

**CHAPTER 121**  
**Council**

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**CROSS REFERENCES**

Composition and term - see CHTR. Art. IV, Sec. 4.02  
Qualifications - see CHTR. Art. IV, Sec. 4.03  
President, Vice President - see CHTR. Art. IV, Sec. 4.04  
Power to fix salaries, bonds - see CHTR. Art. IV, Sec. 4.05, 4.17  
Removal from office - see CHTR. Art. IV, Sec. 4.07  
Vacancies- see CHTR. Art. IV, Sec. 4.08  
Meetings- see CHTR. Art. IV, Sec. 4.10, 4.11  
Legislative procedure; quorum - see CHTR. Art. IV, Sec. 4.12  
Ordinances and resolutions - see CHTR. Art. IV, Sec. 4.12 et seq.  
Compensation - see CHTR. Art. IV, Sec. 4.17  
Power to establish additional departments, boards, commissions - see CHTR. Art. IV, Sec. 4.18  
Initiative, referendum and recall - see CHTR. Art. XIX  
Amendments to Charter- see CHTR. Art. XXI  
Power to establish auxiliary police unit - see Ohio R.C. 737.051

**121.01 PLACE OF MEETINGS.**

Beginning immediately, all special and regular meetings of Council will be held in the Council Chambers of the Municipality unless the President of Council, with notice to the public in writing, elects to change the location of said meeting. The date and time of the regular meetings of Council are not changed hereby.  
(Ord. 0061-2011. Passed 4-4-11.)

**121.02 DAY AND TIME OF MEETINGS.**

Regular meetings shall be held at the time and days as specified by the Rules of Procedure for Council. Special meetings shall be held when called, according to the provisions of the Charter. (Ord. 2-72. Passed 2-7-72.)

**121.03 COMPENSATION.**

Council members shall each receive compensation in the amount of eight hundred dollars (\$800.00) per month, payable the second pay period of each month.

Effective with the term beginning January 2, 2008, the Council Member serving as President of Council shall receive an additional one hundred dollars (\$100.00) per month in compensation.

Members of Council shall receive no additional compensation other than herein provided for any duties imposed upon them by reason of their membership on Council. (Ord. 0242-2006. Passed 12-18-06.)

**121.04 RESIDENCY QUALIFICATIONS OF WARD COUNCILPERSONS.**

A candidate for a Council seat shall be a qualified elector of the Ward from which such candidate is seeking office for at least ninety days prior to the date of such election and thereafter during his/her term, and shall also be qualified for the office as required in the City Charter and the laws of Ohio. (Ord. 26-79. Passed 2-20-79.)

**121.05 CONDITIONS OF ANNEXATION TO CITY.**

(a) Notification. Following official notification to the Clerk of Council by Franklin County Board of ~~County~~ Commissioners of a proposed annexation, the Clerk shall report the same at the next regular meeting of Council.

(b) Highway Right of Way Reviewed. The Clerk shall obtain from the City Engineer the right of way required by the approved Master Thoroughfare Plan for the City. The Clerk shall then notify the ~~Franklin County Board of County Commissioners~~ Board that the City shall require of the petitioners a general warranty deed for such right of way as a condition of accepting the proposed annexation; provided, however, that upon the written determination by the City Attorney that circumstances exist which make it impracticable to obtain the required right of way set forth herein, Council may, by floor motion, waive said right of way requirement as a condition of accepting a proposed annexation. Council in its floor motion may impose conditions and time frames for acceptance of the right of way as it deems appropriate under the circumstances.

~~(c) For any proposed annexation approved by the County Board of County Commissioners Board, during the calendar year 1993 the following shall apply:~~

~~(1) Zoning application filed. If a zoning change application is filed for newly annexed property, the applicant shall be required to dedicate right of way as required by the approved master thoroughfare plan for the City. Such right of way shall be deeded to the City by general warranty deed prior to acceptance of the annexation by Council.~~

~~(2) No zoning application filed. If a zoning change application is not filed for newly annexed property, the property shall be initially zoned ER-1 or ER-2 under authority of Section 1133.08 of the Codified Ordinances.~~

~~(3) Rezoning application. If a property is initially placed under the ER-1 or ER-2 zoning authorized by Section 1133.08, a right-of-way dedication shall be required upon application for rezoning.~~

~~(Ord. 990070. Passed 2-16-99.)~~

**121.06 DEPUTY COUNCIL CLERK.**

Council may, from time to time, appoint a Deputy Clerk of Council to perform the duties of the Clerk of Council and/or related duties as directed by the Clerk of Council. (Ord. 60-82. Passed 6-15-82.)

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**CHAPTER 135**  
**Department of Public Service and Engineering**

135.01 Director of Public Service.	135.07 Contract execution and delegation by Mayor.
135.011 Deputy Director of Public Service.	135.08 Prohibited bidder.
135.02 Sale of obsolete items.	135.09 Usage charges for City vehicles or off-road unlicensed equipment.
135.03 Purchasing Agent and procedures.	<u>135.10 Fees.</u>
135.04 Purchasing requirements.	<u>135.11 Fees; exemptions.</u>
135.05 Bid opening and acceptance.	<u>135.12 Fees; refunds.</u>
135.06 Council action.	

CROSS REFERENCES  
Department of Public Service and Engineering - see CHTR. 5.05

**135.01 DIRECTOR OF PUBLIC SERVICE.**

(a) The Director of Public Service shall have the responsibility for construction, improvement, and maintenance of all public works, buildings, cemeteries, roads, streets, and all other public places of the ~~Municipality~~City, except as provided elsewhere by Code, and the collection and disposal of wastes and the enforcement of sanitary regulations. The Director shall have charge of, and shall supervise the maintenance of, all municipal property, and the collection and disposal of wastes and the enforcement of sanitary regulations. The Director shall have charge of and shall supervise the maintenance of all municipal property, and equipment and the storage of all materials and supplies. The Director shall also have charge of and supervise the Division of Water and the division of sewers which shall operate, maintain and control all of the water mains, water distribution system, pumps, meters, etc. in the ~~Municipality~~City, and the entire sanitary and storm sewer systems of said ~~Municipality~~City respectively. The Director shall be responsible for the purchasing function for the ~~Municipality~~City and all purchases shall be made only in the manner provided for within the Codified Ordinances. The Director of Public Service shall be responsible for the issuance of all zoning and building permits and shall supervise the administration and enforcement of the Zoning and Building ordinances.

(b) The hours worked, vacation and other employment benefits set out in the unclassified salary ordinance shall apply to the Director of Public Service.  
(Ord. 0115-2013. Passed 8-19-13.)

