

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 96-5

Passed Dec. 2 19 96

**ORDINANCE VACATING ALLEY
IN G. SIMON'S ADDITION**

WHEREAS, interested property owners have petitioned the Village to vacate those public right of ways as set forth on Exhibit A attached hereto; and

WHEREAS, a public hearing was conducted after due notice of such; and

WHEREAS, the Village Council determines that to vacate a **portion** of the right of way in issue will not be detrimental to the general interest;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That the alley or right of way running generally in an east-west direction through G. Simon's Addition, north of lots 134 through 143 and south of lots 144 through 154 as platted on the map of the Village of Amanda, terminating on the east at the western boundary of Frederick Street, and on the west at the western boundary lines of lots 143 and 144, **is hereby vacated**, and the acceptance of such dedicated right of way, by the legislative authority, is hereby revoked;

That said right of way is further delineated on Exhibit B attached hereto and incorporated herein by reference;

That this ordinance shall take effect on the earliest date allowed by law.

Donald Simpson
Mayor Donald Simpson

Vote: Yeas: 5 Nays: 0

ATTEST:

Cheri L. Norman
Cheri Norman, Clerk-Treasurer

The Three-Reading Requirement was waived/~~not waived~~:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to Form: Thomas James Corbin
Thomas James Corbin, Attorney at Law
& Solicitor for the Village of
Amanda, Ohio.

CERTIFICATE OF FAIRFIELD COUNTY AUDITOR THAT THE TOTAL
APPROPRIATIONS FROM EACH FUND **DO NOT EXCEED** THE OFFICIAL ESTIMATE
OF RESOURCES

Rev. Code, Sec.5705.39

COUNTY AUDITOR'S OFFICE
FAIRFIELD COUNTY
LANCASTER, OHIO

May 21, 1996

TO: CHERI NORMAN, CLERK
VILLAGE OF AMANDA

I, BARBARA CURTISS, *COUNTY AUDITOR OF FAIRFIELD COUNTY, OHIO*, DO HEREBY
CERTIFY THAT THE TOTAL APPROPRIATIONS FROM EACH FUND TAKEN TOGETHER WITH
ALL OTHER OUTSTANDING APPROPRIATIONS, **DO NOT EXCEED** THE **2ND AMENDED**
OFFICIAL ESTIMATE OF RESOURCES FOR THE FISCAL YEAR BEGINNING JANUARY 1,
1996, AS DETERMINED BY THE BUDGET COMMISSION OF FAIRFIELD COUNTY.

Barbara Curtiss

AUDITOR, FAIRFIELD COUNTY, OHIO

AMENDED OFFICIAL CERTIFICATE NO.

Revised Code, Sec 5705.36

JANUARY 29, 1996

Office of Budget Commission, Fairfield County, Ohio.
To the TAXING AUTHORITY of: VILLAGE OF AMANDA

The following is the "Amended Certificate of Estimated Resources" for the fiscal year beginning January 1st, 1996, as revised by the Budget Commission of Fairfield County, which shall govern the total of appropriations made at any time during the fiscal year:

FUND	Unencumbered Balance January 1, 1996	Taxes	Other Sources	Total \$\$
General Fund	15,452.09	12,500.00	20,102.88	48,054.97
Special Revenue Fund	63,399.97	14,000.00	14,146.99	91,546.96
Debt Service Fund	30,124.69	0.00	55,800.00	85,924.69
Capital Projects Fund	0.00	0.00	0.00	0.00
Special Assessment Fund	0.00	0.00	0.00	0.00
Enterprise Fund	31,092.40	0.00	71,701.03	102,793.43
Internal Service Fund	0.00	0.00	0.00	0.00
Fiduciary Fund	0.00	0.00	0.00	0.00
				0.00
				0.00
				0.00
				0.00
TOTALS	140,069.15	26,500.00	161,750.90	328,320.05

CHERI NORMAN, CLERK
VILLAGE OF AMANDA
PO BOX 267
AMANDA, OH 43102

Budget Commission:

Barbara Curtis
John E. Hlatky, Jr.

FUND	Unencumbered Balance January 1, 1996	Taxes	Rollbacks	Other Sources	Total \$\$
General Fund	15,452.09	12,500.00	1,300.00	18,802.88	48,054.97 ✓
SPECIAL REVENUE FUND					
B1 Street Fund	64,181.70	14,000.00	1,500.00	12,646.99	92,328.69 ✓
B4 Park Fund	(781.73)				(781.73) ✓
					0.00
					0.00
					0.00
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					0.00
TOTAL SPECIAL REVENUE FUND	63,399.97	14,000.00	1,500.00	12,646.99	91,546.96
DEBT SERVICE FUND					
E2 Sewer	30,124.69			55,800.00	85,924.69 ✓
					0.00
					0.00
					0.00
					0.00
					0.00
					0.00
					0.00
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					0.00
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					0.00
					0.00
TOTAL DEBT SERVICE FUND	30,124.69	0.00	0.00	55,800.00	85,924.69

FUND	Unencumbered Balance January 1, 1996	Taxes	Rollbacks	Other Sources	Total \$\$
CAPITAL PROJECTS FUND	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
D3 Construction Fund					0.00
					0.00
					0.00
					0.00
					0.00
					0.00
					0.00
					0.00
					0.00
TOTAL CAPITAL PROJECTS FUND	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENT FUND	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
					0.00
					0.00
					0.00
					0.00
					0.00
TOTAL SPECIAL ASSESSMENT FUND	0.00	0.00	0.00	0.00	0.00
ENTERPRISE FUND	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
E1 Water Fund	10,414.10			42,061.28	52,475.38
E2 Sewer Fund	1,424.30			23,639.75	25,064.05
E8 Water Deposit Fund	1,584.00			420.00	2,004.00
E2 Reserve Fund	17,670.00			5,580.00	23,250.00 ✓
					0.00
					0.00
TOTAL ENTERPRISE FUND	31,092.40	0.00	0.00	71,701.03	102,793.43
INTERNAL SERVICE FUND	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
					0.00
					0.00
					0.00
					0.00
					0.00
TOTAL INTERNAL SERVICE FUND	0.00	0.00	0.00	0.00	0.00
FIDUCIARY FUND	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
C.D.B.G. Program					0.00
					0.00
					0.00
					0.00
					0.00
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					0.00
					0.00
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					0.00
TOTAL FIDUCIARY FUND	0.00	0.00	0.00	0.00	0.00

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Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 97-1

Passed Jan. 6 19 97

ORDINANCE ON CROSS-CONNECTION CONTROL - TO PROVIDE AN EFFECTIVE MEANS FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM

WHEREAS, Section 6109.13 of the Ohio Revised Code requires protection of the public water system from contamination through any connection whereby water from a private, auxiliary or emergency water system may enter the public water system; and

WHEREAS, Section 3745-95 of the Ohio Administrative Code requires protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Ohio Environmental Protection Agency requires the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; and

WHEREAS, in order to accomplish these goals it is necessary to introduce restrictions that go beyond usual plumbing code requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF AMANDA, STATE OF OHIO:

SECTION 1. That if, in the judgement of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Superintendent of Water and shall have inspections and tests made of such approved devices as required by the Superintendent of Water.

SECTION 2. That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Amanda may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergency water supply shall have been approved by the Superintendent of Water of the Village of Amanda and by the Ohio Environmental Protection Agency.

SECTION 3. That it shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other

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properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent of Water shall deem necessary.

