to demonstrate suitability for the position through actual work performance. Although this period is normally 6 months, it can be extended for longer periods if the position requires technical, professional, specialized, unusual or unique skills or qualifications. The trial period may be extended for an additional time (usually 6 months) when circumstances dictate (e.g., extended illness or management needs to continue to evaluate marginal performance). The trial period will not be shortened for any reason. An employee can be terminated at anytime during the trial period or extension. If terminated, reasons for termination will be documented. If an employee satisfactorily completes the trial period, the employee will receive a written performance evaluation documenting this.

## **EMPLOYMENT OF RELATIVES (NEPOTISM)**

"Relatives" include an employee's parent, child, spouse, brother, sister, in-laws and step relationships.

Relatives will not be employed where

- One of the parties would have authority (or practical power) to supervise, appoint, remove or discipline the other,



- One party would be responsible for auditing the other,
- Both parties report to the same immediate supervisor,
- One of the parties is a policy level official, or
- Other circumstances are present that can lead to conflict between the parties.

If two employees who are related become related or and anyone of the above noted problems is then present, only one of the parties will be allowed to remain an employee, unless reasonable accommodations can be made to eliminate identified potential problems. The parties will be given 30 days from the date they become related to decide which employee will remain. If no decision is made by this time, then either employee can be terminated.

## **PROMOTIONS AND TRANSFERS**

Promotions and transfers will be based upon work force requirements, performance evaluations, job descriptions and related requirements. To be considered for another position, an employee must have satisfactorily completed any trial period and possess the qualifications for the position in question.

## **GENERAL DRIVING RULES AND REGULATIONS**

### **POLICIES**

#### **Overview**

As a Chippewa Lake employee, you are constantly in the public eye. Every time you drive a vehicle or piece of equipment in the performance of your duties, you are representing the Village. You are not only responsible for your and security but the safety and security of citizens and visitors to Chippewa Lake. As a result, all Village drivers are required to exercise the utmost care and caution while operating a motor vehicle. Employees who regularly or occasionally operate Village or personally owned vehicles while in the employ of the Village are required to abide by all applicable State laws in addition to these rules and regulations.

#### **Definitions**

Vehicle - Unless otherwise specified, a vehicle is any automobile, truck or piece of equipment allowed to operate on the streets and highways of the State of Ohio, whether licensed or not.

Assigned Vehicle - A vehicle that is provided to a particular employee. The employee is considered the principal driver of the vehicle and mayor may not use the vehicle to commute to and from work or otherwise operate the vehicle after normal business hours.

#### **Driving Record Acceptability**

Any employee who drives a Village or personal vehicle while in the employ of the Village whose driving record shows anyone of the following conditions will be considered to have an unacceptable driving record and will not be permitted to drive until his/her record no longer exhibits one of the criteria listed below.

1. One or more serious violation(s) in the last two years.
2. Two or more at-fault accidents in the last year involving a Village owned vehicle where the accident results in property damage in excess of \$2,500

Any employee involved in three or more at-fault accidents within a one year period, or more than four within a two year period (regardless of accident type or monetary loss), will be required to attend a defensive driving course or similar remedial type training. The employee's respective Department will be responsible

for ensuring that the employee receives this training within a reasonable time frame, training is documented, and all documentation is forwarded to the Village Clerk-Treasurer.

3. More than three moving violations in the last two year period, including traffic citations received as a result of an accident.
4. Any combination of traffic accidents and/or moving violations equaling five or ore in the last two years.

Unless otherwise noted above, moving violations include those that involve personal vehicles that are and/or are not being used during employment as well as those that involve Village owned vehicles.

At-fault accidents that occur in an "emergency vehicle" when the vehicle is on an emergency call (e.g. fire fighters driving a fire engine in response to an alarm and police officers responding code 3), will be counted only if the accident is determined by an accident review committee to have been "avoidable". The traffic accident committee should be comprised of at least 5 full-time employees of the same department, and represent a variety of ranks within that department. The committee should review each at-fault (unit-1) accident to determine whether the accident was "avoidable". An "avoidable" accident is defined as: "one in which the operator failed to do everything reasonably expected of him/her to avoid the accident".

Serious violations include, but are not limited to driving while intoxicated; Driving while under the influence of drugs; Negligent homicide arising out of the use of a motor vehicle (gross negligence); Operating a vehicle without a license; Using a motor vehicle during the commission of a felony; Aggravated assault with a vehicle; Operating a vehicle without the owner's authority (grand theft); Permitting an unlicensed person to drive; Reckless driving; Speed contest; and Hit and run driving.

### **General Rules and Regulations**

1. Only employees who are included on a Village roster of drivers that shall be considered an attachment to this policy and procedures are allowed to drive Village owned or personal vehicles during the course of their employment.
2. Vehicles are to be driven in a manner such as to create a favorable impression to the public. Drivers shall exercise special precautions when:
  - a. Children are playing on a roadway, alley, or near the curb
  - b. Passing schools or playgrounds
  - c. Approaching persons on bicycles
  - d. Driving during inclement weather
3. No employee under the age of 18 is allowed to drive Village owned or personal vehicles during the course of their employment.
4. Authorization for temporary/seasonal employees to operate vehicles shall be limited where practical. However, if authorized, these employees must be placed on the driving roster prior to their driving assignment, and approved by the Mayor of the Village.
5. Vehicle Operators must possess a current Ohio Operators license appropriate to the vehicle being driven.
6. Any employee who operates a vehicle on a regular or occasional basis is required to report any license suspension or revocation, including those that result from the operation of personal vehicles, to his immediate superior. Likewise, all accidents or moving violations obtained while driving a Village owned vehicle must be reported to his/her immediate superior. All reportable accidents

and/or moving violations shall be forwarded to the Clerk-Treasurer.

7. Drivers will not operate vehicles when under the influence of alcohol or illicit and/or driving impairing drugs.
8. Drivers will use the proper signals when stopping, turning, or slowing down.
9. All drivers will give a pedestrian the right of way.
10. Flasher lights on trucks, cars and equipment should be used as emergency or work conditions require. Flasher lights are not to be used as an excuse to gain the right of way or to break traffic rules.
11. All traffic laws of the State of Ohio, including signs and speed limits will be obeyed.
12. Employees driving vehicles during their employment are responsible for insuring that the vehicle is properly maintained and in a generally safe operating condition.
13. Employees shall not transport passengers except for those who are employees of the Village or are conducting business with or on behalf of the Village, except as noted under **Personal Use and Take Home Policy** below.
14. No one is permitted to ride outside the passenger compartment when a vehicle is in motion (except in the case of certain fire engines).
15. Employees driving personal vehicles while in the employ of the Village will maintain primary automobile liability insurance coverage on the vehicle being drive. State required minimum bodily injury/physical damage limits must be maintained. The employee's supervisor is responsible for insuring that employees using their personal vehicles maintain adequate insurance.
16. Personal vehicles will not be used to pull trailers or haul equipment while being used in Village related business.
17. Village owned vehicles shall be kept free of having placed on or within any stickers or signs which: indicate any political candidate, party, organization, or theme; are in poor taste; or relate to specific social concerns that may be found objectionable by citizens.

### **Seat Belts**

All employees shall use their seat belts (including shoulder straps) while driving vehicles other than equipment. Employees shall wear seat belts, if provided, when operating equipment. All passengers are required, unless unable to do so, to occupy only those seating positions equipped with seat belts and use them.

### **Backing**

Backing of vehicles should be discouraged given the rate of accidents that take place during this operation. No vehicles should be backed up unless the driver cannot avoid it and he has a clear view of the entire area to be backed into. If such a view is not present, the driver, if alone, will get out of the vehicle and inspect the area to be backed into or, if a second person is in the vehicle, the second person will get out and guide the driver using appropriate hand and/or voice signals.

### **Vehicle Inspections**

All vehicles except personal passenger cars and pick-ups will be inspected at least once each day or, if the vehicle is not used daily, each time before the vehicle is placed into service, but no more than once during a 24 hour period, except with respect to police cruisers that will be inspected before each shift. Personal passenger cars and pick-ups will be inspected on at least a

quarterly basis. Inspections will focus on identifying any obvious physical damage, inoperable running lights and horns, loose steering, and inappropriate tire condition. Records of these inspections will be maintained. Any deficiency encountered will be reported to the employee's Department Head of designee immediately. It will be the Department Head's responsibility to insure that appropriate action is taken to correct the problem.

### **Maintenance**

All Village owned vehicles are to be maintained according to the manufacturer's specifications. Records of this maintenance activity are to be retained. All personal vehicles driven during the course of employment shall be maintained in a manner that promotes safe travel.

### **Parking**

Village vehicles or personal vehicles driven by Village employees during the course of their employment are not to park in "NO PARKING" zones. No vehicle or piece of equipment is to be left unattended with the ignition key left in the ignition. All vehicles will be locked when parked and unoccupied.

### **Personal Use and Take Home Policy**

Village vehicles are not to be used for personal business except for incidental purposes while used for Village business. For example, an employee may, when commuting between work and home, stop and pick-up or drop off a spouse or child at work or at school, as long as the stop to be made is not significantly out-of-the-way. However, if an employee's personal vehicle is near his work-site, a Village vehicle may not be used for personal errands such as running to the bank or taking people to lunch unless there is a work-related purpose immediately prior to or following the personal errand and it is more time efficient to use the Village vehicle.

Village vehicles that are taken home are not to be used for personal business while housed at the employee's residence unless the employee is on-call and must have ready access to his vehicle. In addition, the Mayor may grant personal use of marked and unmarked police vehicles and marked fire vehicles within their appropriate jurisdictions.

If an employee is on extended absence from working including injury leave or is on restricted or modified duty and unable to perform on-call duty or work evenings and/or weekends, he will not use the assigned Village owned vehicle until he returns to active on-call or an evening/weekend work schedule.

### **Special Equipment**

Special Equipment such as tractors, fire engines, or any vehicle which has special devices added for specific types of work will require that the driver receive formal instruction prior to usage. This special training will comply with all appropriate OSHA, NFPA and DOT Standards and rules and regulations.

1. Explanation and demonstration of all control devices.
2. Explanation and demonstration of all safety equipment.
3. A walk through of all inspection criteria.
4. Demonstration of operation.
5. Supervised new driver operation.

Written documentation of all special training will be retained by the departments.