**135.011 DEPUTY DIRECTOR OF PUBLIC SERVICE.**

The Mayor is authorized and directed when such position is deemed necessary to employ a Deputy Director of Public Service for the City.

The Deputy Director of Public Service shall:

- (a) Work under the general direction of the Director of Public Service and shall serve as the Director in the Director's absence.

- (b) Act as the Utilities/Right of Way Manager.
- (c) Perform such other duties as may be assigned by the Director of Public Service.

(Ord. 0115-2013. Passed 8-19-13.)

### 135.02 SALE OF OBSOLETE ITEMS.

At such time as equipment with marketable value, including motor vehicles and supplies of the City, serve no municipal purpose as determined in writing by the Director of Public Service, said Director is authorized and directed to provide for the sale, trade-in or disposal of such equipment and supplies, in the following manner:

- (a) Surplus property shall be sold, traded-in or disposed of by one of the following methods:
  - (1) By acceptance of sealed bids, after appropriate advertising;
  - (2) By public auction, after appropriate advertising;
  - (3) By internet auction;
  - (4) By trade-in, when advantageous to the City, if the City is purchasing equipment in which the trade-in value can be used to reduce the cost of the new piece of equipment.
  - (5) By disposal to a recycling company.
- (b) Equipment that is determined by the Director of Public Service to have no marketable value or deemed unsafe or in dangerous condition, may be disposed of as determined by the Director of Public Service.

Proceeds from the sale of surplus property shall be deposited in the ~~city~~ City treasury to the credit of the fund having paid for the equipment. Proceeds from the sale of surplus property that was not purchased by the City shall be credited to the general fund. The Director of Finance shall keep full and accurate records of the sale or trade-in of such property.  
(Ord. 0115-2013. Passed 8-19-13.)

### 135.03 PURCHASING AGENT AND PROCEDURES.

(a) Except as otherwise provided in this chapter, the Director of Public Service shall have the exclusive authority to purchase and lease all goods and services not requiring bidding except under the following circumstances:

- (1) Peace officer services pursuant to Chapter 139, Police Department, which shall be authorized by the Director of Public Service and the Mayor;
- (2) In an emergency, as declared by the Mayor pursuant to Section 131.01, the Mayor or the Mayor's designee can purchase directly without regard to bidding procedures those items necessary to overcome the emergency. In such cases, the Mayor shall personally authorize such purchases.
- (3) The purchase of any goods or services on behalf of the City without the written approval of the Director of Public Service or the Director's designee, shall be without authority of the City.

(b) For audit purposes and as a matter of public record, the following information will be documented and included with the purchase order when sent to the Director of Finance concerning purchases made in excess of three thousand dollars (\$3,000.00), but not purchased through competitive bidding procedures:

- (1) Procedures that were used to select the seller of the goods and services, including the names of the competitors contacted;
- (2) The reasons for selecting the seller;
- (3) Other information as required depending on the nature of the purchase.

(c) The Director of Public Service shall adopt rules and regulations for the internal management and operation of the purchasing function. The Director shall prescribe and maintain such forms as reasonably necessary to the operation of the purchase function and the Director may require any department or board seeking the purchase of any goods or services to justify their request and may require that prior to making any purchases, the department or agency requesting the purchase shall first seek Director of Finance approval that there are sufficient funds in that department or agency budget to enable the ~~encumbrance~~ encumbrance of the appropriate amount of money.

(d) The Director of Public Service may develop a prohibited bidder list pursuant to Section 135.08.

(e) The Director of Public Service may negotiate with other units of government, including the Board of Education, in the joint purchasing of goods and services when the best interest of the City would thereby be served.

(f) The Director of Public Service may monitor contracts to assure that the terms of the agreement are fulfilled and in the event of any violation thereof shall report to the City Attorney the results of the Director of Public Service's investigation for further action.

(g) When City of Gahanna funds are expended, the Director of Public Service requires that:

- Competitive bids be obtained where appropriate.
- Avoid sole-source purchases unless fully justified.
- Purchase only authorized goods and services.
- Ensure that all expenditures are made in accordance with City of Gahanna guidelines.  
(Ord. 0115-2013. Passed 8-19-13.)

#### **135.04 PURCHASING REQUIREMENTS.**

(a) All purchases and leases, of equipment, supplies, parts, and services approved by the Director of Public Service, including options for longer than six months, shall be accomplished through competitive bidding except as listed in paragraph 135.05(e), Exceptions to the Competitive Bidding Requirement.

(b) There are four basic means of making purchases for the City of Gahanna as follows:

- (1) Invitation for bids (IFB).
- (2) Request for proposals (RFP).
- (3) Petty cash.
- (4) Reverse auction.

(c) Invitation for Bid Procedures.

- (1) Upon receipt of any request by a department or agency of the City for goods or services which are required to be bid, the Director of Public Service shall seek Council approval by motion and vote for the Director to advertise for such bids. Upon receipt of approval, the Director shall thereafter prepare appropriate notice for bid request which shall be advertised in full in a newspaper of general circulation within the city for one week. Thereafter, the Director shall advertise a second time either in the full version or in an abbreviated version that directs the public to the full notice on the State of Ohio's public notice website.
- (2) The notice for bid request shall contain the following information:
  - A. The quantity of items specified and, in general, the use for which they are intended;
  - B. The time and place where the bids will be opened;
  - C. Conditions under which the bid will be received;
  - D. Terms of the proposed purchase or lease including a notice that the bid selected by the Director of Public Service may be conditioned upon subsequent Council approval;
  - E. Bond requirements for both bidding and the performance of the contract;
  - F. Such other information as the Director of Public Service deems necessary.
- (3) The Director of Public Service may, to secure the lowest responsive and responsible bid, divide the goods and services requested or needed within the ninety days of the bid request in such manner as the Director deems appropriate, but may not divide the purchase or lease in such a way to avoid the competitive bidding.

(d) Request for Proposals. As listed under Section 135.05(e), purchases under \$50,000 generally fall into the category of the informal method of purchasing. Specifications or descriptions are necessary and request for proposals will normally be submitted in writing. However, under unusual circumstances, proposals may be obtained verbally or over the phone. Also, quotes may be accepted, which are submitted on the quoter's letterhead. Under this informal method of purchasing, the City employee conducting the negotiation will be required to be fully familiar with item(s) or services being procured, the need for the materials or services, and will be further qualified to inspect and accept the finished product. The department or agency involved in purchases under \$50,000 must also ascertain from the Director of Finance that sufficient funds are available in the proper category to cover the purchase.

(e) Petty Cash. Expenditures up to \$20.00 may be reimbursed through the petty cash system as outlined in the City of Gahanna Policy and Procedure Manual.