SECTION 4. That the Superintendent of Water of the Village of Amanda or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Amanda for the purpose inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.

SECTION 5. That the Superintendent of Water of the Village of Amanda is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this ordinance.

SECTION 6. That the Regulations attached hereto and incorporated herein by reference are hereby adopted as governing regulations of the Village of Amanda.

SECTION 7. This ordinance shall take effect and be in force from and after the 19th day of February, 1997.

REGULATIONS ON CROSS-CONNECTION CONTROL

Section 1. Cross-Connection Control - General Policy

A. Purpose. The purpose of these Rules and Regulations is:

1. To protect the public potable water supply from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public potable water system.
2. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing process fluids.

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3. To provide for the maintenance or a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public and consumer's potable water systems.

B. Application. These Rules and Regulations shall apply to all premises served by the public potable water system of the Village of Amanda, Ohio.

C. Policy. The Superintendent of Water shall be responsible for the protection of the public potable water system from contamination due to backflow of contaminants through the water service connection. If, in the judgement of the Superintendent of Water, an approved backflow prevention device is necessary at the water service connection to any consumer's premises for the safety of the water system, the Superintendent of Water or his authorized representative shall give notice to the consumer to install such approved backflow prevention device at each service connection to his premises. The consumer shall immediately install such approved device or devices at his own expense, and failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed.

Section 2. Definitions.

A. The following definitions shall apply in the interpretation and enforcement of these rules and regulations:

1. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.
2. "Approved" means that a backflow prevention device or method has been accepted by the supplier of water and the director as suitable for the proposed use.
3. "Auxiliary water system" means any water system on or available to the premises other than the public water system and includes the water supplied by the system. These auxiliary waters may include water from another supplier's public water system; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable or constitute a water source or system over which the supplier of water does not have control.
4. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.
5. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system.
6. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
7. "Consumer's water system" means any water system, located on the consumer's premises, supplied by or in any manner connected to a

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~~public water system. A household plumbing system is considered to be a consumer's water system.~~

8. "Contamination" means an impairment of the quality of the water by sewage or process fluid or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
9. "Cross-connection" means any arrangement whereby backflow can occur.
10. "Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.
11. "Director" means the director of the Ohio Environmental Protection Agency or his duly authorized representative.
12. "Double check valve assembly" means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
13. "Health hazard" means any condition, device, or practice in a water system or its operation that creates, or may create, a danger to the health and well-being of users. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.
14. "Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
15. "Non-potable water" means water not safe for drinking, personal, or culinary use.
16. "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity.
17. "Pollution" means the presence in water of any foreign substance that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
18. "Potable water" means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Ohio Environmental Protection Agency.
19. "Process fluids" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a potable consumer's water system. This includes, but is not limited to:
 - a. polluted or contaminated waters;
 - b. process waters;
 - c. used waters originating from the public water system which may have deteriorated in sanitary quality;
 - d. cooling waters;
 - e. contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - f. chemicals in solution or suspension;
 - g. oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
20. "Public water system" has the meaning ascribed to such term in Sections 6109.01 and 6109.02 of the Ohio Revised Code.
21. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the

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cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

22. "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
23. "Supplier of water" means the owner or operator of a public water system.
24. "System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
25. "Pollutional hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water system or a potable consumer's water system.
26. "**Used water**" means any water supplied by a supplier of water from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the supplier.

Section 3. **Water System.**

- A. The water system shall be considered as made up of two parts: the public potable water system and the consumer's water system.
- B. The public potable water system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the public distribution system.
- D. The public distribution system shall include the network of conduits used for delivery of water from the source to the consumer's water system.
- E. The consumer's water system shall include those parts of the facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.

Section 4. **Cross-Connections Prohibited.**

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction

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of the Superintendent of Water.

- B. No connection shall be installed or maintained whereby water from an auxiliary water system may enter a public potable or consumer's water system unless such auxiliary water system and the method of connection and use of such system shall have been approved by the Superintendent of Water and by the Director of the Ohio Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.

Section 5. Survey and Investigations.

- A. The consumer's premises shall be open at all reasonable times to the Superintendent of Water, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Superintendent of Water, or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections in his water system through which contaminants or pollutants could backflow into his or the public potable water system.

Section 6. Where Protection is Required.

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgement of the Superintendent of Water or the Director, actual or potential hazards to the public potable water system exist.
- B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 - 1. Premises having an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Superintendent of Water and the source is approved by the Director of the Ohio Environmental Protection Agency;
 - 2. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water

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system. This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are no longer under the sanitary control of the Superintendent of Water;

3. Premises having internal cross-connections that, in the judgement of the Superintendent of Water, are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;
4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
5. Premises having a repeated history of cross-connections being established or re-established;
6. Others specified by the Superintendent of Water or the Director.

C. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water or the Director determines that no actual or potential hazard to the public potable water system exists:

1. Hospitals, mortuaries, clinics, nursing homes;
2. Laboratories;
3. Piers, docks, waterfront facilities;
4. Sewage treatment plants, sewage pumping stations or storm water pumping stations;
5. Food or beverage processing plants;
6. Chemical plants;
7. Metal plating industries;
8. Petroleum processing or storage plants;
9. Radioactive material processing plants or nuclear reactors;
10. Car washes;
11. Others specified by the Superintendent of Water or the Director.

D. An approved backflow prevention device shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Superintendent of Water and the source is approved by the Director of the Ohio Environmental Protection Agency.

Section 7. Type of Protection Required.

A. The type of protection required under Sections 6.A, 6.B and 6.C of these regulations shall depend on the degree of hazard which exists as follows:

1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard;

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2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with any substance that could cause a system or health hazard;

3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health.

B. The type of protection required under Section 6.D of these regulations shall be an approved air gap separation or an approved interchangeable connection.

C. Where an auxiliary water system is used as a secondary source of water for a fire protection system, the provisions of Section 7.B for an approved air gap separation or an approved interchangeable connection may not be required, provided:

1. At premises where the auxiliary water system may be contaminated with substances that could cause a system or health hazard, the public or consumer's potable water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device;

2. At all other premises, the public or consumer's potable water system shall be protected against backflow by installation of either an approved reduced pressure principle backflow prevention device or an approved double check valve assembly;

3. The public or consumer's potable water system shall be the primary source of water for the fire protection system;

4. The fire protection system shall be normally filled with water from the public or consumer's potable water system;

5. The water in the fire protection system shall be used for fire protection only, with no regular use of water from the fire protection system downstream from the approved backflow prevention device;

6. The water in the fire protection system shall contain no additives.

Section 8. Backflow Prevention Devices.

A. Any backflow prevention device required by these rules and regulations shall be of a model or construction approved by the Superintendent of Water and the Director and shall comply with the following:

1. An air gap separation, to be approved, shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

2. A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Superintendent of Water, and shall appear on the current list of approved backflow prevention devices of the Ohio Environmental

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Protection Agency.

3. An interchangeable connection, to be approved, shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The telltale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.

- B. Existing backflow prevention devices approved by the Superintendent of Water or the Director of the Ohio Environmental Protection Agency at the time of installation and properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirement of Section 8.A of this regulation providing the Superintendent of Water is assured that they will satisfactorily protect the public potable water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Superintendent of Water finds that the maintenance of the device constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.

Section 9. Installation.