### **Proof of Insurance**

Each Village-owned vehicle should have an insurance card kept in the glove compartment or

attached to the driver's sun visor. Missing insurance cards should be reported to the Clerk-Treasurer. Any employee using their personal vehicle during the course of employment should carry a proof of insurance card. It is the employee's supervisor's responsibility to ensure all employees using personal vehicles for Village business purposes, complete the Appendix B "Insurance Maintenance Requirement for Personal Vehicle" form once each year, and return to the Clerk-Treasurer.

## **PROCEDURES**

### **Driving Record Acceptability**

The Clerk-Treasurer will obtain Motor Vehicle Records on all employees on the Village roster of Drivers once every year. These, along with any Uniform Police Traffic Accident and Ohio Uniform Accident Reports will be reviewed by the Mayor to determine if any employees on the roster of drivers has an unacceptable driving record. Those who do will be notified in writing by the Mayor using the Notice of an Unacceptable Driving Record form in Appendix A. A copy of the complete form will be sent to the employee's Department Head.

### **Roster of Drivers**

An official roster of drivers that is supplied by the various Department Heads will be maintained by the Clerk-Treasurer. This document will highlight the number of at-work at-fault accidents, citations and major violations that drivers have had in the last three years. **Only employees whose names appear on this roster are allowed to drive during the course of their employment.**

Departmentally specific sections of this roster will be disseminated to appropriate Department Heads every six months. It is the responsibility of the Department Head to insure that the roster for their particular department remains current and that the Clerk-Treasurer is notified of any correction, additions and/or deletions to the list.

Under Driver Type:

- A - Person drives during the course of their employment on more than an occasional basis
- B - Person drives occasionally during the course of their employment
- C - Person may be required to drive their own personal vehicle for employment purposes.
  - 1 - Person is assigned a Village vehicle that is taken home at night
  - 2 - Person is assigned to a Village vehicle(s) that is not taken home at night
  - 3 - Person has a CDL and is not assigned to a Village vehicle that is taken home at night

### **General Driving Rules and Regulations**

All employees who drive personal vehicles during the course of their employment are required to complete the Insurance/Maintenance Requirements for Personal Vehicles form (See Appendix B) each year and return the form to the Clerk-Treasurer.

### **Personal Use and Take Home**

The Clerk-Treasurer will maintain a list of employees that the Mayor has indicated can take Village owned vehicles home and/or can be used for personal business. The Department Heads are responsible for notifying the Clerk-Treasurer so appropriate changes in the list can be made.

### **Training**

Employees who are assigned to a particular Village owned vehicle will be instructed by the Service Department on the operation and general driving conditions of the vehicle before being allowed to initially drive the vehicle. Employees who drive other than private passenger automobiles and pick-up trucks not equipped with special equipment will be trained in the

operation of the vehicles in question before being allowed to drive such vehicles. The Department Heads are responsible for insuring such training takes place, and that it is documented.

Driver Training courses will be offered as deemed necessary, and all employees having one "at-fault" accident or one moving violation (received while driving a Village vehicle) within a prior one year period will be asked to attend.

### **Record Keeping**

1. Any Notice of an Unacceptable Driving Record will become part of an employee's personnel file.
2. Motor Vehicle Records and Uniform Police Traffic Accident/Ohio Uniform Traffic Accident Reports will be maintained by the Clerk-Treasurer in a central file.
3. The Roster of Drivers shall be considered a part of these policies and procedures and will be included with them.
4. Signed and dated "Insurance Maintenance Requirement for Personal Vehicle" forms will be maintained by the Clerk-Treasurer in a central file.
5. The Clerk-Treasurer will maintain a list of employees authorized to take vehicles home.

## **II. BOAT RAMP REGULATIONS:**

### **A. REGULATIONS**

#### **ORDINANCE NO. 565-03:**

*[Original Ordinance. 402-91, amended by 502-00, re-organized Ordinance. 565-03, which was amended by - Ordinance. No. 643-07; 664-08]*

#### **SECTION I: PERSONS ENTITLED TO REGISTER A BOAT FOR USE OF BOAT RAMP.**

The following persons may register a boat to use the boat ramp:

- A. Owners of lots in the Villages of Chippewa Lake and Gloria Glens Park, as evidenced by a copy of the last real estate tax bill, and owners of lots in Westfield and Lafayette Township who demonstrate that they have deeded rights to use of Chippewa Lake.
- B. “Resident Renters,” being those persons who are actual residents of such Villages or properties in Westfield and Lafayette Township which have deeded rights to use of Chippewa Lake, residing in rental property therein, and who produce a notarized letter from their landlord (lot owner) granting temporary use of the landlord’s lake rights to the tenants as part of the Lease.

In the event changed named Villages and Townships is titled in the name of more than one person, each such owner shall have the right to register boats titled in his or her name, however, only one key will be issued per lot, as outlined below.

Every place the word “boat” is used in this Ordinance, it is defined to include all types of watercraft.

#### **SECTION II: BOAT RAMP GATE KEYS, BOAT STICKERS, and USE OF RAMP.**

1. Persons who qualify under Section I will be issued one numbered key to the boat ramp gate to enable them to use the ramp. Only one key will be issued per lot, in the name of the owner or resident renter. The key will remain the property of the Village of Chippewa Lake, must be returned to the Village when a lot is sold or transferred or the Lease of a resident renter ends, and keys are subject to repossession by the Village in the event of a violation of any of these rules.
2. Each owner or resident renter who will be entitled to a key will be issued one numbered sticker for each boat the person intends to use on the ramp. In order to be eligible for a sticker, each boat must be owned by the lot owner or resident renter, evidenced by a title or registration in that person’s name.

3. Only boats properly registered and displaying a current and valid sticker, will be permitted to go through the gate and on the boat ramp.

### **SECTION III: PROCEDURE FOR ISSUING KEYS AND BOAT STICKERS.**

2. Representatives appointed by Village Council (“The Boat Ramp Committee”) will have responsibility for monitoring use of the boat ramp, issuing keys and stickers, examining documents necessary in order to obtain a key or sticker, including proof of the applicant’s identity, if necessary, for which a driver’s license will suffice.
2. The Boat Ramp Committee shall maintain a ledger listing each key and sticker issued, which will include the key number, the property owner or resident renter’s name, addresses, telephone numbers, date of issuance of the key, sticker number, and identification of each boat for which a sticker has been issued.
3. Village Council will establish a cost for issuance of a key, issuance of a sticker and replacement of lost or stolen keys, which will approximate as closely as possible the actual cost of operating this system of regulating the boat ramp.

### **SECTION IV: RULES**

The following rules will also govern USE OF THE BOAT RAMP, and a copy of these rules will be given to each person issued a key or boat sticker:

1. Boat stickers should be displayed on the boat(s) at all times. Boat stickers should be placed on the transom above the water line and below the boat cover line.
2. Close and lock the boat ramp gate immediately after passing through the gate. Your key cannot be taken out of the lock until the lock is closed or locked.
3. Cars with boat trailers may not be parked in the Lake Access Area Parking Area.
4. Fifteen-minute parking is to be observed in the area beyond the first boat ramp gate.
5. Duplication of boat ramp gate keys is prohibited and is in violation of the Boat Ramp Ordinance.

Observed violations of the Ordinance and/or regulations should be reported to the police immediately.

### **SECTION V: ENFORCEMENT**

#### **A. CIVIL REPOSSESSION OF KEY:**



Anyone violating these Rules and Regulations for use of the Boat Ramp will be subject to repossession his or her Boat Ramp key as follows:

1. For a first violation, the person's key shall be suspended and retained by the Village for a period of thirty (30) days; and
2. For any subsequent violations, person's key shall be suspended and retained by the Village for a period of one (1) year; and
3. Any person whose key is suspended hereunder shall pay an administrative fee of Three Hundred and 00/100 Dollars (\$300.00) to the Village at the end of their period of suspension for return of a key and restoration of Boat Ramp privileges. This key will not be returned nor a new key issued to such person until such administrative fee is paid. In addition, such person's Boat Ramp privileges are suspended until their administration fee is paid.

## **CRIMINAL PENALTIES**

Whoever violates any of the terms of this Ordinance shall be guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on any subsequent offense.

## **B. KEYS**

### **SECTION VI: KEYS TO RAMP TO BE PROVIDED**

A key to the boat ramp will also be provided to the following governmental entities and service personnel:

- A. One key to the Medina County Sheriff's Department for use by deputies when they are working in the Village pursuant to the Agreement between the Village and the Medina County Sheriff;
- B. One key to the Lafayette Fire Department for use by Fire and Rescue personnel if needed in the Village;
- C. One key to the Medina County Park District.

The foregoing keys may be used to access the boat ramp for the purpose of launching and retrieving water craft by the above in the course and scope of their duties and activities related to Chippewa Lake.

### **III. BUSINESSES REGULATIONS**

#### **A. EXCISE TAX ON LODGING**

**ORDINANCE NO. 595-04:**

*[Levies and excise tax on lodging furnished to transient guests]*

SECTION I: Pursuant to Section 5739.08(A) of the Ohio Revised Code, the Council of the Village hereby imposes and levies an excise tax in the amount of three percent (3%) on all transactions by which lodging in a hotel, bed and breakfast inn or similar facility is furnished to transient guests. The Clerk/Treasurer of the Village shall deposit all such funds received into the General Fund of the Village.

#### **B. SEXUALLY ORIENTED BUSINESSES**

**ORDINANCE NO. 581-04**

*[Regulates sexually-oriented businesses]*

SECTION I: The regulations and provisions which are attached hereto and identified as Sexually Oriented Businesses, Section 1 through 4, are hereby adopted by the Council of the Village of Chippewa Lake and shall apply to any such businesses located anywhere within the Village of Chippewa Lake.

SECTION II: Violation of any provision of the regulations entitled "Sexually Oriented Businesses," attached hereto and incorporated herein, shall be an unclassified misdemeanor which shall subject the person or entity responsible for such violation to a fine of not less than \$50.00 nor more than \$500.00 per day. Each day's continuation of a violation, after notice of the same by the Village, shall constitute a separate offense.

#### **FINDINGS, PURPOSE AND INTENT.**

(a) Village Council finds that reasonable regulations relating to the location of adult entertainment land uses will provide for the protection of the community and its property values and will protect the residents of the community from the adverse secondary effects of such adult entertainment land uses, while providing to those who desire to patronize adult entertainment land uses such an opportunity in areas within the Village which are appropriate for the location of such adult entertainment land uses.