(f) Reverse Auction. Purchasing process in which offerors submit proposals in competing to sell services or supplies in an open environment via the Internet:

- (1) Whenever the City determines that the use of the reverse auction is advantageous to the City, the Director of Public Service or designee may purchase goods or services by reverse auction.
  - A. The City, in establishing a reverse auction process will:
    1. Determine the specifications and requirements of the goods or services to be acquired.

2. Provide notice to potential sellers concerning the proposed acquisition as noted in Section 135.04.
- B. Prior to conducting a reverse auction, the City may establish a threshold amount which shall be the maximum amount that the City is willing to pay for the goods or service to be acquired.
  - C. The City may enter into a contract with a seller which meets the specifications or description of the goods or services to be procured and whose proposal the City determines to be the lowest, responsive, and responsible as described in Section 135.05(d).  
(Ord. 0115-2013. Passed 8-19-13.)

### **135.05 BID OPENING AND ACCEPTANCE.**

(a) All bids shall be received only at a location and time specified in the notice and shall be kept sealed until the bids are opened. Bids shall be opened publicly and read aloud.

(b) The Director of Public Service may reject any bid which fails to comply materially with the terms of the bid notice. Bids which are not accompanied with bonds, as required in the notice, shall be deemed to have failed to comply with the terms of the bid notice.

(c) A bidder for a contract shall be considered responsive when the bidder's proposal responds to bid specifications in all material aspects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. Irregularities which do not materially affect the bid may be deemed technical defects and may be corrected after the bid opening.

In determining whether a bidder is responsible, the following factors shall be considered:

- (1) The bidder's experience;
- (2) The bidder's financial condition;
- (3) The bidder's conduct and performance on previous contracts;
- (4) The bidder's facilities;
- (5) The bidder's management skills;
- (6) The bidder's ability to execute the contract properly;
- (7) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (8) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- (9) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (10) The number and scope of conditions attached to the bid.

(d) Upon consideration, the Director of Public Service shall select the three lowest, responsive, and responsible bidders, if there are more than three bids, and shall recommend to Council in writing a choice from the bidders as the lowest, responsive and responsible. In the event that a recommendation is in favor of one other than the lowest, the Director shall also state the reasons in writing therefor. Further, the Director shall include with the recommendation, if available, a proposed contract approved in the form by the City Attorney and other accompanying documents needed for the final execution of the award of the contract.

(e) Exceptions to the competitive bidding requirement:

- (1) Formal competitive bidding is not required for purchases less than fifty thousand dollars (\$50,000).

- (2) Products and services of the severely disabled. Competitive bidding is exempt for those purchases from a qualified nonprofit agency pursuant to Ohio R.C. 4115.31 to 4115.35.
- (3) Emergency purchases. Council may, by majority vote of Council, authorize the Director of Public Service to enter into a contract for work to be done or for the purchase of goods and services without formal bidding and advertising. If this section is enacted, the Director of Public Service must provide adequate documentation to Council to justify the exception to the bidding requirement.
- (4) Purchases from governmental entities. The Director of Public Service may purchase equipment, services, materials or supplies from the State of Ohio, any department, division, agency, political subdivision of the State, or other cooperative purchasing organization of public entities without advertising and bidding, provided Council authorizes the purchase by ordinance. Section 9.48 Joint Purchasing Programs of the Ohio Revised Code is hereby incorporated by reference.
- (5) Purchases of used equipment. Council may authorize by ordinance the Director of Public Service to purchase, without competitive bidding, used equipment or supplies at an auction open to the public or at a public sale requesting the submission of written bids.
- (6) Professional and/or personal services. The statutory provisions regarding competitive bidding for City contracts, generally, do not apply to contracts for professional and/or personal services.
- (7) Reverse auction.  
(Ord. 0115-2013. Passed 8-19-13.)

#### **135.06 COUNCIL ACTION.**

(a) Council shall consider within thirty days of the receipt of the recommendation of the Director of Public Service, pursuant to Section 135.05, and shall place the matter on the Council agenda. The Director of Finance shall certify to Council prior to the meeting at which the recommendation is scheduled to be considered that there are funds available or in the process of being collected for the payment of the agreement, pursuant to its terms.

(b) If Council approves the recommendation as the lowest responsive and responsible bidder, it shall pass an ordinance authorizing the Mayor to enter into such an agreement with the selected bidder. Council may authorize either the Mayor or the Director of Public Service to further negotiate certain items of the agreement.

(c) Upon enactment of the ordinance, the Director of Finance shall approve the encumbrance of sufficient funds to fulfill the obligation of the City. The Director of Finance shall remove any encumbrances when, in the Finance Director's judgment, the City no longer has any obligations with respect to the contract.  
(Ord. 0115-2013. Passed 8-19-13.)



**135.07 CONTRACT EXECUTION AND DELEGATION BY MAYOR.**

When an ordinance is enacted, the Mayor shall proceed to execute the contract as authorized and shall report to Council any unforeseen delays in negotiation and execution of the contract.

(Ord. 0115-2013. Passed 8-19-13.)

**135.08 PROHIBITED BIDDER.**

(a) The Director of Public Service shall have the authority to declare a vendor or lessor a prohibited bidder who shall thereafter not be permitted to participate in the bidding procedure nor receive any business from the ~~Municipality~~ City for a stated period of time, as deemed appropriate by the Director of Public Service, not to exceed one year, if the vendor:

- (1) Has previously defaulted in its quotations to the City;
- (2) Has failed to fulfill its obligations under a previous contract with or purchase by the City;
- (3) Is presently disqualified from bidding or receiving any business from any other unit of local government within Franklin County or with the State of Ohio.

(Ord. 0115-2013. Passed 8-19-13.)

**135.09 USAGE CHARGES FOR CITY VEHICLES OR OFF-ROAD, UNLICENSED EQUIPMENT.**

(a) The Department of Public Service and Engineering shall be solely responsible for the use of all such vehicles or off-road unlicensed equipment, as well as for the billing, collection and depositing of fees as established.

(b) The hourly rates shall be based upon the Federal Emergency Management Agency's Schedule of Equipment rates prevailing at the time of the use.  
(Ord. 0115-2013. Passed 8-19-13.)

**135.10 FEES.**

(a) ~~Council shall by ordinance establish and annually adjust fees for all types of applications, permits and other specialized services provided by the Department of Public Service and Engineering, which includes the Division of Building and Zoning, and such document shall be referred to as the "Building and Zoning Fee Schedule". All fees are for the purpose of defraying the costs of preparing necessary maps, plats, reports, analyses, administration, legislation, notices, acquiring data, conducting surveys and other related work.~~ The fee in effect on the date of receipt of any application shall be the fee charged.