- A. Backflow prevention devices required by these rules and regulations shall be installed at a location and in a manner approved by and at the expense of the water consumer. In addition, any backflow prevention device required by Section 7.B and 7.C of these regulations shall be installed at a location and in a manner approved by the Director of the Ohio Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.
- B. Backflow prevention devices installed on the service line to a consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding and shall be maintained free from standing water by means of either a sump and pump or a suitable drain. Such sump pump or drain shall not connect to a sanitary sewer nor permit flooding of the pit or vault by reverse flow from its point of

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discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit maintenance, inspection and testing of the backflow prevention device.

Section 10. Inspection and maintenance.

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspections, tests, and overhauls made in accordance with the following schedule, or more often where inspections indicate a need:

1. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter;
2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.

They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty months.

3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.

They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five years.

4. Interchangeable connections shall be inspected at the time of installation and at least every twelve months thereafter.

B. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the Superintendent of Water or a person approved by the Superintendent of Water as qualified to inspect, test and overhaul backflow prevention devices.

C. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired, overhauled or replaced at the expense of the consumer without delay.

D. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, repairs and overhauls. Records of inspections, tests, repairs and overhaul shall be submitted to the Superintendent of Water.

Section 11. Booster Pumps.

A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off

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device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less.

- B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operating properly.

Section 12. Violations.

- A. The Superintendent of Water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested and maintained in a manner acceptable to the Superintendent of Water, or if it is found that the backflow prevention device has been removed or by-passed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent of Water.

Donald Simpson
Mayor Donald Simpson

Vote: Yeas: 6 Nays: 0

ATTEST:

Cheri Norman
Cheri Norman, Clerk-Treasurer

The Three-Reading Requirement was waived/~~not waived~~:

Yeas: 6 Nays: 0

Clerk: Cheri Norman

Approved as to Form:

Thomas James Corbin
Thomas James Corbin, Attorney At Law
& Solicitor for the Village of
Amanda, Ohio.

RECORD OF ORDINANCES

Ordinance No. 97-2

Passed Jan. 6 1997

**ORDINANCE INCREASING
WATER RATES AND
AMENDING ORDINANCE
NO. 88-9**

WHEREAS, increased costs relative to the Village Water Supply require a commensurate adjustment in rates;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That from and afer the earliest date allowed by law the minimum usage water rate of 0 to 2000 gallons shall be Seven Dollars (\$7.00) per month;

Rates for additional usage shall be as follows:

2100 to 4000 gallons:	\$2.00 per 1000 gallons
4100 to 10,000 gallons:	\$1.75 per 1000 gallons
10,001 gallons or more:	\$1.50 per 1000 gallons

The penalty for delinquent payments shall remain at Fifteen percent (15%).

Donald Simpson
Mayor Donald Simpson

Vote: Yeas: 4 Nays: 0

ATTEST:

Cheri Norman
Cheri Norman
Clerk-Treasurer

The Three-Reading Requirement was waived/~~not waived~~:

Yeas: 4 Nays: 0

Clerk: Cheri Norman

Approved as to Form: Thomas James Corbin
Thomas James Corbin, Attorney At Law
& Solicitor for the Village of
Amanda, Ohio.

RECORD OF ORDINANCES

Ordinance No. 97-3

Passed Jan. 6 19 97

ORDINANCE ESTABLISHING
AMOUNT OF DEPOSIT
REQUIRED OF RESIDENTIAL
AND COMMERCIAL USERS OF
VILLAGE WATER SYSTEM

WHEREAS, the Village desires to secure the payment of water rents charged by the Village water system; and

WHEREAS, an increase in deposit amounts is desired;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF AMANDA, OHIO:

That Residential users shall deposit with the Village the sum of Forty Dollars (\$40.00), which sum shall be held and applied toward delinquent or unpaid rents, or toward other damages incurred by the Village as a result of depositor's purchase of water service;

That Commercial users shall deposit the sum of Fifty Dollars (\$50.00) for the same reasons hereinabove enumerated;

That this ordinance shall take effect on the earliest date allowed by law;

That all prior legislation inconsistent herewith is hereby repealed.

Donald Simpson
Mayor Donald Simpson

Vote: Yeas 4 Nays 0

ATTEST:

Cheri Norman
Cheri Norman
Clerk-Treasurer

The Three-Reading Requirement was waived/~~not waived~~:

Yeas: 4 Nays: 0

Clerk: Cheri Norman

Approved as to Form: Thomas James Corbin
Thomas James Corbin, Attorney At Law
& Solicitor for the Village of
Amanda, Ohio.

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 97-4

Passed Oct. 6 1997

**ORDINANCE ESTABLISHING AND/OR
INCREASING THE DEPOSIT REQUIRED
OF RESIDENTIAL AND COMMERCIAL
USERS OF THE VILLAGE SEWER AND/OR
WATER SYSTEM**

WHEREAS, the Village desires to secure the payment of rents and charges owed by users of the municipal sewer and water system; and

WHEREAS, an increase in deposit amounts is desired;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That all residential users of the Village water and/or sewer system shall deposit with the Village the sum of one hundred dollars (\$100.00), which sum shall be held and applied toward delinquent or unpaid amounts owed to the Village, or toward other damages incurred by the Village as a result of depositor's purchase of sewer and/or water service;

That Commercial users shall deposit with the Village the sum of \$100.⁰⁰, for the reasons hereinabove enumerated;

That this ordinance shall take effect on the earliest date allowed by law;

That all prior legislation inconsistent herewith is hereby repealed.

Donald Simpson
Mayor Donald Simpson

Vote: Yeas: 4 Nays: 0

ATTEST:

Cheri L. Norman
Cheri L. Norman, Clerk-Treasurer

The Three-Reading Requirement was waived/~~not~~-waived:

Yeas: 4 Nays: 0

Clerk: Cheri L. Norman

Approved as to Form:

Thomas James Corbin
Thomas James Corbin, Attorney at Law and
Solicitor for the Village of Amanda, Ohio.

ORDINANCE NO. 97-5

AN ORDINANCE TO ADOPT THE 1997 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, during the period September 5, 1995, through January 1, 1997, the General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality;

WHEREAS, the Municipality is in need of having an up to date Code, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, The Justinian Publishing Company has published a set of 1997 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through January 1, 1997, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF AMANDA, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1997 Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions which are in conflict with any of the provisions of the 1997 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions which are not in conflict with any provision of the 1997 Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1997 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of adoption of the 1997 Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matter covered by it, which summary is attached hereto and marked Exhibit "A."

SECTION 5. The following sections in the Model Ohio Municipal Code are hereby repealed:

- 636.15 (Party Lines to be Yielded in Emergencies)
- 672.19 (Food Stamps)

SECTION 6. The following sections in the Model Ohio Municipal Code are hereby recodified as follows:

- Former Section 636.25 recodified as Section 636.15 (Failure to Perform Viability Testing)
- Former Section 672.135 recodified as Section 672.22 (Medicaid Fraud)

SECTION 7. This ordinance is hereby declared to be an emergency measure, the reason for the emergency being the necessity of having an up to date Code, one which is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, therefore, and the 1997 Replacement Pages for the Model Ohio Municipal Code hereby adopted, shall become effective immediately upon its passage by at least two-thirds of the members of Council; otherwise, from and after the earliest period allowed by law.