(b) Village Council further finds that the initial location of adult entertainment land uses will lead to the location of additional and similar uses within the same vicinity, thus multiplying the adverse impact of the initial location of adult entertainment land uses upon residential areas, locally oriented business areas, churches, parks, libraries and schools.

(c) It is the purpose of this chapter to reasonably regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the residents of the Village and to establish reasonable and uniform regulations to prevent any concentration of sexually oriented businesses within the Village.

(d) The provisions of this Ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials.

(e) It is not the intent of Village Council to deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

## **DEFINITIONS.**

As used in this chapter:

(a) “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained, to show images to five or fewer persons, per machine, at any one time, and where the images so displayed are distinguished or characterized by the depicting of describing of specified sexual activities or specified anatomical areas.

(b) “Adult bookstore” or “adult video store” means a commercial establishment which, as one of its principal business purposes, offers for sale or rental, for any form of consideration, any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which depict or describe specified sexual activities of specified anatomical areas; or

(2) Instruments, devices or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

(c) “Adult cabaret” means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity;

(2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities or specified sexual activities; or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(d) “Adult motion picture theater” includes a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, are regularly shown.

(e) “Adult theater” includes a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

(f) “Nude model studio” means any place where a person who appears in a state of nudity or who displays specified anatomical areas is provided solely to be sketched, drawn, painted, photographed or similarly depicted by other persons.

(g) “Nudity” and “state of nudity” mean:

(1) The appearance of a human bare anus, genitals or the areola of the female breast; or

(2) A state of dress which fails to cover opaquely a human anus, genitals or the areola of the female breast.

(a) “Sexually oriented business” means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. “Sexually oriented business” does not include a nude model studio and is not considered a recreation and amusement enterprise, music or dance studio, art shop, indoor theater, auditorium, lodge hall or social club for purposes of this chapter.

(b) “Specified sexual activities” means any of the following:

(1) The fondling or other erotic touching of human genitals, the pubic region, buttocks, the anus or female breasts;

(2) Sex acts, actual or simulated, including intercourse, oral copulation and sodomy; or

(3) Masturbation, actual or simulated

## **LOCATION RESTRICTIONS.**

A sexually oriented business may be located only in accordance with the following restrictions:

(a) Such business shall be in a Zoning District, when the same are established, where such use is allowed or permitted as a conditional use, provided a permit or certificate has been issued for it.

(b) No such business shall be located with seven hundred fifty (750) feet from the following:

- (1) Another such business.
- (2) A public or private elementary or secondary school, pre-school or day care facility.
- (3) A playground, park or other public recreational facility.
- (4) A library.
- (5) A church.
- (6) Any residence.

(a) For purposes of subsection (b) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises identified in (b)(1) through (6) hereof.

(b) Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video materials or any live performance, which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

#### **PREVALENCE OF CONFORMING USE.**

A sexually oriented business lawfully operating as a conforming use is not rendered a permitted non-conforming use by the subsequent location of a use described in Section 3 (b)(1) through (b) hereof within seven hundred fifty (750) feet of the sexually oriented business.

## **IV. CURFEW**

### **ORDINANCE NO. 407-91**

Relating to Curfew in the Village

*[Amends original Ordinance No. 315-81]*

SECTION I: Any juvenile, under the age of eighteen years, whether residing in the Village or elsewhere, unless accompanied by his or her parent, guardian or other person of adult age who is charged with the full responsibility of the juvenile, his or her welfare and all of his or her activities, is prohibited from the public sidewalks, public streets, or property of the Village of Chippewa-on-the Lake during the following times:

- a) from 11:00 p.m. on Sunday, Monday Tues, Wednesday, and Thursday until 5:00 a.m. on the following day; and
- b) from 12:00 midnight on Friday and Saturday until 5:00 a.m. on the following day.

SECTION II: No person, being the parent, guardian or otherwise responsible for the care, control or custody of a minor child, shall permit or neglectfully allow the child to be abroad on the public sidewalks, public streets or other property and public places of the Village of Chippewa-on-the Lake in violation of Section I of this Ordinance, unless such person personally accompanies such minor child or provides that a responsible person eighteen years of age or older accompanies such minor child.

SECTION III: Whoever violates Section I or II of this Ordinance is guilty of a minor misdemeanor.

## **V. PARKING REGULATIONS:**

### **A. ON STREETS**

#### **ORDINANCE NO. 642-07**

Provides resident parking permits for designated areas.

*[Amends original Ordinance No 516-01; Amends Ordinance No. 629-06 and 631-06]*

SECTION I: Ordinance No. 631-06 regarding parking on streets and other locations in the Village is hereby amended and REPLACED IN ITS ENTIRETY by this Ordinance.

SECTION II: No vehicle shall remain parked on any Village street or parking area for a period exceeding twenty-four (24) hours.

SECTION III: The parking of motor vehicles on streets in the Village shall be regulated as follows:

#### **A. PERMIT PARKING AREAS:**

Parking in the following areas shall only be allowed by residents of the Village for a vehicle owned or used by them which displays a current Parking Permit in the left rear window of the vehicle. Any vehicle not displaying such a Parking Permit, which is parked in of the following areas, shall be in violation of this Ordinance.

One Parking Permit shall be issued for each household in the Village at no charge to the resident by the Parks Committee of the Village under procedures adopted by them and upon presentation of proof of residency by the resident. The Parking by Permit areas are as follows:

1. BUNGALOW BAY BOULEVARD (“The Circle”):
  - a. Parking is by Permit only in the park area in designated parking areas only, and only between the hours of 8:00 a.m. and 10:00 p.m. every day.
  - b. Parking is permitted by anyone for official Village business only in designated areas on Lot No. 835 without a Permit.
  - c. Parking is not permitted on any other portions of Bungalow Bay Boulevard.
2. PARKING AREA ON LOT 906, WEST SIDE OF LAKE ACCESS BEACHSIDE BOULEVARD IN THE VICINITY OF WILLOW WOOD DRIVE: Permitted Parking is permitted only between the hours of 8:00 a.m. and 10:00 p.m. daily. No trailers or other towed items may be parked in this area.
3. LAKE ACCESS AREA: Parking is permitted by Permit only in designated areas.
4. POCHEDLEY PARK: Parking is permitted by Permit only in designated areas.

B. PARKWAY DRIVE: Public Parking is permitted along the entire north side only.

C. BASS BAY BOULEVARD: Public Parking is permitted on the south side only.

D. COTTAGE COVE DRIVE: Public Parking is permitted on the south side only.

E. RICHARD DRIVE: Public Parking is permitted on the south side only.

F. ALL OTHER STREETS IN THE VILLAGE: No parking is permitted.

SECTION IV: A police officer for the Village or Mayor of the Village may grant temporary exceptions to these restrictions for good cause due to specific, temporary needs of Village residents and/or their guests.

SECTION V: SNOW EMERGENCY: A snow emergency parking ban will be in effect in the Village where during a period of twenty-four (24) hours or less snow falls, drifts, and accumulates or is present to a depth of two (2) or more inches on any street in the Village. Snow ban parking signs will be permanently erected on streets upon the entering of Village limits. Officers of the police department are hereby authorized to warn, ticket, remove or cause to be removed, a motor vehicle parked on any Village street during a snow emergency parking ban in effect hereunder. The removal and storage of such vehicle will be at the owner's cost.

SECTION VI: Suitable signs shall be erected or displayed as may be necessary to enforce this Ordinance.

SECTION VII: PENALTIES AND VIOLATIONS: As set forth in Ordinance No. 627-06 or any amendment thereto, and to be processed through the Village Parking Violations Bureau.

*Added by Amendment Ordinance No. 750-13:*

SECTION VIII: OFFICIAL VILLAGE USE TEMPORARY PARKING: Vehicles used for Village projects and business by Village officials may be temporarily parked on any street in the Village for a limited time in order to accomplish the Village purpose, provided a hanger is displayed on the rearview mirror of the vehicle stating "OFFICIAL VILLAGE USE". The rearview mirror hangers will be issued by the Village Roads and Safety Committees to appropriate persons.



## **B. NON-AUTOMOBILES**

### **ORDINANCE NO. 599-04**

Establishes parking regulations for vehicles **other than automobiles**  
[Amended Ordinance No. 498-00].

SECTION I: § 505 of Article 5 of the Codified Zoning Ordinance of the Village of Chippewa Lake is hereby repealed.

SECTION II: The following is adopted as part of the General Code of Offenses of the Village:

### **PARKING OF VEHICLES (OTHER THAN AUTOMOBILES)**

A. The following may not be parked upon any of the streets or property within the Village except during the loading or unloading of such vehicles:

1. trucks, exceeding 15 feet in length, other than pickup trucks or vans, or
2. Any vehicle or construction equipment that has a GVW (Gross Vehicle Weight) in excess of 11,000 pounds, or
3. Buses.

B. Commercial trailers can be parked no longer than five (5) days in succession within a thirty (30) day period and cannot exceed twenty (20) days total in any calendar year.

C. Motor homes, house trailers and campers may not be parked upon any of the streets or property within the residential districts of the Village except as follows:

1. Parking and storage of any motor home, house trailer or camper is permitted on properties in the Village provided it is completely enclosed in a garage or other permanent structure.
2. Parking and storage of any motor home, house trailer or camper may otherwise be permitted if it is approved as a conditional use in accordance with Article 7 and § 705(K) of the Zoning Ordinance of the Village.

D. No motor home, house trailer or camper may be used as a residence or overnight accommodation.

E. Violation of any Section of this Ordinance shall be a minor misdemeanor and, in addition, any vehicle or equipment parked in violation of this Ordinance shall be subject to towing and removal.

## **C. BEACHSIDE BLVD. AND IN PARKS**

### **ORDINANCE NO. 738-12**

*[Supercedes Ordinances No. 607-05 and 624-06; Adopted September 10, 2012]*

SECTION I: Ordinance No. 607-05 and Ordinance No. 624-06 regulating parking in various respects in the Village are both hereby amended and replaced in their entirety by the following:

**1. PARKING ON BEACHSIDE BOULEVARD.**

Parking is hereby prohibited on both sides and for the entire length of Beachside Blvd. in the Village.