(b) ~~Any person desiring to do or cause to be done anything for which a fee is required by the Building and Zoning Fee Schedule, shall upon application or prior to issuance pay to the Department through the cashier the fee prescribed by the then current Building and Zoning Fee Schedule. The Building and Zoning Fee Schedule shall be posted in the offices of the Department and shall be made available upon request.~~

**(c) Park Fee.**

(1) ~~In addition to the fees and deposits required by other sections of the Codified Ordinances of Gahanna a park fee shall be paid by the developer in accordance with the following:~~

**A. Residential**

1. ~~A single-family dwelling shall be equal to a one dwelling unit.~~

2. ~~Each unit in a two-family dwelling shall be equal to one dwelling unit.~~

3. ~~Each unit in a multi-family dwelling shall be equal to one dwelling unit.~~

**B. Non-Residential**

1. Each unit or room in an Extended Stay or Residential Hotel shall be equal to one dwelling unit.
2. Each unit or room in a family care facility or independent senior living facility shall be equal to one dwelling unit.
- (2) Such park fee shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 of these Codified Ordinances.
- (3) Such fee shall be collected prior to issuance of a certificate of occupancy.
- (4) The fees so collected shall be deposited in a Park Fund for the improvement of recreational facilities within existing publicly owned and operated park facilities and the purchase of recreational equipment. Such funds shall not be used for the maintenance and operation expenses incurred by the Parks Department in the daily operation of park facilities.  
(Ord. 0175-2014. Passed 12-15-14.)

### **135.11 FEES; EXEMPTIONS.**

(a) The City of Gahanna, shall be exempt from fees in the Building and Zoning Fee Schedule, but must nevertheless secure the appropriate permits, file appropriate applications, and submit to inspections. This exemption shall not apply to fees that are paid to or shared with non-City employees under contract, by Code, or by Ordinance. This exemption shall also not apply to the fees required for portions of private structures utilized by the City of Gahanna. Fees shall be charged for the areas of buildings owned by the City of Gahanna that are not used exclusively by the City in accordance with the fees established in the Building and Zoning Fee Schedule.

(b) Bona fide corporations not-for-profit, upon written request to Council, and upon approval by Council, shall be exempt from fees in the Building and Zoning Fee Schedule, but must nevertheless secure the appropriate permits, file appropriate applications, and submit to inspections. This exemption shall not apply to fees that are paid to or shared with non-City employees under contract, by Code, or by Ordinance.

(c) Individuals or corporations claiming a hardship, upon written request to Council for a waiver or reduction of fees, and upon approval by Council, shall be exempt from or shall receive the approved reduction in the applicable fees in the Building and Zoning Fee Schedule, but must nevertheless secure the appropriate permits, file appropriate applications, and submit to inspections. This exemption shall not apply to fees that are paid to or shared with non-City employees under contract, by Code, or by Ordinance.  
(Ord. 0014-2011. Passed 2-7-11.)

### **135.12 FEES; REFUNDS.**

(a) All fees as enumerated in the Building and Zoning Fee Schedule are non-refundable except as otherwise denoted in this section.

(b) A refund shall require a refund fee to cover the cost of making the refund and/or costs incurred. This refund fee shall be deducted from any amount to be refunded.

(c) An overpayment equal to or less than the refund fee shall be considered the refund fee and shall be added to the permit fee.

(d) Any refund of a permit application fee submitted for land, which is later determined to be located outside the city is subject to a refund fee.

(e) The Director of Public Service may waive the refund fee upon determination that the refund is necessary due to an error on the part of a city employee.

(f) The Director of Public Service shall not refund a fee upon determination that the refund is necessary due to an error on the part of an applicant.

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**CHAPTER 136**  
**City Engineer**

- 136.01 City Engineer.**  
**136.02 Cost of inspection, supervision.**

CROSS REFERENCES

Department of Public Service and Engineering - see CHTR. 5.05  
Approval of plats; inspection of streets and acceptance - see Ohio R.C. 711.08, 711.091  
Devising and forming plan of sewerage - see Ohio R.C. 729.31 et seq.  
Civil engineer - see Ohio R.C. 733.80  
General duties - see Ohio R.C. 735.32  
Assistants - see Ohio R.C. 735.33  
Registration as a professional engineer - see Ohio R.C. Ch. 4733

**136.01 CITY ENGINEER.**

(a) The City Engineer shall perform all of those engineering functions in the matters of construction and maintenance undertaken by the Sewer and Water Division, the Street Division and other public work projects undertaken by the City and such other duties as may be imposed from time to time by the Mayor.

(b) Whenever the position of City Engineer is vacant, the ~~Assistant City Engineer~~ Director of Public Service shall act as or appoint ~~serve as an~~ acting City Engineer. (Ord. 0031-2011. Passed 2-22-11.)

**136.02 COST OF INSPECTION, SUPERVISION.**

(a) For infrastructure improvements as provided by development standards within the City, the developer shall pay the cost to the City of the approval of the plans and specifications, inspection, materials, laboratory testing and engineering supervision of construction by the City Engineer and the cost of the legal services to the City and administrative expense incident to such improvements.

The developer shall submit an estimated cost of construction and deposit such sums of money as are estimated to be necessary for the foregoing purposes, and in the event that such estimated amounts are found to be insufficient, shall deposit such additional sum as may be necessary, all unexpended moneys so deposited to be refunded.

(b) The charge to be collected for legal service and administrative expense shall be one and one-half percent (1-1/2%) of the estimated cost of construction of dedicated infrastructure improvements and one percent (1%) of the estimated cost of private storm sewer systems; provided, however, that the Director of Public Service may determine upon a different charge where, in his opinion, such percentum charge is not fair to both parties.

(c) For dedicated infrastructure improvements the charge to be collected for City Engineer review and approval of plans, specifications and general engineering supervision of construction shall be one and one-half percent (1-1/2%) of the estimated cost of construction. For privately-owned storm sewer systems, the charge to be collected for City Engineer review and approval of plans, specifications, and general engineering supervision of construction shall be one percent (1%) of the estimated cost of construction.

(d) The charge to be collected for escrow accounting for inspection of dedicated infrastructure construction shall be ~~four-eight~~ percent (8.4%) of the estimated ~~field~~ cost of construction from which all charges shall be paid as required, or the actual cost for contracted third party inspection services. ~~The charge to be collected for escrow accounting for inspection of private storm sewer system construction shall be two percent (2%) of the estimate field cost of construction from which all charges shall be paid as required.~~ When all work is complete, the remaining moneys shall be returned or, if necessary, additional moneys shall be deposited.