Donald Simpson _____

Gayle Harker _____

Cheryl L. Norman _____

ORDINANCE NO. 97-5

AN ORDINANCE TO ADOPT THE 1997 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, during the period September 5, 1995, through January 1, 1997, the General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality;

WHEREAS, the Municipality is in need of having an up to date Code, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, The Justinian Publishing Company has published a set of 1997 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through January 1, 1997, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF AMANDA, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1997 Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions which are in conflict with any of the provisions of the 1997 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions which are not in conflict with any provision of the 1997 Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1997 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of adoption of the 1997 Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matter covered by it, which summary is attached hereto and marked Exhibit "A."

SECTION 5. The following sections in the Model Ohio Municipal Code are hereby repealed:

636.15 (Party Lines to be Yielded in Emergencies)
672.19 (Food Stamps)

SECTION 6. The following sections in the Model Ohio Municipal Code are hereby recodified as follows:

Former Section 636.25 recodified as Section 636.15 (Failure to Perform Viability Testing)
Former Section 672.135 recodified as Section 672.22 (Medicaid Fraud)

SECTION 7. This ordinance is hereby declared to be an emergency measure, the reason for the emergency being the necessity of having an up to date Code, one which is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, therefore, and the 1997 Replacement Pages for the Model Ohio Municipal Code hereby adopted, shall become effective immediately upon its passage by at least two-thirds of the members of Council; otherwise, from and after the earliest period allowed by law.

Donald Simpson

Gayle Harker

Cheril L. Norman

EXHIBIT "A"

SUMMARY OF NEW MATTER
CONTAINED IN THE
1997 REPLACEMENT PAGES
FOR THE MODEL OHIO MUNICIPAL CODE

New matter in the Model Ohio Municipal Code, as contained in the 1997 Replacement Pages therefor, includes legislation regarding:

PART TWO - ADMINISTRATION CODE

- 238.03 Powers and duties of Village Clerk.
- 248.045 Appointment of felons and certain misdemeanants in Police Department; termination.
- 248.06 Proceedings for removal of police officers; suspension; appeals.
- 248.08 Powers and duties of Police Chief.
- 252.02 Appointments of Fire Chief, Fire Prevention Officer and fire-fighters.

PART FOUR - TRAFFIC CODE

- 402.185 Definition of funeral escort vehicle.
- 402.29 Definition of public safety vehicle.
- 402.395 Definition of rural mail delivery vehicle.
- 408.03 Suspension or revocation of driver's license.
- 432.14 Hand and arm signals.
- 434.01 Driving or physical control while under the influence.
- 434.03 Maximum speed limits; assured clear distance ahead.
- 434.10 Vehicular homicide.
- 436.05 Owner or operator allowing another to drive.
- 436.07 Driving under suspension or revocation or without proof of financial responsibility or in violation of license restrictions.
- 436.10 Use of illegal license plates.
- 438.10 Lights on slow-moving vehicles; emblem required.
- 438.16 Number of lights permitted; red and flashing lights.
- 438.23 Windshield required; sign or poster upon windshield; windshield wiper.
- 438.30 Use of occupant restraining devices.
- 440.01 Load limits for commercial and heavy vehicles.
- 440.02 Maximum width, height and length of commercial and heavy vehicles.
- 442.02 Exclusions re drivers of commercial vehicles.

PART SIX - GENERAL OFFENSES CODE

- 606.01 General definitions.
- 608.01 Falsification.
- 608.04 Failure to report a crime or death.
- 608.145 Using sham legal process.
- 608.16 Disposition of property held by Police Department.
- 618.095 Dogs required to wear tags.
- 624.01 Definitions re drugs.
- 624.02 Trafficking in marihuana.
- 624.03 Drug abuse.
- 624.04 Possession of drug abuse instruments.
- 624.05 Permitting drug abuse.
- 624.06 Use or possession of paraphernalia.
- 624.07 Abusing harmful intoxicants.

624.073	Improperly dispensing or distributing nitrous oxide.
624.076	Possessing nitrous oxide in motor vehicles.
624.08	Illegal dispensing of drug samples.
624.11	Possession, sale and disposal of hypodermics.
624.14	Controlled substance schedules.
630.01	Definitions re gambling.
630.06	Responsibility of charitable organization conducting bingo game.
636.001	Definitions re offenses relating to persons.
636.01	Negligent homicide.
636.02	Assault.
636.03	Negligent assault.
636.04	Aggravated menacing.
636.06	Menacing.
636.11	Nonsupport of dependents.
636.12	Endangering children.
642.01	Definitions re offenses relating to property.
666.01	Definitions re sex related offenses.
666.085	Loitering to engage in sexual solicitation.
672.20	Insurance fraud.
678.025	Possession of deadly weapon while under detention.
678.085	Underage purchase of a firearm or handgun.
678.10	Fireworks.
698.02	Penalties for misdemeanor.
698.05	Multiple sentences.
698.06	Modification of sentence.
698.07	Suspension or revocation of driver's license.

THOMAS JAMES CORBIN AND ASSOCIATES

THOMAS J. CORBIN
ATTORNEY AT LAW

842 NORTH COLUMBUS STREET
LANCASTER, OHIO 43130
(614) 687-1450
(614) 687-1475
FAX (614) 687-9384
COLUMBUS
(614) 837-0396

February 27, 1997

Cheri Norman
Clerk-Treasurer
Village of Amanda
P.O. Box 250
Amanda, Ohio 43102

Dear Cheri:

Here is the legislation required. The one pertaining to the City Prosecutor cannot be avoided, or at least it is in the best interest of the Village to sign it.

If a Mayor's Court is eventually put in place, then the Village will handle most criminal prosecution locally.

Thanks very much.

Sincerely,

Thomas James Corbin

Thomas James Corbin

TJC/dla
Enclosures

071.063

Cheri:

*If these do not read
the way you want please
let me know & I will
correct.*

Donna

CITY OF LANCASTER

*Office of
Law Director and City Prosecutor*

TERRE L. VANDERVOORT

104 East Main Street • Lancaster, Ohio 43130-3726

(614) 687-6616 • Fax (614) 681-5024

TERRE L. VANDERVOORT

Director
Prosecutor

ROBERT E. MAPES
Assistant Law Director

DAVID A. TRIMMER
Assistant Prosecutor

PATRICK N. HARRIS
Assistant Prosecutor

January 27, 1997

Thomas Corbin
Village of Amanda Law Director
842 North Columbus Street
Lancaster, Ohio 43130

Dear Tom,

As of March 1, 1997 this office will require the Village of Amanda to either contract with my office to provide Municipal Court prosecution or provide their own prosecutor to handle these cases. The Ohio Revised Code requires the City Prosecutor's Office to prosecute only the City of Lancaster's cases, as well as the unincorporated areas of Fairfield County, leaving all other prosecution to be handled on a contractual basis.

My office will gladly prosecute Amanda cases at an hourly rate of Sixty Dollars (\$60.00). This will include all phases of prosecution including document management, discovery, trial, and appeal.


Your community has the option to have your own solicitor/city attorney prosecute the cases. If so, my office would not maintain a case file, respond to discovery, or conduct pretrials or trials.

Prosecution of criminal cases is expensive and labor intensive. My office has passed its capacity to handle the growing case load which in 1995 was eighteen thousand four hundred seventy-seven (18,477) cases. Contracting with other communities allows us the option of either reducing our case load or increasing revenues so we may hire additional help.

I look forward to hearing from you so we may begin the process of determining your community's desires. I have enclosed a Draft Contract for your review.

Please feel free to call me at anything.