**2. PARKING IN VILLAGE PARKS AND COMMUNITY USE AREAS.**

- A. Parking is hereby prohibited in Village parks and community use areas except in designated parking areas provided by the Village for that purpose. For purposes of this Ordinance “community use areas” are the lakefront properties known as Village Lots 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, Block 906, and Block 907.
- B. These prohibitions shall not apply to golf carts and “GEM Cars.”
- C. A police officer for the Village or Mayor of the Village may grant temporary exceptions to these restrictions for good cause due to specific, temporary needs of Village residents and their guests.

**D. PARKING IN YARDS AND VACANT LOTS IN THE VILLAGE.**

- A. No motor vehicle shall be parked on any front yard, rear yard, side yard or vacant land in the Village except on a driveway or a parking pad.
- B. Temporary parking for special reasons, including but not limited to, parties, family gatherings or during Holidays shall be allowed on yards and vacant land with the permission of the current property owner. Parking on areas other than a driveway or a parking pad is not to be used as a normal or regular parking spot. Any damage done to the property because it was used as a parking area shall be repaired promptly by the owner of the property. The temporary parking provision in this section does not apply to parking in community use areas as they are defined in this Ordinance.
- C. A police officer for the Village or Mayor of the Village may grant temporary exceptions to these restrictions for good cause due to specific, temporary needs of Village residents and their guests.
- D. As used herein the terms “front yard,” “rear yard,” “side yard,” “driveway,” and “parking pad,” shall be defined as stated in the Zoning Code, which is Ordinance No. 498-00 of the Village and its amendments.
- E. The term “motor vehicle” shall be defined as set forth in the Ohio Revised Code.

F. This Ordinance shall not apply to golf carts and “GEM cars,” which may be parked in yards or on vacant land in the Village.

#### **4. PENALTY.**

Violation of any provision of this Ordinance shall be a minor misdemeanor.

### **E. VIOLATIONS AND FINES**

#### **ORDINANCE NO. 627-06:**

Parking Violations schedule of fines; impoundment, Parking Violations Bureau

SECTION I: Pursuant to Ohio Revised Code §4521.02(A) Village Council hereby specifies that violations of the following regulatory Ordinances governing parking within the territorial limits of the Village of Chippewa Lake shall not be considered criminal offenses, that a person who commits violation of any of the following Ordinances shall not be arrested as a result of the commission of the violation, and that such violations shall be handled according to the provisions of Chapter 4521 of the Ohio Revised Code:

- A. Ordinance No. 516-01 regulating parking on streets and public areas within the Village;
- B. Any provisions regulating parking contained in the Village Traffic Code adopted by Ordinance No. 604-05;
- C. Ordinance No. 599-04 regulating parking of vehicles other than automobiles in the Village;
- D. Ordinance No. 624-06 regulating parking in yards of the Village; and
- E. Any other Ordinances regulating parking within the limits of the Village of Chippewa Lake adopted by Village Council after the adoption of this Ordinance.

SECTION II: Pursuant to §4521.02(A) and (C) of the Ohio Revised Code, the following schedule of fines for violation of the foregoing Parking Ordinances in the Village is hereby established:

- A. If sent to the Traffic Violations Bureau and postmarked no later than two (2) business days after the date of the offense:  
\$ 20.00; and
- B. If paid or postmarked more than two (2) business days after the date of the offense:  
\$30.00.

SECTION III: Pursuant to §4521.02(B) of the Ohio Revised Code, any vehicle found standing or parked in violation of the foregoing Ordinances regulating parking within the Village may be impounded or immobilized as provided by law.

SECTION IV: Pursuant to §4521.04(A)(1), the Village of Chippewa Lake hereby requests the Medina Municipal Court to authorize the Village of Chippewa Lake to establish a Parking Violations Bureau to handle all parking infractions occurring within the territory of the Village of Chippewa Lake, and that this request be filed with the Clerk of the Medina Municipal Court in accordance with §4521.04(B) of the Ohio Revised Code.

## **F. STORAGE OF MOTOR VEHICLES**

### **ORDINANCE 713-11:**

Effective March 14, 2011

Regulation of storage of motor vehicles and parts

*[Amends Ordinance No. 437-94 and 529-01]*

SECTION I: Ordinance No. 529-01 REGULATING STORAGE OF MOTOR VEHICLES IN THE VILLAGE is hereby amended and superceded by the following:

### **STORAGE OF MOTOR VEHICLES:**

A. **DEFINITIONS:** For the purpose of this Ordinance the following definitions are hereby established:

1. “Motor Vehicle” means any vehicle, including manufactured homes and recreational vehicles, propelled or drawn by power other than muscular power, other than construction equipment not designed for or employed in general highway transportation, or farm machinery.
2. “Inoperable Motor Vehicle” means any motor vehicle which is unable to move under its own power due to defective or missing parts.
3. “Motor Vehicle Part” means any portion or part of any motor vehicle as detached from the vehicle.
4. “Unsafe Vehicle” means any motor vehicle which does not comply with all safety laws and equipment provisions for motor vehicles found in the Codified Ordinances of the Village of Chippewa Lake or requirements of the State of Ohio.
5. “Unlicensed Vehicle” means any motor vehicle which does not display in plain view on the front and rear of such motor vehicle the distinctive number and registration mark, including any county or identification sticker and a current validation sticker issued under Sections 4503.19 and 4503.91 of the Ohio Revised Code.

B. **PROHIBITION:**

No person, firm or corporation shall park, store or leave or permit the parking or storing of any dismantled, inoperable or unsafe motor vehicle, motor vehicle parts, or unlicensed vehicle, upon any private or public property within the Village of Chippewa Lake.

C. **EXCEPTION:**

This Ordinance shall not apply to the storage of motor vehicles or motor vehicle parts which are completely enclosed within a building, fence or other structure which completely obscures the view of said motor vehicles and their parts from view of the general public. Any such building, fence or structure shall be constructed in compliance with applicable building and zoning codes within the Village.

D. **NUISANCE:**

The accumulation and storage of inoperable motor vehicles, unsafe motor vehicles and motor parts in violation of this Ordinance is hereby declared to be a nuisance, detrimental to the health, safety and welfare of the Village of Chippewa Lake and its inhabitants.

E. **PENALTY:**

Whoever fails to remove or enclose a violating motor vehicle or part hereunder, is guilty of a minor misdemeanor. Each day's continuation thereof may be considered a separate offence. If the offender has been guilty of, or is convicted of, a previous violation of this Ordinance, a violation of this Ordinance shall be an unclassified misdemeanor punishable by a fine of not less than \$150.00 nor more than \$500.00

## **G. VILLAGE COMMUNITY CENTER**

**ORDINANCE No. 723-11**, effective September 12, 2011

SECTION I. Overnight parking is prohibited at all parking areas of the Village Community Center on Circle Crest Drive. Violation of this provision shall be subject to fine established and processed through the Village Parking Violations Bureau.

## **VI. PARKS**

### **A. LAKE ACCESS AREA RULES**

#### **LAKE ACCESS AREA REGULATIONS**

##### **ORDINANCE NO. 717-11**

Updates the Rules and Regulations of the use of the Village's Lake Access Area.

*[Amends original Ordinance 148 and Ordinance No. 403-91]*

SECTION I: The following are adopted as the Rules and Regulations for use of the Village lake access area:

#### **LAKE ACCESS AREA RULES**

1. The hours of the lake access area shall be from 10:00 a.m. to 9:00 p. m. Eastern Daylight Savings Time, seven (7) days a week from Memorial Day through Labor Day.
2. The use of the lake access area shall be limited to residents of the Village of Chippewa Lake, and other persons issued passes under Rule 4 herein, and/or their guests. A guest is defined as a person visiting the resident's home, that eats, sleeps and changes into bathing suits in the resident's home. All residents and their guests must register at the main entrance of the lake access area with the attendant.
3. All residents desiring to use the lake access area must obtain a Lake Access Area Pass from the representative designated by the *Mayor of the Village of Chippewa Lake*. Residents must sign a lake access area pass application acknowledging that they have read and understand these Rules prior to receiving a lake access area pass.
4. Lake access area passes will be offered to residents of Lafayette Township who reside on the following streets: Longacre Lane, Heather Hedge Drive, Gilbert Street, Lake Street, and any residences located in the area west of Lake Street and bordered by the corporate limits of the Village of Chippewa Lake.
5. *The Mayor, Presidents of Village Council, or any individual designated by the same*, reserve the right to revoke a lake access area pass and lake access area privileges due to violation of the lake access area rules, destruction of property, or abuse of the lake access area or Village Park property.
6. Alcoholic beverages are prohibited on the lake access are and in the lake access area parking lot.
7. Glass bottles and other glass containers are strictly prohibited in the lake access area and the lake access area parking lot.

8. Open fires of any kind are prohibited in the lake access area and the lake access water area.
  9. Dogs and other domestic animals are prohibited in the lake access area and the lake access water area.
  10. Boating, jet skiing, water-skiing and fishing are prohibited within twenty (20) feet of the lake access and water areas.
  11. Ball playing on the lake access area shall be restricted to the southern-most part of the lake access area and only in designated areas. No baseball, football or soccer playing is allowed in the lake access area. Ball-playing in the water is permitted at the discretion of the lake access area attendant.
  12. Playing tag, pushing or running the lake access wall and/or the diving platform is prohibited.
  13. Diving off the diving platform ladder, and the Lake Access Area wall is prohibited.
  14. Profane and/or abusive language shall be prohibited in the lake access areas.
  15. Any child age 11 years or younger must be accompanied and supervised by a person of senior high school age or older while in the lake access area.
  16. Inner tubes and life rafts are prohibited beyond the inner lake access area ropes.
  17. All refuse must be placed in rubbish containers.
  18. **Lake access area attendants ARE NOT lifeguards. NO LIFEGUARD IS ON DUTY AT THE LAKE ACCESS AREA AT ANY TIME.**
- NOTE: BECAUSE NO LIFEGUARD IS PROVIDED, SWIMMING AT THE LAKE ACCESS AREA IS AT YOUR OWN RISK.**
19. Motorized vehicles and bikes are prohibited in the lake access area.
  20. Loitering in the lake access parking area before and after lake access area hours is prohibited.
  21. Smoking is prohibited in the lake access area.
  22. Feeding wildlife of any kind is prohibited in the lake access area.
  23. Parking in the lake access area parking lot is restricted to owners of vehicles with Lake Access Area passes issued by the Village of Chippewa Lake. Lake access area parking

passes must be displayed *in the rear window of the vehicle, in clear view*. Boat and jet ski trailers are prohibited in the lake access parking area at all times.