(e) The developer shall be required to provide a cash maintenance bond equal to five percent (5%) of the total cost of the street light installations. Such amount shall be deposited at the time energization is requested, and shall be used by the City to perform necessary repairs during the one-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest.

(f) The developer shall be responsible for keeping access streets, used during the construction period, reasonably clean and free from mud and other debris. This responsibility shall extend to the newly constructed streets during the developer maintenance period. Should the developer fail to perform this or any other required maintenance, the City may, at its option, contract for this work and charge the costs directly against the escrow deposits. Should the escrow deposit be insufficient to cover all compliances required during this period, additional money shall be deposited.  
(Ord. 45-95. Passed 4-18-95.)

**CHAPTER 148**  
**Department of Planning and Development**

EDITOR'S NOTE: The Gahanna Urban Renewal and Development Plan was adopted by Ordinance 30-78, passed March 20, 1978 and amended by Ordinance 89-78, passed September 19, 1978.

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| <p>148.01 Finding of blight and definitions.</p> <p>148.02 Director of Planning and Development.</p> <p>148.03 Contents of urban renewal or urban redevelopment plans and the relocation plan.</p> <p>148.04 Public hearing and Council action.</p> <p>148.05 Implementation of urban renewal or redevelopment projects.</p> <p>148.06 Building permits restricted in project areas.</p> <p>148.07 Previous proceedings.</p> | <p>148.08 Transfer of City interests in realty without competitive bidding.</p> <p>148.09 Leases authorized without bidding; conditions.</p> <p>148.10 Planning Guide adopted.</p> <p>148.11 Eminent domain.</p> <p><del>148.12 Fees.</del></p> <p><del>148.13 Fees; exemptions.</del></p> <p><del>148.14 Fees; refunds.</del></p> |
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CROSS REFERENCES

Appropriation of property - see Ohio R.C. Ch. 163  
Transfer of realty interests - see Ohio R.C. 721.28  
Urban Renewal Debt Retirement Fund - see Ohio R.C. Ch. 725  
Urban Redevelopment Tax Increment Equivalent Fund - see ADM. 133.06

**148.01 FINDING OF BLIGHT AND DEFINITIONS.**

- (a) It is found and determined that:
- (1) There exists within the City, blighted areas of the nature defined in subsection (b)(1) hereof which constitute a serious and growing menace presently or potentially injurious and inimical to the public health, safety, morals and general welfare of the residents of the City.
  - (2) That the existence of such areas:
    - A. Contributed substantially and increasingly to the spread of disease, crime or to losses by fire and accident, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, or for other public services and facilities;

- B. Constitutes an economic and social liability; and
  - C. Substantially impairs and arrests the sound growth of the community; retards the provision of housing accommodations, aggravates traffic problems, and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities;
- (3) That this menace is beyond remedy and control solely by regulatory processes and exercise of the police power, and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids herein provided;
  - (4) That the elimination in whole or in part of blighted areas, and the prevention of occurrence or recurrence of such areas by redevelopment and by the conservation, rehabilitation and reconditioning, to the extent feasible, of the salvageable portions of such areas, and by other activities pursuant to Urban Redevelopment or Urban Renewal as defined herein, are public uses and purposes for which public money may be expended and private property acquired by purchase, by donation and by appropriation, and are governmental functions of concern to the City, and require the exercise of the powers of government granted to the City by the provisions of Article XVIII of the Ohio Constitution;
  - (5) That the necessity in the public interest and general welfare, for the provisions of this chapter, is hereby declared as a matter of legislative determination.
- (b) As used in this chapter:
    - (1) "Blighted area" means an area requiring urban renewal or redevelopment within the City declared by ordinance as containing any of the following which either individually or in combination substantially impairs or arrests the sound growth, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare of the area or the City in its present condition and use:
      - A. Deteriorated or deteriorating structures, whether occupied, vacant or abandoned;
      - B. Buildings or other structures that have been destroyed or partially destroyed or damaged and have not been repaired or restored to comply with the City's building and other applicable codes;
      - C. Land that is extensively littered with demolition or other debris, scrap, refuse or solid waste;
      - D. Defective, inadequate or inefficient street layout, or inadequate, nonexistent or defective access to improved streets;
      - E. Inadequate or nonexistent public utility facilities for water or sewage within the area, or failure of residential units to connect to water or sewer facilities reasonably available within the area;
      - F. Unsanitary or unsafe conditions;
      - G. Faulty lot or parcel layout in relation to size, adequacy, accessibility or usefulness;

- H. Diversity of existing land uses or uses of land in a manner that is detrimental to the orderly development and use of land in the area and surrounding areas;
  - I. The existence of public or private uses of land within or near the area for sanitary landfills (whether actively used or inactive), dumps, railroad tracks, lines, bridges, tunnels or facilities, limited access highways, airports or landing fields, junk or salvage yards, or sewage treatment facilities, or land, the contours of which have been both unnaturally and detrimentally affected;
  - J. Inadequate storm water drainage, conditions conducive to flooding or unhealthful retention of storm water, sewage or water of undeterminable origin;
  - K. Tax or special assessment delinquency exceeding the fair market value of the land;
  - L. Defective or unusual conditions in respect of real property titles;
  - M. The existence of conditions which endanger life or property by fire or other causes;
  - N. The existence of conditions which are conducive to ill-health, or the transmission of disease, including but not limited to conditions which foster and promote the habitation of rodents, vermin, mosquitos and other harmful insects;
  - O. Inadequate provision for ventilation, light, air, sanitation or open spaces;
  - P. The location of land near sources of noise of sufficient intensity to render as undesirable its use for residential purposes, including but not limited to such sources as airports, limited access highways and industrial or manufacturing plants.
- (2) "City" means the City of Gahanna, Ohio.
  - (3) "Director" means the Director of Planning and Development of the City of Gahanna, Ohio.
  - (4) "Redeveloper" means any person or entity, purchasing or leasing property from the City within a blighted area, or one owning property located within such area and entering into a conforming agreement with the City in consideration of being permitted by the City to retain title to such property.
  - (5) "Rehabilitation" or "conservation" or "reconditioning" includes those undertakings and activities identified in subsection (9), items B, C, D, E, G and H of this section.
  - (6) "Solid waste" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural and community operations, including earth or material from construction, mining, or demolition operations and slag and other substances, including but not limited to garbage, combustible and noncombustible material, street dirt and debris.
  - (7) "Urban renewal" or "urban redevelopment" means the City activities for developing, undertaking and carrying out of urban renewal or redevelopment programs and projects, including all planning and other related activities of the City in connection therewith, or any part of such activities.
  - (8) "Urban renewal plan" or "urban redevelopment plan" means a plan as it exists from time to time for the urban renewal or redevelopment of a blighted area or part thereof.