Sincerely,



Terre L. Vandervoort
Law Director/Prosecutor

TLV/tls

Enclosure: Draft Contract

cc: Cheri L. Norman, Clerk of Council
c:\law.dir.\contract.2

DRAFT

CONTRACT

This Agreement, entered into beginning on _____
19____, by and between Terre L. Vandervoort, City Attorney of
Lancaster, Ohio, pursuant to Ordinance No. _____, passed
_____, 19____, and the _____
_____, Ohio, by _____
pursuant to Ordinance/Resolution No. _____, for the prosecution
of certain cases before the Lancaster Municipal Court, Criminal
Division, and for the representation of the Bureau of Motor
Vehicles of certain cases in Lancaster Municipal Court, Civil
Division; now, therefore, the parties hereto agree as follows:

Terre L. Vandervoort, City Attorney of Lancaster, Ohio, hereby
agrees that she will undertake to prosecute, by and through
personnel employed by the Lancaster City Prosecutor's Office, all
cases coming before the Lancaster Municipal Court, Criminal
Division arising out of alleged violations of traffic and criminal
ordinances of the _____, Ohio, or
traffic and criminal statutes of the State of Ohio, which occur
within the limits of the _____,
Ohio; provided however, Terre L. Vandervoort, City Attorney of
Lancaster, Ohio, reserves the right to decline to represent the _____
_____, seven days before a scheduled hearing
in the specific case; and provided further that the City Solicitor
of the _____ reserves the right under this

DRAFT

contract to represent the _____, in any specific case filed in or coming before the Lancaster Municipal Court upon giving written notice to Terre L. Vandervoort, City Attorney for the City of Lancaster, Ohio, seven days before a scheduled hearing in that specific case that the City Solicitor of the _____, Ohio, intends to represent said City or Village in that specific case. When the aforementioned notice is given that the City Solicitor of _____ will represent said municipality in a specific case and no prosecution time has been expended but a file has been prepared, or subpoenas issued, or other preliminary work done on that case, there shall be a flat charge of Twenty Dollars (\$20.00) that the municipality agrees to pay.

Terre L. Vandervoort, City Attorney of Lancaster, Ohio, further agrees that she will direct her prosecutor personnel who are to perform the services contemplated by this Contract, to consult and advise the officers of the _____, Ohio, Police Department, and all other appropriate officials for the _____, Ohio, when necessary, concerning the prosecution or enforcement of the criminal and traffic statutes for the State of Ohio and ordinances of the _____, Ohio, within the limits of said _____, Ohio.

Terre L. Vandervoort, City Attorney of Lancaster, Ohio, further agrees that she will, by and through the personnel assigned

DRAFT

to duties in the Lancaster City Prosecutor's Office, consult with and advise all persons concerning violations of the criminal statutes of the State of Ohio, alleged to have occurred within the limits of the _____, Ohio, and will assist such citizens, when necessary, in the interest of justice, when requested by the local police or prosecutor, in the preparation and filing of complaints charging such offenses.

Terre L. Vandervoort, City Attorney of Lancaster, Ohio, further agrees that she will undertake to represent the Bureau of Motor Vehicles, by and through personnel employed by the Lancaster City Attorney's Office, in all cases coming before the Lancaster Municipal Court, Civil Division, arising out of the appeal procedures of Ohio Revised Code Sections 4511.191 and 4507.40 and in which the legal representative of the _____, Ohio would have a duty to represent the Bureau of Motor Vehicles.

The _____, Ohio, in consideration of above promises of Terre L. Vandervoort, City Attorney of Lancaster, Ohio, agrees to pay to Terre L. Vandervoort, City Attorney of Lancaster, Ohio, for the deposit in the Treasurer of the City of Lancaster, the sum of Sixty Dollars (\$60.00) per hour, being the uniform rate per hour for such services by members of the City Prosecutor's staff, with a minimum charge of one-half hour for scheduled court hearings, as fixed by resolution of Council of the City of Lancaster. Said sum due to be stated on invoice from the

DRAFT

City Attorney of Lancaster, Ohio, at approximately monthly intervals.

It is mutually understood and agreed that the responsibility of Terre L. Vandervoort, City Attorney of Lancaster, Ohio, under this Contract shall be limited to those functions set out about, and specifically that she and her Prosecutor or Civil Litigation personnel, by which she chooses to perform this Contract, shall not be required to engage in any investigations other than those normally performed by the Lancaster City Prosecutor's Office in regard to and incident to the prosecution thereby of routine cases arising in the City of Lancaster, the taking of depositions, the prosecution of appeals by the plaintiff City or State from judgments of the Lancaster City Municipal Court, or the preparation or consideration of legislation.

It is further mutually understood and agreed that, notwithstanding any of the above provisions of this Contract, the _____ shall have the absolute right, in its sole discretion, to undertake to prosecute by and through the Prosecutor of the _____, any case coming before the Lancaster City Municipal Court, arising out of alleged violations of the Codified Ordinances of the _____, or alleged violations of the traffic and criminal statutes of the State of Ohio, which occur within the limits of the _____, Ohio, or any appeal from judgments of the Lancaster City Municipal Court relating thereto.

DRAFT

It is further mutually understood and agreed that, Terre L. Vandervoort, City Attorney of Lancaster, Ohio, shall notify the _____, Ohio, by and through its Prosecutor, of the filing of any Notice of Appeal from judgments of the Lancaster City Municipal Court within the purview of this Contract, within five (5) days of such filing, whether such Notice of Appeal is filed on behalf of the _____, or on behalf of any defendant. The _____, shall notify Terre L. Vandervoort, City Attorney of Lancaster, Ohio, within ten (10) days thereafter if it intends to handle that appeal, and in the absence of such notice, agrees that Terre L. Vandervoort, City Attorney of Lancaster, Ohio, shall handle that appeal at the hourly rate specified herein.

It is further mutually understood and agreed that, the _____, shall have the right to decline the prosecution of any appeal on its behalf by Terre L. Vandervoort, City Attorney of Lancaster, Ohio; however, should Terre L. Vandervoort, City Attorney of Lancaster, Ohio, desire to prosecute an appeal from any judgment of the Lancaster City Municipal Court within the purview of this Contract, that the _____ has declined to prosecute, then Terre L. Vandervoort, City Attorney of Lancaster, Ohio, shall have the right to prosecute such appeal at her own expense.

This Contract may be terminated by either party hereto at any time before the expiration thereof by giving thirty (30) days

DRAFT

written notice to the other party of its intention to terminate.

The parties hereto further agree that this Contract shall be in full force and effect from the date first written above through _____, unless terminated earlier, as provided herein.

IN WITNESS WHEREOF, the parties have executed this Contract, this _____ day of _____, 19____.

CITY OF LANCASTER
DEPARTMENT OF LAW

TERRE L. VANDERVOORT
CITY ATTORNEY

TERRE L. VANDERVOORT

_____ OF _____,

By _____

THOMAS JAMES CORBIN AND ASSOCIATES

THOMAS J. CORBIN
ATTORNEY AT LAW

September 24, 1997

842 NORTH COLUMBUS STREET
LANCASTER, OHIO 43130
(614) 687-1450
(614) 687-1475
FAX (614) 687-9384
COLUMBUS
(614) 837-0396

Village of Amanda
Attn: Cheri Norman
P.O. Box 267
Amanda, OH 43102

Re: Vacation of alley right of way

Dear Cheri:

I thank you and the Mayor for coming to my office to attempt to put to rest this issue of vacating the alley right of way running east and west through G. Simon's Addition.