24. Any person violating any of the foregoing rules and regulations for use of the lake access area of the Village of Chippewa Lake, Ohio, shall be guilty of a minor misdemeanor. Offenders may also have their lake access area passes revoked by the *Mayor, Council President, or other individual designated by the Mayor of the Village of Chippewa Lake, Ohio*.

## **B. OPENING AND CLOSING TIMES**

*[Amends Ordinance No. 356-86]*

SECTION I: The times for opening and closing of all parks within the Village shall be:

1. For the Lake Access Area see Ordinance 717-11 (Page 27 hereof)
2. For all other parks with the Village from 8:00 a.m. until dark (with dark defined as the time streetlights go on in the Village).

## **C. WASTE AND TRASH**

### **ORDINANCE NO. 548-02**

*[Prohibits waste/trash on Lake Access Area and in parking areas]*

SECTION I. The dumping or placement of any household trash or other waste materials in trash cans and other receptacles maintained by the Village at the Lake Access Area area, The Point, Pochedly Park and other park and recreational areas of the Village is prohibited, with the exception of trash and other waste materials generated at those locations.

SECTION II. Violation of this Ordinance shall be a minor misdemeanor punishable by a fine of up to One Hundred Dollars (\$100.00) per offense.

## **D. TENNIS AND BASKETBALL COURTS**

### **ORDINANCE 356-86**

Use of Tennis Courts and Basketball Courts

*[Amended by Ordinance No. 403-91]*

1. The following rules shall be posted and govern the use of the Village tennis courts:
2. The tennis courts shall be used by Chippewa-On-The-Lake residents and their guests.



3. Playing hours: *8:00 a.m. to dark.*
4. Two set limit for all players. Please wait your turn!
5. Flat soled shoes only! No heeled shoes permitted!
6. Children under 16 must forfeit the courts to adults if requested after 4:00 p.m. after June 14<sup>th</sup> of each year.
7. No bikes, roller skates, skate boards or wheeled vehicles allowed on courts.
8. Please do not lean, hand, swing or sit on the nets.
9. For tennis playing only!

The following rules shall be posted and govern the use of the Village basketball courts:

1. Basketball courts to be used by Chippewa-On-The-Lake residents and guests.
  2. Playing hours: *8:00 a.m. to dark.*
  3. No hanging on nets
  4. No rough playing
  5. Players must share the courts with other players
  6. No bikes, roller skates, skate boards or wheeled vehicles allowed on courts.
- For basketball playing only!

**DARK DEFINED AS THE TIME STREETLIGHTS GO ON IN THE VILLAGE (*Ord. No. 510-00*)**

### **E. LAKE ACCESS AREA SUPERVISOR AND ATTENDANT JOB DESCRIPTIONS**

**POSITION TITLE: LAKE ACCESS AREA SUPERVISOR**

REPORTS TO: Chair of PARKS COMMITTEE OF VILLAGE COUNCIL

HIRING AND TERM OF POSITION: Appointed in January of each year by the Mayor with approval of Village Council for the summer season of that calendar year.

COMPENSATION: To be set by Village Council

POSITION SUMMARY: The responsibilities and duties of the Lake Access Area Supervisor are as follows:

- To follow and apply the “Lake Access Area Rules and Regulations” for use and maintenance of the Lake Access Area in accordance with Ordinance No. 403-91 and any of its amendments.
- To hire and supervise all Lake Access Area Attendants, and discharge same as necessary.
- To develop and supervise the work schedule for the Lake Access Area Attendants.

- To promote and supervise a professional appearance and courtesy to the public by Lake Access Area Attendants.
- To work with the Chair of the Village Council Parks Committee, the Parks Committee and Village Council to enhance the appeal of the Lake Access Area area, its maintenance, use and upkeep.

**QUALIFICATIONS:**

No specific education or previous job experience required, however the Lake Access Area Supervisor must have leadership, organization, record keeping and supervisory skills needed to carry out the functions described in the Position Summary, and to communicate and work with the Lake Access Area Attendants and officials of the Village.

**POSITION TITLE: LAKE ACCESS AREA ATTENDANT**

REPORTS TO: Lake Access Area Supervisor

HIRING AND TERM OF POSITION: To be hired by the Lake Access Area Supervisor for the summer of the current calendar year.

COMPENSATION: To be set by Village Council

POSITION SUMMARY: The responsibilities and duties of the Lake Access Area Attendant are as follows:

- To follow and apply the “Lake Access Area Rules and Regulations” for use and maintenance of the Lake Access Area in accordance with Ordinance No. 403-91 and any of its amendments.
- To schedule work times and appear at scheduled times as set by the Lake Access Area Supervisor with the understanding that only the Lake Access Area Supervisor can modify or change the work schedule once established.
- To keep the Lake Access Area and surrounding Village properties associated with the Lake Access Area clean, including trash pick up, raking the Lake Access Area and attending to equipment and items associated with the Lake Access Area area.
- To maintain a professional appearance and exercise courtesy in dealing with the public and Officials of the Village, including wearing required uniform items provided by the Village at all times while on duty.
- To observe the conduct of users and persons in the vicinity of the Lake Access Area and report to the Lake Access Area Supervisor and/or Law Enforcement Authorities or other Village Officials any violations of the Lake Access Area Rules and Regulations or other law, and suspicious behavior in and around the Lake Access Area area.

- To observe the requirement that the Lake Access Area Attendant on duty will be the only person present at the entrance table at the Lake Access Area area.

**QUALIFICATIONS:**

No specific education or work experience required. The Lake Access Area Attendant must be able to timely report for work as scheduled, to follow rules and supervision of the Lake Access Area Supervisor, to deal with the public in a courteous and helpful manner, and to fulfill the duties specified in the Position Summary.

## **VII. PROPERTY REGULATIONS**

### **A. EQUAL HOUSING OPPORTUNITY**

#### **ORDINANCE 610-05:**

Provides for equal housing opportunities

WHEREAS, The United States Congress adopted as the national policy to provide, within constitutional limitations, for fair housing throughout our country, and

WHEREAS, The Board of County Commissioners of Medina County, Ohio, believes in the principle of equal rights and privileges for all citizens, and

WHEREAS, The Board of County Commissioners of Medina County, Ohio, adopted Resolution No. 81-509 on June 29, 1981, to provide for equal housing opportunities in the County of Medina, Ohio, and

WHEREAS, said equal housing opportunities in the County of Medina, Ohio, includes opportunities for people of different races, creeds, sexes, religious beliefs and national origins, and

WHEREAS, the Village of Chippewa Lake is hereby adopting the Medina County Board of Commissioners' Resolution No. 81-509 and all amendments thereto to provide for equal housing opportunities within the Village.

NOW, THEREFORE, BE IT ORDAINED THAT, the Village of Chippewa Lake does hereby adopt a Fair Housing Policy, and

BE IT FURTHER ORDAINED THAT, the Medina County Fair Housing Consortium will assist the Village with matters regarding unfair practices or complaints relating to Equal Opportunities for its citizens.

### **B. MANUFACTURED HOMES**

#### **ORDINANCE 651-07:**

Enforcement of Ohio Manufactured homes installation standards

WHEREAS, the Ohio Manufactured Homes Commission is charge to establish uniform standards that govern the installation of manufactured housing by section 4781.04(A)(1) of the Revised Code of Ohio; and

WHEREAS, the Ohio Manufactured Homes Commission has established these rules at section 4781-6 & 7 of the Administrative Code of Ohio; and

WHEREAS, the installers of manufactured homes must obtain plan review and inspection approval showing compliance with the above rules from the Ohio Manufactured Homes Commission, private third parties contracted by the Commission, or a government certified by the Commission; and

WHEREAS, the cost of obtaining and maintaining Ohio Manufactured Homes Commission certifications of Village of Chippewa Lake employees is not justified by the number of manufactured home installations expected; and

WHEREAS, inter-governmental agreements authorized by Ordinance 509-00 passed September 11, 2000 and Ordinance 636-06 passed December 11, 2006 arranges for Medina County to enforce the Ohio Building Code, Ohio Mechanical Code and Residential Code of Ohio, section 4101:1, 4101:2 & 4101:8 Administrative Code of Ohio on behalf of the Village; and

WHEREAS, the said Ohio Manufactured Homes Commission is expected to certify the Medina County Building Department pursuant to 4781.07 of the Revised Code of Ohio and 4781-7-04 of the Administrative Code of Ohio to exercise enforcement authority;

THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE Village of Chippewa Lake, Ohio, that:

SECTION 1: The Village of Chippewa Lake through its mayor and its clerk/treasurer is hereby authorized and directed to enter into an agreement with Medina County for the enforcement of the Ohio Manufactured Homes Commission rules within the limits of said Village, whereby the Medina County Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said Village in accordance with the provisions of the Ohio Manufactured Homes Commission rules.

SECTION 11: The terms of the said agreement shall grant to the County full authority to do all things necessary to administer and enforce the Ohio Manufactured Homes Commission rules within the limits of the Village of Chippewa Lake and in consideration therefore to allow the County to retain all permit and inspection fees authorized by the State of Ohio and Medina County for such purposes.

SECTION III: The Legislative Authority of said Village of Chippewa Lake further agrees to hold the County harmless for all claims or causes of action of every kind and nature arising from the acts of the County, its agents, employees, and representatives in the administration and enforcement of said rules.

## **C. OHIO BOARD OF BUILDING STANDARDS**

### **ORDINANCE 636-06:**

Authorized Ohio Board of Building Standards for enforcement of residential code by Medina County Building Dept.

SECTION I: That Ohio Administrative Code 4101:8 – Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village of Chippewa Lake, Ohio.

SECTION II: That this Ordinance shall be in full force and effect from and after the earliest period permitted by law through the certification process, by the Ohio Board of Building Standards.

SECTION III: The Mayor of the Village of Chippewa Lake is hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said Board to certify the Village of Chippewa Lake enforcement of the Residential Code of Ohio with the condition that the Medina County

Building Department exercise the enforcement authority as necessary in accordance with the Residential Code of Ohio within the limits of said Village and to enter into an agreement with Medina County Building Department for such purpose.