- improvements.
- (9) "Urban renewal project" or "urban redevelopment project" or "project" means undertakings and activities of the City, in accordance with urban renewal or urban redevelopment plans in a blighted area for the elimination and for the prevention of the development or spread of blight, and may involve clearance and redevelopment in a blighted area, or rehabilitation and conservation in a blighted area, or any combination or part thereof. Such undertakings and activities in a blighted area may include but not limited to:
- A. Acquisition of real property, or interests and rights therein, including the acquisition of air rights by purchase or condemnation.
  - B. Demolition and removal of buildings, structures and
  - C. Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out the urban renewal or urban redevelopment plan.
  - D. Disposition of property by sale, lease or otherwise, for uses in accordance with the urban renewal or urban redevelopment plan.
  - E. Encouraging and assisting interested citizens in a private or government program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan.
  - F. Construction of foundations and platforms necessary for the appropriate provision of air rights sites, and the preparation of land for development or redevelopment, including but not limited to clearance, grading, pilings, foundations and platforms.
  - G. Acquisition and repair or rehabilitation, and resale, of structures by the City or the purchaser under controls established by the City for dwelling use or related facilities.
  - H. Relocating within a blighted area a structure which the City determines to be of historic value and which will be disposed of to a public body or a private nonprofit organization which will renovate and maintain such structure for historic purposes.  
(Ord. 0120-2007. Passed 6-18-07.)

**148.02 DIRECTOR OF PLANNING AND DEVELOPMENT.**

- (a) There is hereby reestablished the position of Director of Planning and Development as a full-time position, to be appointed by the Mayor.
- (b) The Department and the Director shall have the following powers, duties and functions:
- (1) Maintain a continuing evaluation of the sources available for retention, development, redevelopment or expansion of residential dwelling units and industrial and commercial facilities in the City through both public and private agencies.
  - (2) Consult with the public or private agencies or authorities in the preparation of studies of human and economic needs or advantages relating to economic and community development and redevelopment.



- (3) Assist the Planning Commission in the preparation and maintenance of comprehensive plans and recommendations for the promotion of more desirable economic patterns of growth within the City.
- (4) Disseminate information concerning residential, industrial, commercial, governmental, educational, cultural, recreational and other advantages and attractions of this City.
- (5) Provide technical assistance to public and private agencies in the preparation of promotional programs designed to attract business.
- (6) Implement urban renewal and urban redevelopment plans and projects authorized and approved by ordinance by the Council.
- (7) Prepare plans and studies concerning all matters affecting development of the City, including but not limited to urban renewal and urban redevelopment plans.
- (8) Stimulating, promoting, and coordinating economic development and redevelopment within the City.
- (9) Acting as an ex officio representative of the City with any corporation or association organized for the promotion and development of economic growth within the City, including but not limited to: the Chamber of Commerce, Community Improvement Corporation, and trade associations.
- (10) ~~Shall be responsible for the issuance of all zoning and building permits and shall supervise the administration and enforcement of the Zoning and Building Ordinances.~~
- (11) Recruitment of new job-producing businesses to Gahanna for industrial and existing commercial areas;
- (12) To recommend Gahanna's economic reality and development promotional efforts to accomplish;
- (13) To provide information to investors/bankers for investment in the right businesses to operate and succeed in Gahanna;
- (14) To visit and assist existing businesses on an ongoing basis;
- (15) To assist in simplification of the process for interested businesses to get through boards and commissions and the permit and zoning procedure;
- (16) To utilize key people in community as resources for special projects, e.g., Gahanna Chamber, Community Improvement Corporation, groups and individuals.
- (17) Such other powers, duties, and functions as provided by ordinance or resolution adopted by the Council .  
(Ord. 0120-2007. Passed 6-18-07.)

**148.03 CONTENTS OF URBAN RENEWAL OR URBAN REDEVELOPMENT PLANS AND THE RELOCATION PLAN.**

In any urban renewal or redevelopment plan initiated and prepared after the effective date of this section, the Director of Planning and Development shall include, but not be limited to, the following:

- (a) A description of the boundaries of the project area;
- (b) A land-use plan showing the location, character and extent of public and private land ownership, utilities, use and occupancy existing and proposed within the area;

- (c) A delineation of areas of land acquisition, demolition and removal of structures, or of rehabilitation, conservation or reconditioning of existing structures, if any, as may be proposed to be carried out in the project area;
- (d) A statement indicating the controls and the use, development and building restrictions to be placed on the property in the project area, to prevent a recurrence of slum or blighted conditions;
- (e) A report showing the proposed changes, if any, in the building, housing or zoning ordinances or maps, and in the layout of streets or utilities;
- (f) A statement from the appropriate City official or officials setting forth the capability of the City to finance the portion of the project costs to be contributed by the City;
- (g) A statement of the relationship of such plan to the definite objectives of the City respecting appropriate land uses, improved traffic conditions and transportation, public utilities, recreation and community facilities and other public improvements;
- (h) A proposed chronology of events and a narrative of any anticipated scheduling difficulties;
- (i) A summary of any previous studies and plans concerning matters directly affecting the territory.
- (j) A relocation plan which shall:
  - (1) Set forth a feasible method for the relocation of households to be displaced by the urban renewal or urban redevelopment project; and
  - (2) Indicate whether there are or are being provided in the blighted areas, or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the individuals and families to be displaced from the urban renewal or redevelopment project area decent, safe and sanitary dwellings equal in number to the number of such displaced individuals or families, and available to them and reasonably accessible to their place of employment. The Mayor may submit such plans, prepared by the Director of Planning and Development to Council in the appropriate format.  
(Ord. 0120-2007. Passed 6-18-07.)

#### **148.04 PUBLIC HEARING AND COUNCIL ACTION.**

(a) After the effective date of this section, the Council, before approving an urban renewal plan or urban redevelopment plan, or amendments to existing plans, shall refer all such plans to the Planning Commission pursuant to Section 11.05 of the Charter of Gahanna which may, but need not hold public hearings on the matter. Council shall then hold a public hearing on the plan, which hearing may be adjourned from time to time. Notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City once a week for two consecutive weeks on the same day of the week, and at least five full days shall elapse between the second publication and the date set for the public hearing. The notice shall also contain a description of the project area by its location in relation to highways, streets, watercourses or other natural or artificial boundaries, and shall also designate the place at which the plan, maps, plats and other materials describing the project area are and will be available for public inspection. The failure to give such notice or a defect in the notice given under this section shall not invalidate any urban renewal or redevelopment plan adopted by Council.