As discussed, by the legislation prepared by this office, and submitted to the Village, the alley right of way from lots 134 and 154 on the east, and lots 144 and 145 on the west, has been vacated. I think this is in the best interests of the Village, and I believe the Village Council to have acted wisely.

I am also of the understanding that the ordinance was posted in five public places within the Village, for six consecutive weeks. If this was not done, please let me know.

Because there has been, and continues, so much controversy and misunderstanding surrounding this issue, I am suggesting that Council confirm its action by once again waiving the three readings, by three-fourth's majority, and then vote to pass the ordinance by a simple majority.

You, as Clerk then should prepare a certificate stating the times and places where the posting occurred.

Please send me a copy of that, when done, along with a revised ordinance, showing the new dates. I am enclosing a new, original, clean copy for your use.

Sorry to be so formal and technical about this, but it seems we should leave nothing open to potential criticism.

Thanks, as always.

Sincerely,



Thomas James Corbin

TJC/tmb

enclosure

TB97006.053

call, should you have
any questions.



RECORD OF ORDINANCES

Ordinance No.

Passed 19

**ORDINANCE VACATING ALLEY
IN G. SIMON'S ADDITION**

WHEREAS, interested property owners have petitioned the Village to vacate those public right of ways as set forth on Exhibit A attached hereto; and

WHEREAS, a public hearing was conducted after due notice of such; and

WHEREAS, the Village Council determines that to vacate a **portion** of the right of way in issue will not be detrimental to the general interest;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That the alley or right of way running generally in an east-west direction through G. Simon's Addition, north of lots 134 through 143 and south of lots 144 through 154 as platted on the map of the Village of Amanda, terminating on the east at the western boundary of Frederick Street, and on the west at the western boundary lines of lots 143 and 144, **is hereby vacated**, and the acceptance of such dedicated right of way, by the legislative authority, is hereby revoked;

That said right of way is further delineated on Exhibit B attached hereto and incorporated herein by reference;

That this ordinance shall take effect on the earliest date allowed by law.

Mayor Donald Simpson

Vote: Yeas: _____ Nays: _____

ATTEST:


Cheri Norman, Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: _____ Nays: _____

Clerk: _____

Approved as to Form:



Thomas James Corbin, Attorney at Law
& Solicitor for the Village of
Amanda, Ohio.

TO: The Village Council of the Village of Amanda, Ohio
FROM: Joe F. and Grace E. Young and Victor H. and Phyllis Young
DATE: September 9, 1996

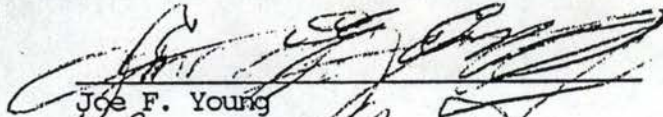
Re: Petition to Vacate a Portion of two Alleys in the Village
of Amanda, Ohio (ORC 723.04)

Petitioners: Joe F. Young and Grace E. Young
and Victor H. Young and Phyllis Young

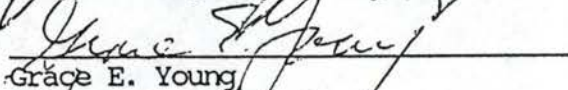
Now comes the Petitioners, Joe F. Young, Grace E. Young, Victor H. Young
and Phyllis Young, and state as follows, to wit:

- a) Petitioners, Joe F. Young and Grace E. Young, are the owners of lots number 140 and 141 in the G. Simons Addition to the Village of Amanda, Ohio. See EXHIBIT A highlighted in red.
- b) Petitioners, Victor H. Young and Phyllis Young, are the owners of lots number 142 and 143 in the G. Simons Addition to the Village of Amanda, Ohio. See EXHIBIT A highlighted in blue.
- c) Kenneth Stoneburner and May Stoneburner are the owners of lots number 144, 145, 146, 147, 148 of the G. Simons Addition to the Village of Amanda, Ohio. See EXHIBIT A highlighted in green.
- d) Stoneburner Enterprises, Inc. is the owner of the tract of land immediately west of the alley which is west of lots number 143 and 144 of the G. Simons Addition to the Village of Amanda, Ohio. See EXHIBIT A highlighted in orange.
- e) Petitioners desire to vacate that portion of the east-west alley in the Village of Amanda, Ohio, which is bounded on the north by lots number 144, 145, 146, 147, and 148 of the G. Simons Addition and which is bounded on the south by lots number 140, 141, 142 and 143 of the G. Simons Addition to the Village of Amanda, Ohio. See EXHIBIT A highlighted in yellow.
- f) Petitioners further desire to vacate that portion of the alley which runs in a generally north-south direction and which is bounded on the east by lot number 143 of the G. Simons Addition and on the west by the tract of land owned by Stoneburner Enterprises, Inc. See EXHIBIT A highlighted in yellow.
- g) The portions of the alleys which the Petitioners desire to have vacated have never been open to the public.
- h) It will not be detrimental to the general interest if that portion of the subject alleys as shown and highlighted in yellow on EXHIBIT A are vacated.

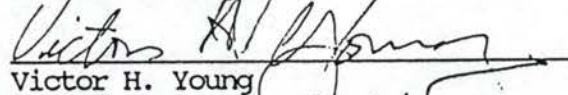
WHEREFORE, Petitioners, Joe F. Young, Grace E. Young, Victor H. Young and Phyllis Young, respectfully request that the portions of the two alleys described hereinabove and which are highlighted in yellow on EXHIBIT A be vacated.



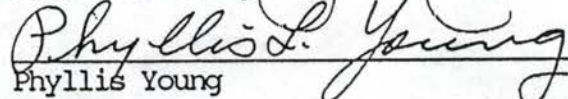
Joe F. Young



Grace E. Young



Victor H. Young



Phyllis Young

Inc
nc.