SECTION IV: The Village of Chippewa Lake through its Mayor and its Clerk is hereby authorized and directed to enter into an agreement with Medina County for the enforcement of the Residential Code of Ohio within the limits of said Village, whereby the Medina County Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said Village in accordance with the provisions of the Residential Code of Ohio.

SECTION V: The terms of the said Agreement shall grant to the County full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the Village of Chippewa Lake and in consideration therefore to allow the County to retain all permit and inspection fees authorized by the State of Ohio for such purposes.

SECTION VI: The Legislature Authority of said Village of Chippewa Lake further agrees to hold the County harmless for all claims or causes of action of every kind and nature arising from the acts of the County, its agents, employees, and representatives

**ORDINANCE 639-07:**

Enforcement of Ohio Building Code to include Group I-2 including hospitals and nursing homes

The Mayor of the Village of Chippewa Lake is hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said Board to amend their certification of the Village of Chippewa Lake for enforcement of the Ohio Building Code of Ohio removing the exclusion of Use Group I-2 in the administration and enforcement of said codes.

## **D. OPEN BURNING REGULATIONS**

Ordinance No. 721-11

Regulates open burning within Village

Section I. The following provisions shall regulate Open Burning of materials within the Village of Chippewa Lake:

### **OPEN BURNING REGULATIONS**

A. DEFINITIONS. As used in this Ordinance:

- (1) “Open Burning” means the burning of any materials wherein air contaminants resulting from combustion are admitted directly into the ambient air without passing through a stack or chimney.
- (2) “Waste” shall include agricultural waste, garbage, land clearing waste, landscape waste and residential waste as defined in this Ordinance and all other materials, refuse, and debris reasonably and commonly classified as waste material.
- (3) “Agricultural Waste” means any matter generated by crop, horticultural or livestock production practices, and includes such items as bags, cartons, structural materials and landscape wastes that are generated in agricultural activities.
- (4) “Garbage” means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (5) “Land clearing waste” means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.
- (6) “Landscape waste” means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.
- (7) “Residential waste” means any matter, including landscape wastes, generated on a one, two or multi-family residence as a result of residential activities, but not including garbage.
- (8) “Clean Burning Fire” means a fire burning dry firewood only and no other contaminating materials. A clean burning fire as defined herein does not include the burning of any waste materials as they are defined in this Ordinance.

B. OPEN BURNING RESTRICTIONS

- (1) No property owner or other person shall cause or allow open burning in the Village of Chippewa Lake or in proximity to the Village where the contaminants or combustion products of

such burning either enter the Village or can be reasonably expected to enter the Village through the air, except as specifically provided in this Ordinance.

(2) Open burning shall be allowed for the following purposes:

- (a) Cooking food for human consumption;
  - (b) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs;
  - (c) If contained in a fire ring, fire pit, or other structure, a clean burning fire is permitted on private property, without a permit, provided such fire does not exceed the dimensions of two feet (2') high and three feet (3') by three feet (3') at the base and is attended by a responsible person;
- (3) Open burning of "waste" as defined herein is not allowed under any circumstances.

C. RELATION TO OTHER LAWS.

In the event any provision of this Ordinance violates any provision of the Ohio Revised Code, the Ohio Administrative Code, or other rules or regulations promulgated by the Ohio E.P.A. or any other government agency regarding open burning, then that portion of this Ordinance shall be invalid and of no force and effect and the remainder shall remain valid and in effect. In addition, this Ordinance shall not prohibit open burning that may be allowed by special permit issued by the Ohio E.P.A. pursuant to the Ohio Revised Code and the Ohio Administrative Code.

D. PENALTY.

Whoever violates any of the provisions of this Ordinance is guilty of an unclassified misdemeanor on a first offense and subject to a fine of One Hundred Dollars (\$100.00).

Whoever violates any provision of this Ordinance and has a prior conviction of violation of this Ordinance is guilty of an unclassified misdemeanor and shall be subject to a penalty consisting of a fine in the amount of Two Hundred Fifty Dollars (\$250.00) for each occurrence.



## **VIII. STREETS REGULATIONS**

### **A. SHADYWOOD DRIVE GATE**

#### **ORDINANCE NO. 590-04**

Regulates use of gate at eastern end of Shadywood Drive  
*[Amends original Ordinance No. 512-00]*

SECTION I: Paragraph C of Ordinance No. 512-00 is hereby revised in order to limit the entities which will have a key to the lock for the gate at the end of Shadywood Drive to the Fire Department, Police acting for the Village and the Mayor of the Village only, therefore the regulations for use of the gate shall be as follows:

#### **USE OF THE SHADYWOOD DRIVE GATE**

The gate located at the eastern end of Shadywood Drive in the Village on Village property shall be subject to the following rules and regulations:

- A. The gate shall remain locked at all times, except during its use to permit traffic through the gate, following which it shall immediately be locked.
- B. The gate shall be used only for emergency purposes, such as to allow the entry and exit of firefighting vehicles and equipment, rescue squad vehicles, residents in the event Bungalow Bay Boulevard is impassable and other legitimate emergency purposes.
- C. Only the following shall have a key to the lock for the gate: The Chippewa Lake Fire Department, the Police acting for the Village, and the Mayor of the Village.

SECTION II: Violation of any of subsections A, B or C in Section I of this Ordinance shall be a minor misdemeanor.

### **B. STOP SIGNS**

#### **ORDINANCE 692-10:**

Provides for permanent stop signs at Rock Ridge, Heather Hedge Drive, Longacre Lane and Lazywood Lane.  
*[Repeals Ordinance No. 355-86 and Ordinance No. 339-84]*

SECTION 1: Based upon safety and traffic concerns, Village Council hereby determines and designates that permanent stop signs shall be placed as follows:

- a. For eastbound and westbound traffic on Heather Hedge Drive at its intersection with Rock Ridge Drive; and

- b. For eastbound and westbound traffic Longacre Lane at its intersection with Lazywood Lane; and
- c. The permanent stop signs for southbound traffic on Lazywood Lane at its intersection with Longacre Lane and for both northbound and southbound traffic on Rock Ridge Drive at its intersection with Heather Hedge Drive shall remain in place and be unaffected by this Ordinance.

## **C. EXCAVATION AND RESTORATION OF STREETS, SPECIAL HAULING, AND DRIVEWAYS**

### **ORDINANCE 400-91**

Requires that excavation and restoration in Village rights-of-way, special hauling and construction of driveways be in compliance with the Medina County Highway Use Manual.

SECTION I: The Medina County Highway Use Manual, Section I, Section II, and Section III is hereby adopted by the Village and shall apply to and govern excavation and restoration performed in Village rights-of-way, special hauling within the Village and construction of driveways within the Village.

SECTION II: The Mayor and President of Council of the Village are hereby authorized to enter into an agreement with the Medina County Commissioners whereby the permit procedures and regulations of the Medina County Highway Use Manual, Sections I, II, and III, will be administered by the Medina County Engineer's Department, with all applications for permits, inspections and other procedures required under the Highway Use Manual to be processed by the Medina County Engineer's Office, pursuant to fees established by the Medina County Engineer's office and with all such permit and inspection fees being paid to and the property of the Medina County Engineer's office.

SECTION III: The Council of the Village reserves the right to waive any specific requirements of the Highway Use Manual in specific cases where the same is reasonable, necessary and desirable.

# **IX. TREES, PLANTS, NUISANCE GROWTH AND LOT CUTTING**

## **A. NUISANCES**

### **ORDINANCE NO. 549-02**

Conditions of trees, plants and shrubs to be nuisances and procedure for abatement

#### **SECTION I. NUISANCES IN CONNECTION WITH TREES, PLANTS AND SHRUBS**

A. The following acts, things and conditions done or existing within this Village are declared to constitute nuisances:

- (1) Any tree upon any street or public place or so near thereto as to permit the roots of the tree to penetrate through or to disrupt the surface.
- (2) Any tree, plant or shrub, wherever located within the Village, infected with any parasite, insect, fungus or pest, which may be communicated to any other tree, plant or shrub.
- (3) Any tree, which has fallen or is in such condition as is likely to fall on any public or private property, including the property upon which it is situated.
- (4) Any tree, plant or shrub, including hedges, whose branches, foliage or trunk obstruct visibility on any street or public way.

B. Whenever in the opinion of the Zoning Inspector and any two (2) members of the Village Zoning Board any of the conditions defined in this Ordinance exist, the Zoning Inspector shall notify the owner of the property on which said condition is located by written notice to abate the nuisance within the time period stated in the notice by the Zoning Inspector.

C. If the property owner fails to abate and correct the nuisance within the time period prescribed by the Zoning Inspector in the notice, the Zoning Inspector may cause the same to be corrected and abated at the Village's expense and bill such amount to the property owner. If payment is not made by the property owner of such expense within thirty (30) days thereof, the Zoning Inspector shall certify the same as a lien to the Medina County Auditor on behalf of the Village of Chippewa Lake so that the cost shall be payable on the tax bill of the owner. In addition, the Village may pursue collection through Small Claims Court or any other legal remedy available to the Village in order to obtain reimbursement of the foregoing expense of correction and any costs of collection of the same.

## **B. EXCESSIVE PLANT GROWTH**

### **ORDINANCE 586-04:**

Regulates excessive plant growth and provides for cutting same

SECTION I: The following is adopted by the Village of Chippewa Lake, Medina County, Ohio:

**EXCESSIVE PLANT GROWTH**

**A. PROHIBITED GROWTH**

No grass, weeds, underbrush or other plant growth shall be permitted on any lot within the Village in a height in excess of eight (8) inches. Any such vegetative growth is hereby declared to be a public nuisance subject to abatement by action of the Village. Prohibitive plant growth hereunder shall not include trees, ornamental shrubs, cultivated flowers or gardens.

**B. NOTICE TO CUT**

When vegetative growth on a lot within the Village exceeds the limit set forth in the preceding paragraph, the Mayor, Zoning Inspector or any law enforcement officer acting on behalf of the Village shall cause notice to be given to the owner, agent, tenant, or other occupant having charge of such land that the same must be cut and removed from the lot within five (5) days after the date of service of the notice.

The notice may be served by any of the following methods: Sending the same by Certified U.S. Mail to the owner, agent, tenant, or occupant; personal delivery of the notice to such party; in the event the party cannot be located, by publishing notice once in a newspaper of general circulation in the Village; posting the property with a notice by affixing the notice to a building, stake, tree or fence located on the property.