The public hearing may be held at a regular or special meeting of Council.

(Ord. 181-2001. Passed 9-4-01.)

(b) Following completion of a public hearing held pursuant to subsection (a) hereof, Council may either approve or reject the urban renewal or redevelopment plan or make modifications and approve the plan as modified. Approval of an urban renewal or redevelopment plan shall be given by ordinance adopted pursuant to the provisions of the Charter of the City.

(c) The ordinance adopted by Council approving an urban renewal or redevelopment plan shall include the following findings:

- (1) Specific findings of the fact as to the conditions in the blighted area.
- (2) That the size and character of the area and the location of elements of blight in the area make it appropriate for urban renewal activities.
- (3) That the proposals for the proper relocation of individuals and families displaced in carrying out the project in decent, safe and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the project area, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.
- (4) That the plan for the blighted area will afford maximum opportunity consistent with the sound needs of the community as a whole for the rehabilitation or redevelopment of the blighted area.
- (5) That the plan conforms to the existing comprehensive plan for the overall development of the City.  
(Ord. 85-78. Passed 9-19-78.)

#### **148.05 IMPLEMENTATION OF URBAN RENEWAL OR REDEVELOPMENT**

(a) When authorized by Council, and moneys appropriated, the Director of Planning and Development shall cause the City to acquire by negotiation the parcels of land in the blighted area in accordance with the urban renewal or redevelopment plan. In the event that appropriation of property is necessary, Council shall initiate and carry out the proceedings in accordance with the City Charter and applicable provisions of Ohio R.C. Chapter 163, and the City Attorney shall be responsible for implementing the appropriation of the property. Further, he shall then initiate such City activities as may be necessary to carry out the urban renewal or redevelopment project, including but not limited to the: demolition, rehabilitation or repair of structures (whether voluntarily by the private owners thereof or by the City); the removal of pavement, sidewalks, lighting, debris, scrap, solid wastes, capping, removal and relocation of City-owned utility lines; grading, construction of site improvements and supporting facilities, temporary lease, rental or permission to let others use structures or parcels of land while owned by the City; relocation activities and the enforcement of any applicable provisions of law or nonconforming agreements relative to building, zoning, platting; and the repair or rehabilitation of land and structures remaining in private ownership. This section shall not be construed to modify the authority of the Mayor, Director of Finance and Director of Public Service concerning purchases, contracts, expenditures, credits and the like.

#### **PROJECTS.**

(b) After determination that real property is not needed for any municipal purpose, other than the continuing municipal purpose of preventing the recurrence of blight, Council may authorize, by ordinance, the transfer, lease or conveyance of any real property in accordance with and for the purposes of the plan, subject to such lawful terms, conditions, restrictions and covenants (including covenants running with the land) to assist in carrying out the purposes of the plan. The manner of disposition shall be prescribed by ordinance, and may be by negotiation, with or without any competitive bidding. If disposition is by way of competitive bidding for the sale, lease or other disposition of property, the competition and award may be on factors other than price alone. The Mayor shall execute, on behalf of the City, such instruments as may be necessary to transfer, lease or convey such real property in the form approved by the City Attorney and authorized by Council, which form shall include all covenants, if any, running with the land, including any portions of the plan incorporated by reference.

(c) If the owner of property in the project area is willing to make the use of his/her property conform to the urban renewal or redevelopment plan and Council finds and determines that the acquisition of the property by the City will not be necessary if so conformed, the Mayor, upon Council authorization, may enter into a conforming agreement upon such terms and security as may be authorized by Council. Such agreement may provide for the acquisition of property upon failure of the property owner to keep his/her agreement after notice from the City specifying such failure.

(d) In the execution of urban renewal or redevelopment projects, Council may authorize, as to any appropriate projects or parts of projects, the employment of community improvement corporations, community redevelopment corporations, limited dividend housing corporations, and metropolitan housing authorities, as defined by the statutes of Ohio, and may authorize leases, conveyances and agreements with such corporations related to appropriate aspects of such projects to the full extent of the powers possessed by such corporations. (Ord. 0120-2007. Passed 6-18-07.)

#### **148.06 BUILDING PERMITS RESTRICTED IN PROJECT AREAS.**

After approval of an urban renewal or redevelopment plan by Council, no building permit shall be issued for the improvement or enlargement of any existing structure, or for the construction of a new structure, in the clearance and redevelopment portion of the project area, except that such permit may be issued for the repair of an existing structure when such repair is deemed necessary for the immediate preservation of the public health or safety or is required by the redeveloper in accordance with the redevelopment plan. (Ord. 85-78. Passed 9-19-78.)

#### **148.07 PREVIOUS PROCEEDINGS.**

All previous proceedings with respect to urban renewal or urban redevelopment projects and plans within the City, including all official actions by Council of the City, are hereby ratified and confirmed. The provisions of this chapter, except Sections 148.01 and 148.06, shall not apply to urban renewal and urban redevelopment projects and plans, and proceedings pending under such plans and projects, initiated and approved by Council prior to the enactment of this section. The Council, Mayor or the Director may elect to follow all or any part of the provisions of Section 148.05 in the implementation of such previously approved urban renewal and urban redevelopment projects and plans. (Ord. 85-78. Passed 9-19-78.)

**148.08 TRANSFER OF CITY INTERESTS IN REALTY WITHOUT COMPETITIVE BIDDING.**

(a) Notwithstanding the bidding requirements of Chapter 135 of the Codified Ordinances, the Mayor or his designee, with the approval of Council, is hereby authorized to negotiate the sale, lease, transfer or conveyance of all or part of the interests in any real or personal property for uses in accordance with an urban renewal plan without competitive bidding. No land shall be sold, leased, transferred or conveyed by the Mayor except pursuant to an ordinance passed by Council authorizing such sale, lease, transfer or conveyance; and such ordinance shall prescribe the detailed terms and conditions upon which the sale, lease, transfer or conveyance shall be made, and the covenants or restrictions, if any, to be contained in any deed for real property from the City as grantor to the grantee thereof.

(b) Pending the use or sale, lease, transfer or conveyance of property in a project area, the Mayor may temporarily rent such property, without competitive bidding, for such uses and purposes as he may determine to be desirable, even though not in conformity with an applicable urban renewal or redevelopment plan.