McINNATI-ZANESVILLE RD.
1/2 SEC. LINE

K. Stoneburner
2335

S. Davis et al
180
185/91

PORT ROAD

W. N. Bagby
989

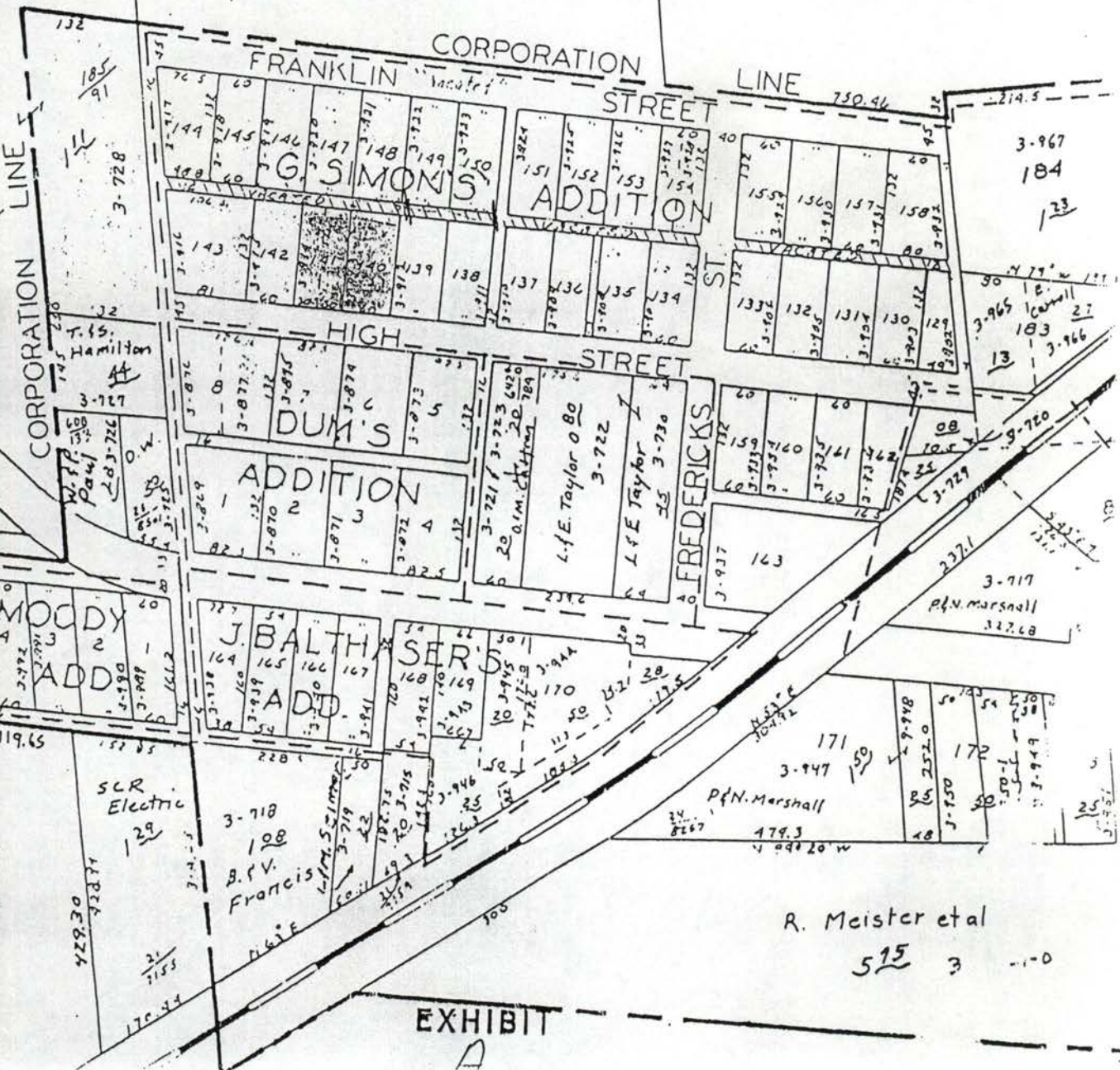
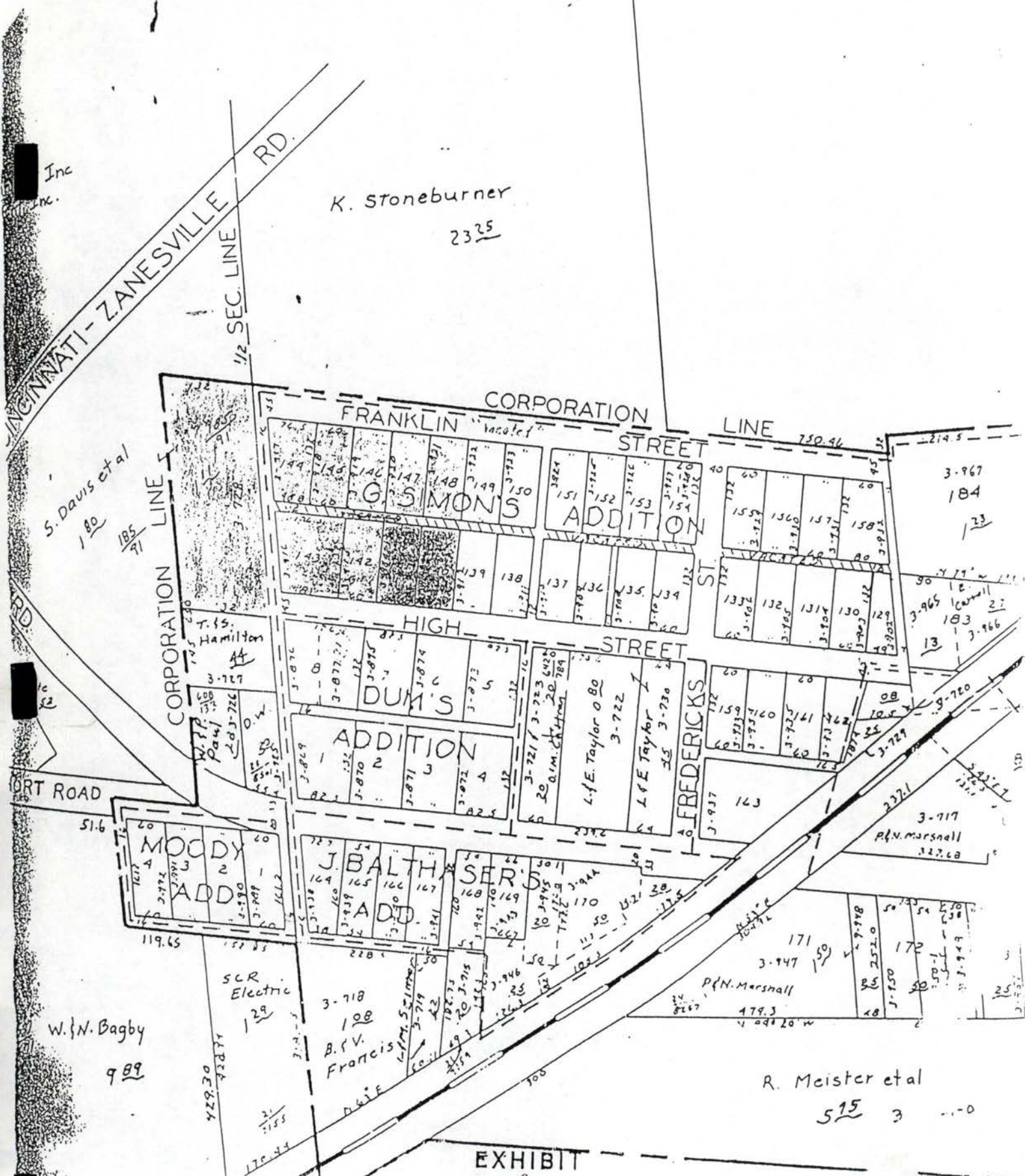


EXHIBIT
A



Inc
Inc.

K. Stoneburner
2325

INCINNATI-ZANESVILLE RD.
1/2 SEC. LINE

S. Davis et al
180
185
91

FRANKLIN CORPORATION STREET LINE 750.96

G. SIMON'S ADDITION
151 152 153 154
137 136 135 134

CORPORATION LINE
T.S. Hamilton
3-717
W.P. Paul
2-03-726
3-715

HIGH STREET
DUM'S ADDITION
3-876 3-875 3-874 3-873
3-872 3-871 3-870 3-869
L.E. Taylor 080 3-722
L.E. Taylor 3-730

PORT ROAD

MOODY ADD
167 168 169 170
3-724 3-723 3-722 3-721
119.65

J. BALTHASER'S ADD
164 165 166 167 168 169
3-718 3-717 3-716 3-715 3-714 3-713
B.V. Francis
D.W.F.

FREDERICKS ST.
163
3-937
3-936 3-935 3-934 3-933 3-932 3-931 3-930
3-929 3-928 3-927 3-926 3-925 3-924 3-923 3-922 3-921
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W. N. Bagby
989

SCR Electric
129
B.V. Francis
3-718
108

R. Meister et al
515 3 ...0
P.N. Marshall
171 150
3-947
479.3
172
3-717
P.N. Marshall
327.68

EXHIBIT

Amanda, Ohio
August 21, 1996

This is a Citizen's Petition duly filed with the Amanda Village Council by the undersigned residents of the Village of Amanda for the following reasons:

We, the undersigned, are opposed to Mr. and Mrs. Kenneth Stoneburner and son putting gravel in the right of way (Simon's Addition) running West to East, and located North of West High Street. These lot numbers are 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, and the alley abutting Lot 143 running North to South ending at West High Street.