**C. FAILURE TO CUT**

If the owner, agent, tenant or other occupant having charge of such land fails to comply within five (5) days of the date of service of such notice, the Village may cause the vegetative growth to be cut and removed from the lot and may employ or contract for the necessary labor to perform such work or cause it to be done by an appropriate Village employee.

**D. COLLECTION OF COSTS**

All expenses incurred for cutting and removing such vegetative growth together with an administrative charge of One Hundred Dollars (\$100.00) shall be billed to the owner, agent, tenant, or other occupant having charge of such land at such party's last known address. If, after thirty (30) days, such amount remains unpaid, the Mayor shall certify the total amount of the expenses and administrative charge, the name(s) of the owner of the land and a sufficient description of the premises to the Medina County Auditor, so that the same may be entered on a tax duplicate and be a lien on the land from the date of entry and collected in the same manner as other taxes and assessments and returned to the Village pursuant to Sections 715.261 and 731.54 of the Ohio Revised Code.

**E. PENALTIES**

Violation of Paragraph A of this Ordinance shall be a minor misdemeanor. Each day's continuation of such violation may be considered a separate offense. If the offender has been found guilty, or has been convicted of, a previous violation of this Ordinance, a violation of this Ordinance shall be an unclassified misdemeanor punishable by a fine of not less than \$150.00 nor more than \$500.00.

**C. FEES**

**ORDINANCE 686-09:**

Establishes an administrative fee to property owner to correct hazardous conditions, etc.

**SECTION I:** An Administrative Fee of One Hundred Dollars (\$100.00) shall be charged to the property owner, tenant or other occupant having charge of private property in the Village when the Village is required to cut excessive growth, remove litter, rubbish and debris, or correct hazardous conditions due to the failure of the owner, tenant or occupant to correct the same, after notice, pursuant to §715.261 and §731.51 thru §731.54 of the Ohio Revised Code. This administrative charge shall be added to the total cost recoverable when a lien for payment of the same is certified to the Medina County Auditor by the Village Clerk.

**ORDINANCE NO. 669-08**

Increases administrative fee

**SECTION I:** Ordinance No. 586-04 regulating excessive plant growth on lots within the Village Section I, Subsection D Collection of Costs is hereby amended to increase the administrative charge from One Hundred and 00/100 Dollars (\$100.00) to Two Hundred Fifty and 00/100 Dollars (\$250.00). No other provisions of Ordinance No. 586-04 are changed or affected by this Ordinance.

## **ZONING FEES AND COMPENSATION**

### **ORDINANCE NO. 474-98**

Establishes revised Schedule of Fees for residential and commercial building permits, variances and appeals

*[Amended by Ordinance No. 526-01]*

SECTION I: The following shall be the fees for the listed procedures under the zoning ordinances of the Village of Chippewa Lake:

#### **A. Residential Zones**

	<b>Structural Changes Alternations &amp; Additions</b>	<b>New Construction</b>
Building Permit	\$ 35.00	\$ 200.00
Variance	\$ 75.00	\$ 75.00
Appeal to Council	\$ 60.00	\$ 60.00
Late Permit fees *	<del>\$ 150.00</del>	<del>\$ 350.00</del>

\*Eliminated by Ord. 766-14 – 8/11/14

#### **B. Commercial and Light Industrial Zones**

	<b>Structural Changes, Alternations &amp; Additions</b>	<b>New Construction</b>
Building Permit	\$ 70.00	\$ 400.00
Variance	\$ 100.00	\$ 100.00
Appeal to Council	\$ 120.00	\$ 120.00

#### **C. The charge for a copy of the Codified Zoning Ordinance of the Village shall be:**

Codified Zoning Ordinance of the Village	\$ 50.00
Maps Sets of Village	\$ 25.00

#### **Compensation:**

Zoning Inspector:	\$150.0/per week	Effective 1/1/15	
	\$10.00 per meeting for Effective each Zoning meeting held 1/1/15		Ord. No. 772-14
Village Clerk:	by Village Council		Ord. No. 772-14

## **D. ZONING INSPECTOR JOB DESCRIPTION**

### **POSITION TITLE: ZONING INSPECTOR**

REPORTS TO: Chair of Village Council Zoning Committee, Zoning Board, Law Director, Mayor and Members of the Village Council, as needed.

HIRING AND TERM OF EMPLOYMENT: To be appointed by the Mayor and approved by Village Council, to serve until resignation or removal by Village Council.

COMPENSATION: To be set by Village Council

POSITION SUMMARY: The duties and responsibilities of the Zoning Inspector shall be as follows:

- To follow and enforce the Village Zoning Ordinance, No. 498-00, and all its amendments, including the investigation of complaints of violation of the Zoning Ordinance, the taking and processing of applications for Zoning Permits, variances, appeals to the Zoning Ordinance, amendments, and to issue Permits, where appropriate, or assemble and transmit applications and other supporting documents and fees to the Village Zoning Board as directed by the Ordinance, and such other duties as are specified in the Zoning Ordinance.
- The Zoning Inspector is a Law Enforcement Officer of the Village with limited powers and duties, and as such is responsible for giving notices to violators of the Zoning Ordinance, and to prepare to assist the Village Prosecutor in the preparation of complaints for violations of the Ordinance, and to appear at administrative or Court hearings necessary as a witness with regard to the adjudication of charges of violation of the Ordinance or related matters.
- The Zoning Inspector also acts as the Floodplain Administrator under Ordinance No. 596-04, the Special Purchase Flood Damage Reduction Ordinance, and any of its amendments that includes the investigation of violations of said Ordinance, the taking of applications for Floodplain Development Permits under the Ordinance, the processing of the same and approval, where appropriate, or forwarding of applications, fees and documents to the Village Zoning Board as specified, and such other duties as are required by Ordinance No. 596-04.
- The Zoning Inspector is also responsible for enforcing other special purpose Ordinances of the Village including Ordinance No. 529-01 regarding storage of motor vehicles and No. 586-04 regarding cutting and mowing of lots in the Village.

### **QUALIFICATIONS:**

No specific education or employment requirements are prescribed for the Zoning Inspector, however background and experience in law enforcement, construction, building materials, construction contracting, and other building-related work is helpful. The Zoning Inspector is required to engage in accurate record keeping, reporting to Village Officials and dealing with the public in a consistent, courtesy and official capacity with regard to violations, complaints, investigation and other necessary acts of communication.

## **XII. DOOR TO DOOR SOLICITATION**

### **ORDINANCE NO. 740-12**

#### **A. DOOR TO DOOR AND PUBLIC PROPERTY SOLICITATION PROHIBITED WITHOUT A PERMIT; EXCEPTIONS**

1. No person shall solicit anyone on public property within the Village or call at any residence or place of business within the Village without the invitation or previous consent of the owner or occupant to attempt to sell goods or services of any kind, solicit orders or subscriptions for the purchase of goods or services of any kind, or solicit contributions of cash or any other property for any purpose or reason without first having obtained a Solicitation Permit from the Village.
2. In this Ordinance “Public Property” includes all Village buildings, roads, parks, parking lots, rights-of-way or other areas open to the public or to residents of the Village.

#### **B. THIS SECTION AND PROHIBITION SHALL NOT APPLY TO ANY OF THE FOLLOWING PERSONS:**

1. Students enrolled in any school in the Cloverleaf School District who are soliciting contributions, sales or orders for the benefit of their school or for any school-related activity or purpose; and
2. Persons seeking contributions or soliciting in any other manner for bonafide local community organizations such as the Chippewa Lake Village Pride Committee, the Chippewa Lake Ski Club, the Chippewa Lake Garden Club, the Chippewa Lake Lions Club, the Chippewa Lake Neighborhood Watch, the Chippewa Lake Watersports Association, and other local community service organizations; and
3. Persons seeking contributions by or on behalf of organizations which have been accorded exempt status under Section 501(C)(3) of the United States Internal Revenue Code; and
4. Persons who are providing information, literature or other communication regarding political issues, political candidates or any religious institution or religion.

#### **C. PERMIT APPLICATION PROCESS**

1. APPLICATION – Applications for Solicitation Permits shall be made on a form provided by the Village, is available by download from the Village website or upon request. The form must be submitted by mail to the Village Clerk at The Village of Chippewa Lake, P. O. Box 25, Chippewa Lake, Ohio 44215-0025. The application should be submitted ten (10) days in advance of the intended solicitation and Village



action on the application will be returned by the Clerk to the applicant by regular U. S. Mail. The Applicant can request that the permit be returned by fax or email. Each application shall contain the name, address and phone number of the person submitting the application, a copy of a valid picture identification for the applicant, and the name, address and telephone number of the organization or employer for which he or she purports to act, if any, the nature of the goods or services for which he or she will attempt to make sales, take orders, offer for sale, or solicit subscriptions, the dates which the applicant expects to be making solicitations within the Village, and such other information as the Village Clerk may reasonably require. No permit will be valid for more than thirty (30) days after it is issued.

2. BACKGROUND CHECK. The applicant authorizes a criminal background check upon himself or herself by the Village by making application for a permit and if the check reveals that the applicant or permit holder has been convicted of a crime or if a misrepresentation is made on an application for a permit, the application may be denied by the Village Clerk.
3. GROUP APPLICATIONS. An organization which desires to place a number of persons in the Village simultaneously or over a period of time may make a group application to cover all of such persons, provided the information required in any application is submitted for each person. Separate Solicitation Permits shall be issued to each such person.
4. FEE SCHEDULE. The Council of the Village may establish a schedule of fees for applications, background checks and other matters required to be performed by the Village Clerk in administering these provisions which shall be payable by the applicant before any permit is issued.

#### D. TIME LIMIT ON SOLICITATION

No person shall engage in solicitation of any kind within the Village except between sunrise and sunset each day.

#### E. DISPLAY OF PERMIT.

Any person soliciting within the Village pursuant to a permit issued under this Ordinance shall display the permit upon request to the owner or occupant of any property within the Village and to any Village official upon request.

#### F. APPEAL.

Any person who has had a Solicitation Permit revoked or for whom the Village Clerk has refused to issue a Solicitation Permit upon application may appeal the decision in writing to the Mayor of the Village within five (5) days following the revocation or disapproval setting forth the reasons such action should not have been taken. The Mayor will notify such appellant within seven (7) days after the date of receipt of the written appeal of her decision.

## G. PENALTIES

Whoever violates of this Ordinance is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth offense for any subsequent offense occurring within a twelve (12) month period.