(c) The Mayor or his designee, with the approval of Council, is hereby authorized to enter into any appraisal, market analysis, management or agency contracts without competitive bidding if he determines that such a contract is required or desirable in connection with the sale, lease, transfer or conveyance of real or personal property located within a project area. (Ord. 47-78. Passed 4-18-78. )

**148.09 LEASES AUTHORIZED WITHOUT BIDDING; CONDITIONS.**

The Mayor is authorized to enter into a lease contract upon the acquisition of the land by the City according to terms and conditions as he deems just, providing:

- (a) That the amount of the lease shall not be less than eighty-five dollars (\$85.00) per acre, per month, for a lease term of thirty (30) years nor less than sixty-five dollars (\$65.00) per acre, per month, for a lease term of thirty-five (35) years;
- (b) That the term of the lease shall not exceed thirty-five (35) years, however the lessee may acquire the property leased after thirty (30) years;
- (c) That prior to its execution, the lease be approved in form by the City Attorney;
- (d) That prior to its execution, the lease be approved by bond counsel;
- (e) That the Director of Planning and Development certify that the lease is consistent with the Urban Renewal and Redevelopment Plan of the City. (Ord. 0120-2007. Passed 6-18-07.)

**148.10 PLANNING GUIDE ADOPTED.**

Council hereby adopts the Planning Guide, 1990, Revised, November, 1990, as an official document of the City, and as a general planning guide for future development, and to serve as a technical reference supplement to the Master Development Plan of the City. The Planning Guide is attached to original Ordinance 203-90, as Exhibit A, and made a part herein. (Ord. 203-90. Passed 12-4-90. )

**148.11 EMINENT DOMAIN.**

(a) The City shall not use its power of eminent domain to appropriate, without the owner's consent, private property when the primary purpose for the appropriation is to promote private economic development and the appropriation is intended to result in long-term use of the property by another private person or entity.

(b) The provisions of this section shall not apply to the use of eminent domain where the property is located in a blighted area.

(c) The provisions of this section shall not apply to excess land appropriated in furtherance of a public use as permitted by Article XVIII, Section 10 of the Ohio Constitution.

(d) The provisions of this section shall not otherwise restrict the Council's authority to appropriate private land as necessary for public uses as permitted by Article XVIII, Sections 3, 4 and 5 of the Ohio Constitution and Chapter 719 of the Ohio Revised Code, except as outlined in subsection (a) hereof. (Ord. 0172-2005. Passed 9-19-05.)

~~148.12 FEES.~~

~~(a) Council shall by ordinance establish and annually adjust fees for all types of applications, permits and other specialized services provided by the Department of Planning and Development, which includes the Division of Building and Zoning, and such document shall be referred to as the "Development Fee Schedule". All fees are for the purpose of defraying the costs of preparing necessary maps, plats, reports, analyses, administration, legislation, notices, acquiring data, conducting surveys and other related work. The fee in effect on the date of receipt of any application shall be the fee charged; provided, however, the owners of all tax abated properties, irrespective of the date the initial application for abatement was filed, are subject to the annual fee outlined in the development fee schedule commencing in calendar year 2009.~~

~~(b) Any person desiring to do or cause to be done anything for which a fee is required by the Development Fee Schedule, shall upon application or prior to issuance pay to the Department through the cashier the fee prescribed by the then current Development Fee Schedule. The Development Fee Schedule shall be posted in the offices of the Department and shall be made available upon request.~~

~~(c) Park Fee.~~

~~(1) In addition to the fees and deposits required by other sections of the Codified Ordinances of Gahanna a park fee shall be paid by the developer in accordance with the following:~~

~~A. Residential~~

- ~~1. A single family dwelling shall be equal to a one dwelling unit.~~
- ~~2. Each unit in a two family dwelling shall be equal to one dwelling unit.~~
- ~~3. Each unit in a multi family dwelling shall be equal to one dwelling unit.~~

~~B. Non Residential~~

- ~~1. Each unit or room in an Extended Stay or Residential Hotel shall be equal to one dwelling unit.~~
- ~~2. Each unit or room in a family care facility or independent senior living facility shall be equal to one dwelling unit.~~

~~(2) Such park fee shall be as established in the Development Fee Schedule set forth in Section 148.12 of these Codified Ordinances.~~

~~(3) Such fee shall be collected prior to issuance of a certificate of occupancy.~~

~~(4) The fees so collected shall be deposited in a Park Fund for the improvement of recreational facilities within existing publicly owned and operated park facilities and the purchase of recreational equipment. Such funds shall not be used for the maintenance and operation expenses incurred by the Parks Department in the daily operation of park facilities.~~

~~(Ord. 0175-2014. Passed 12-15-14.)~~

~~76A Department of Planning and Development 148.14~~

~~148.13 FEES; EXEMPTIONS.~~

2015 Replacement

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~~(a) The Municipality of Gahanna, shall be exempt from fees in the development fee schedule, but must nevertheless secure the appropriate permits, file appropriate applications, and submit to inspections. This exemption shall not apply to fees that are paid to or shared with non-City employees under contract, by Code, or by Ordinance. This exemption shall also not apply to the fees required for portions of private structures utilized by the Municipality of Gahanna. Fees shall be charged for the areas of buildings owned by the Municipality of Gahanna that are not used exclusively by the Municipality in accordance with the fees established in the development fee schedule.~~

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~~(b) Bona fide corporations not for profit, upon written request to Council, and upon approval by Council, shall be exempt from fees in the development fee schedule, but must nevertheless secure the appropriate permits, file appropriate applications, and submit to inspections. This exemption shall not apply to fees that are paid to or shared with non-City employees under contract, by Code, or by Ordinance.~~

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~~(c) Individuals or corporations claiming a hardship, upon written request to Council for a waiver or reduction of fees, and upon approval by Council, shall be exempt from or shall receive the approved reduction in the applicable fees in the development fee schedule, but must nevertheless secure the appropriate permits, file appropriate applications, and submit to inspections. This exemption shall not apply to fees that are paid to or shared with non-City employees under contract, by Code, or by Ordinance.  
(Ord. 0014-2011. Passed 2-7-11.)~~

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~~**148.14 FEES; REFUNDS.**~~

~~(a) All fees as enumerated in the development fee schedule are non-refundable except as otherwise denoted in this section.~~

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~~(b) A refund shall require a refund fee to cover the cost of making the refund and/or costs incurred. This refund fee shall be deducted from any amount to be refunded.~~

~~(c) An overpayment equal to or less than the refund fee shall be considered the refund fee and shall be added to the permit fee.~~

~~(d) Any refund of a permit application fee submitted for land, which is later determined to be located outside the city is subject to a refund fee.~~

~~(e) The Director of Planning and Development may waive the refund fee upon determination that the refund is necessary due to an error on the part of a city employee.~~

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~~(f) The Director of Planning and Development shall not refund a fee upon determination that the refund is necessary due to an error on the part of an applicant.  
(Ord. 0120-2007. Passed 6-18-07.)~~

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