**Village of Chippewa Lake  
Medina County, Ohio**

**Application for Solicitation Permit**

This form must be filled out entirely. A copy of a valid picture ID must be attached to the application. A separate application must be submitted for EACH person that is going to solicit. Permits may be issued under a business or organization name but each person soliciting must have a separate permit. A background check may be required. Check with the Village Clerk to see if you need a background check. Background checks may be obtained from the Medina County Sheriff's Office. Call 330-725-0028 to schedule an appointment for a WebCheck. Applications must be submitted by mail to the Village Clerk, Village of Chippewa Lake, P. O. Box 25, Chippewa Lake, OH 44215 and should be submitted ten (10) days prior to the intended solicitation. The application will be returned by regular U.S. mail by the Clerk or fax return, whichever is requested. **The Fee for this application is \$25.00 and the Applicant pays all costs associated with the background check.**

Application Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant's Date of Birth: \_\_\_\_\_ Type of Photo ID Submitted: \_\_\_\_\_

Photo ID/License Number: \_\_\_\_\_

Nature of Solicitation (what kind of sales, subscriptions, order, etc.): \_\_\_\_\_

Business/Organization Name: (if any) \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Dates Soliciting in the Village: \_\_\_\_\_

Return Permit by:

Fax to: \_\_\_\_\_

Mail to: \_\_\_\_\_

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**VILLAGE USE ONLY**

Application Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_

Background Check Required: ( ) Yes ( ) No

Approved/Denied: \_\_\_\_\_

Official Signature: \_\_\_\_\_

Permit No.: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

## **XII. FORECLOSURE REGISTRATION PROCEDURE**

**ORDINANCE NO. 748-13**, adopted 2/11/13

Establishes registration procedure for vacant properties

### **FORECLOSURE REGISTRATION**

#### **A. APPLICATION OF ORDINANCE**

This Ordinance shall apply to all properties located within the Village.

#### **B. DEFINITIONS**

1. "Person" means a natural person or any legal entity included, but not limited to, a corporation, firm, partnership, trust or association, and the attorney or law firm representing a party initiating a foreclosure action.
2. "Vacant" means that no person actually resides in any part of the building or structure on the property, or that no person conducts a lawful business in any part of the building or structure located on the property, or that there is no building or structure on the property.

#### **C. NOTICE OF FORECLOSURE FILING**

1. Any person who files a complaint in any court of competent jurisdiction for foreclosure involving real property located within the Village shall notify the Village of the filing of the foreclosure complaint within thirty (30) days after filing of the complaint.

#### **D. PERSON RESPONSIBLE FOR MAINTENANCE IN THE EVENT OF FORECLOSURE:**

1. If the building or structure on a property that is the subject of a foreclosure proceeding is vacant at the time the foreclosure complaint is filed with a court of competent jurisdiction, then the person filing the foreclosure complaint shall notify the Village in writing of the name, address and contact information for the person who will be responsible for maintaining the property in compliance with all applicable provisions of the Ordinances of the Village.
2. If the building or structure on the property that is the subject of a foreclosure proceeding becomes vacant at any time after the foreclosure complaint is filed with a court of competent jurisdiction, then the person filing the foreclosure notice shall notify the Village in writing of the name, address and contact information for the person who will be responsible for maintaining the property in compliance with all applicable provision of the Ordinances of the Village.
  3. If at any time during the foreclosure proceedings there is a change in the person(s) responsible for maintaining the property, then the person filing the foreclosure complaint shall notify the Village in writing of the name, address and contact person who will, or who has, assumed responsibility for maintaining the property within ten (10) business days of the changes.

#### E. PENALTY

Whoever fails to file any of the foregoing notices with the Village as required by this Ordinance shall be deemed guilty of an unclassified misdemeanor and subject to a fine of five hundred dollars (\$500.00). Each day during which non-compliance continues shall constitute a separate offense.

VILLAGE OF CHIPPEWA LAKE  
MEDINA COUNTY, OHIO

**NOTIFICATION OF FORECLOSURE FILING**

**Ordinance No. 748-13 of the Village requires a party who files a foreclosure action for any property located within the Village to provide the Village with notice of the foreclosure, and the following information within thirty (30) days after the filing of the complaint.**

**Whoever fails to file Notice of the Foreclosure or fails to identify the person responsible for such property is guilty of an unclassified misdemeanor and subject to a fine of Five Hundred Dollars (\$500.00).**

**COURT INFORMATION**

Court Case No. \_\_\_\_\_ Foreclosure File Date: \_\_\_\_\_

Is Structure Occupied: \_\_\_\_\_ YES \_\_\_\_\_ NO

Party/Company Filing Complaint: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name(s) \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY DESCRIPTION**

Address of Property: \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_

Type of Property: \_\_\_\_\_ Single Family \_\_\_\_\_ Multi-Family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Industrial

**INDIVIDUAL RESPONSIBLE FOR MAINTENANCE\*\***

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

\*\*If the property subsequently becomes vacant or if the individual responsible for maintenance changes, the person who filed the foreclosure complaint shall notify the Village of the name, address, telephone number and contact information for the person who will be responsible for maintaining the property within ten (10) days of the change.

**VACANT BUILDING PLAN**

(     )     **Demolition** \_\_\_\_\_

(     )     **Secure and maintain** \_\_\_\_\_

(     )     **Rehabilitation** \_\_\_\_\_

(     )     **Other – Explain:** \_\_\_\_\_

\_\_\_\_\_

I certify that the information given herein is true and complete to the best of my knowledge.

I understand that any false or misleading information may subject me to prosecution under Ohio Revised Code §2921.13.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Email

\_\_\_\_\_  
Address

\_\_\_\_\_  
Fax Number

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Telephone

# XIII. CLANDESTINE DRUG LABS

ORDINANCE NO. 749-13 adopted June 10, 2013, effective July 10, 2013

## CLANDESTINE DRUG LABS

### A. DEFINITIONS

1. **CHEMICAL DUMPSITE** means any place or area where chemicals or other waste materials used, intended to be used, or produced in a clandestine drug lab have been located.
2. **CLANDESTINE DRUG LAB** means a location used for the unlawful manufacture or attempt to manufacture controlled substances.
3. **CLANDESTINE DRUG LAB SITE** means any place or area where law enforcement has determined that conditions associated with the operation of a clandestine drug lab exist. A clandestine drug lab site may include residential, commercial, industrial or institutional structures, accessory buildings, accessory structures, motor vehicles, a chemical dumpsite or any land.
4. **CONTROLLED SUBSTANCE** means a drug, compound, mixture, preparation, or substance included in schedules "I" through "V" of Ohio Revised Code §3719.41 or as amended from time to time. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
5. **EXPENSE** means any expense incurred due to the use of employees, materials, and/or equipment of the Village or its agent to investigate, mitigate, minimize, remove or abate any hazardous condition.
6. **HOUSEHOLD HAZARDOUS WASTES** means waste generated from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with all federal, state and local regulations.
7. **MANUFACTURE** means the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing repacking, tableting, encapsulation, labeling, relabeling, filling, or by other process, of controlled substances. This does not include manufacturing which occurs in a pharmacy or a licensed pharmaceutical manufacturing facility.
8. **OWNER** means any person, firm or corporation who along or jointly or severally with others has legal title to any land, buildings, or structures associated with a clandestine drug lab site or chemical dumpsite, with or without accompanying actual possession thereof. Owner also includes vendor or vendee under a land contract, whether recorded or not, or the executor, executrix, administrator, Administratrix, trustee, or guardian of the estate of either the person with legal title or the land contract vendor or vendee.



## **B. NOTICE AND ORDER TO OWNER**

Where a law enforcement officer determines that an emergency condition caused by hazardous conditions associated with a clandestine drug lab site or chemical dumpsite exists, the Village or other authorities may dismantle and dispose of drug processing apparatus and/or chemicals. Upon identification of such emergency condition, a law enforcement officer or other representative of the Village shall serve written notice to the owner, agent, lessee, occupant, tenant or other person in charge of the premises that an emergency condition exists and ordering that the cost of abating the emergency condition be paid to the Village. The Notice and Order shall be served by personal service to both an occupant of the property and the owner of the property, or if personal service is not accomplished, then by posting in a conspicuous location at the property affected and mailing, by regular mail, to the address of the affected property if there is a dwelling thereon and to the property owner at the location to which the Auditor mails the tax bill for the property affected.

## **C. REQUEST FOR HEARING**

Any person affected by any Notice and Order to pay the cost of abating an emergency condition may request and shall be granted a Hearing on the matter before Village Council. The person must file, with the Village a written request for a Hearing and shall set forth the name, address and phone number of the appellant and a brief statement of the grounds for the Hearing. Requests for a hearing must be filed within seven (7) days after the Notice and Order is personally served, mailed or posted, whichever occurs first and shall be accompanied by a non-refundable deposit of Fifty dollars (\$50.00).

1. On receipt of the Request for Hearing, Village Council shall set a time and place for a hearing. Written notice of the hearing shall be sent by regular mail to the address provided by appellant in the Request for Hearing. The Hearing shall be held within a reasonable time after a request has been filed.
2. At the Hearing, the appellant shall be given an opportunity to be heard and to show cause why the Notice and Order should be modified or dismissed. The failure of the appellant or his/her representative to appear and present his position at the hearing shall be grounds for dismissal of the request.
3. Upon consideration of the evidence presented at the hearing, Village Council may affirm, disaffirm, modify or dismiss the Notice and Order by regular Council voting rules as provided by law. The appellant shall be notified in writing of the decision.
4. Any person aggrieved by the decision of the Village Council may seek Court review of the decision pursuant to the Ohio Revised Code.

## **D. EXPENSES AND LIEN**

All expenses incurred to remedy the emergency condition together with an administrative charge and/or fine, as described below, shall be reported to the Clerk/Treasurer or Fiscal Officer of the Village who shall mail a statement thereof to the owner of the property, if

his address is known. If after thirty (30) days, the amount remains unpaid, the Fiscal Officer shall certify the total amount of the expense, the name of the owner of the land, and a sufficient description of the premises, to the Auditor of the County, to be entered upon the tax duplicate, to be a lien on the land to be collected as other taxes and assessments and returned to the Village pursuant to R.C. §731.54. In addition to the actual expenses described above, the owner of the premises must pay an administrative charge to be set by Village Council.