We do not trust the Stoneburners will improve the right of way to the standards of the village to enhance and improve our properties, and we do not believe there is any legal assurance that the right of way so improved will be appropriately maintained to said Village standards.

Name

Mark Patchell

Address

300 W. High St Amanda

Name

Timothy A. Julian

Address

312 W High St
Amanda OH

Name

Estelle Julian

Address

308 2nd High St Amanda

Name

Marty Stephens Kelly Stephens

Address

504 W. High St

Amarna

Name

Beulah Weckley

Address

327 W. High St. Amarna

Name

Mary E. Smith

Address

504 W. High St. Amarna

Name

Grace E. Gray

Address

324 West High St. Amarna, OH 45102

Name

Victor H. Gray

Address

340 W. High St. Amarna, Oh.

Name

Address

Name

Address

Name


Address

Name

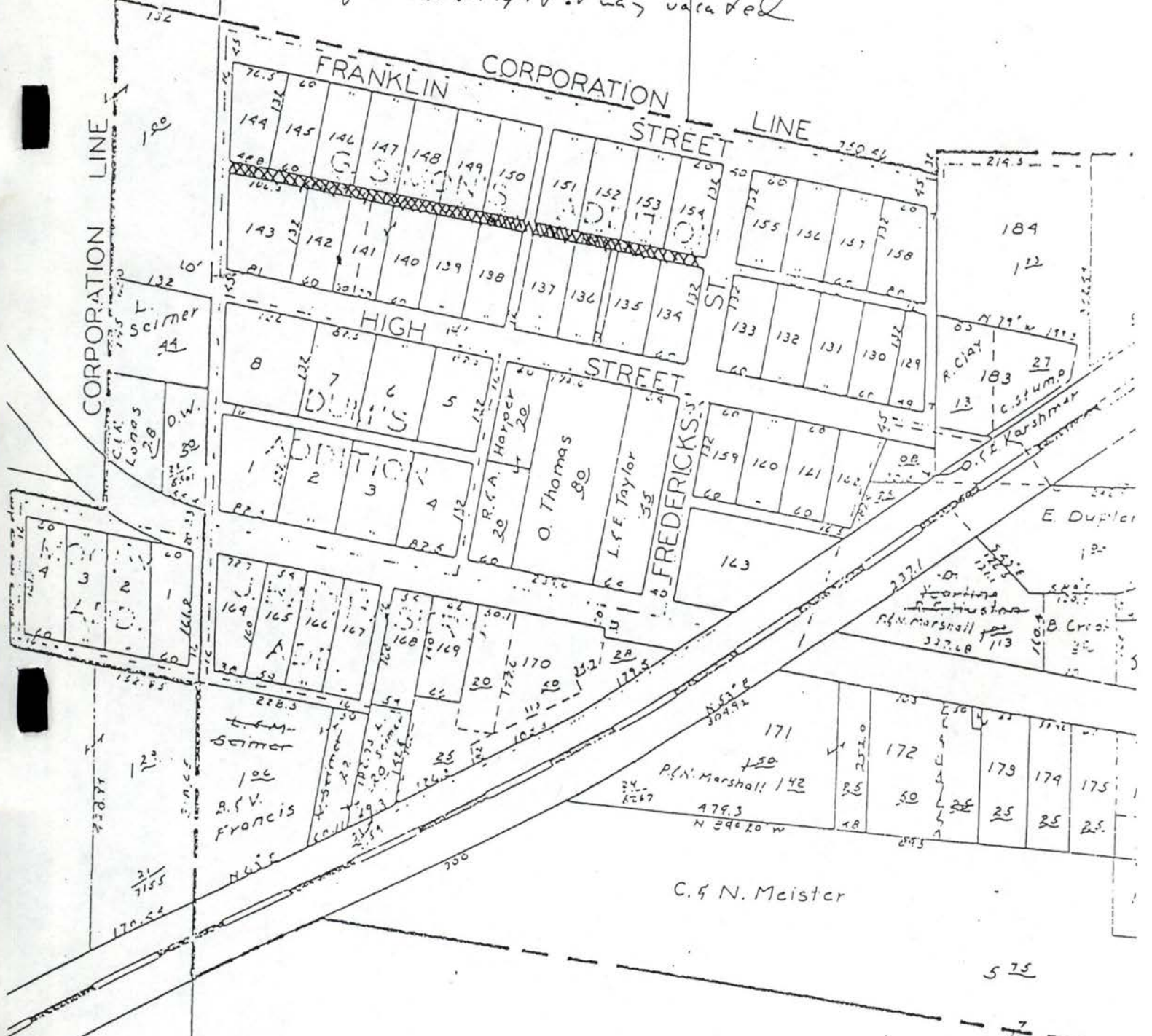
Address

ANTI-ZANESVILLE R.
1/2 SEC. LINE

K. Stoneburner
25 25

 - indicates portions of right of way vacated

CORPORATION LINE



LINE

C. & N. Meister

5 25

100 25

CORP

EXHIBIT B

PETITION FOR THE VACATION OF A PUBLIC ALLEY

Revised Code Sec. 723.04

To the Village Council, Village of Amanda, Fairfield County, Ohio:

The undersigned, Mid West Fabricating Co., an Ohio corporation, is the owner of land in the Village of Amanda, Fairfield County, Ohio, which real estate abuts an alley. The subject alley upon which the Petitioner's real estate abuts commences at the north line of Kirby Street and proceeds in a northerly direction to its termination point at the northeast corner of Lot 166 and the northwest corner of Lot 164 in Lerch's First Addition to the Village of Amanda, Fairfield County, Ohio, such alley is located on the east of said Lot 166 and on the west of Lots 159 through 164 as shown on the plat attached hereto as "Exhibit A". (The relevant properties owned by the Petitioner are highlighted in "yellow" and the subject alley is highlighted in "red" on "Exhibit A").

Ohio Revised Code §723.04 provides in pertinent part:

The legislative authority of a municipal corporation, on petition by a person owning a lot in the municipal corporation praying that ...[an] alley in the immediate vicinity of such lot be vacated ... upon hearing, and upon being satisfied that there is good cause for such ... vacation ... that it will not be detrimental to the general interest, and that is should be made, may by ordinance, declare such ... alley vacated

In this case, Petitioner says that said alley has never been opened to public use since being platted, that Petitioner desires to use the area now occupied by such platted alley as space for part of a new commercial building, that no utilities are presently constructed within the boundaries of such platted alley, and that the vacation of the same will not otherwise be detrimental to the general interest. Petitioner says that it is the sole owner of all property abutting such alley. (Since Petitioner is the sole owner of the property abutting the subject alley and consents to its vacation, no notice is required before Council acts on this Petition. See R.C. §§723.06 and 723.07.)

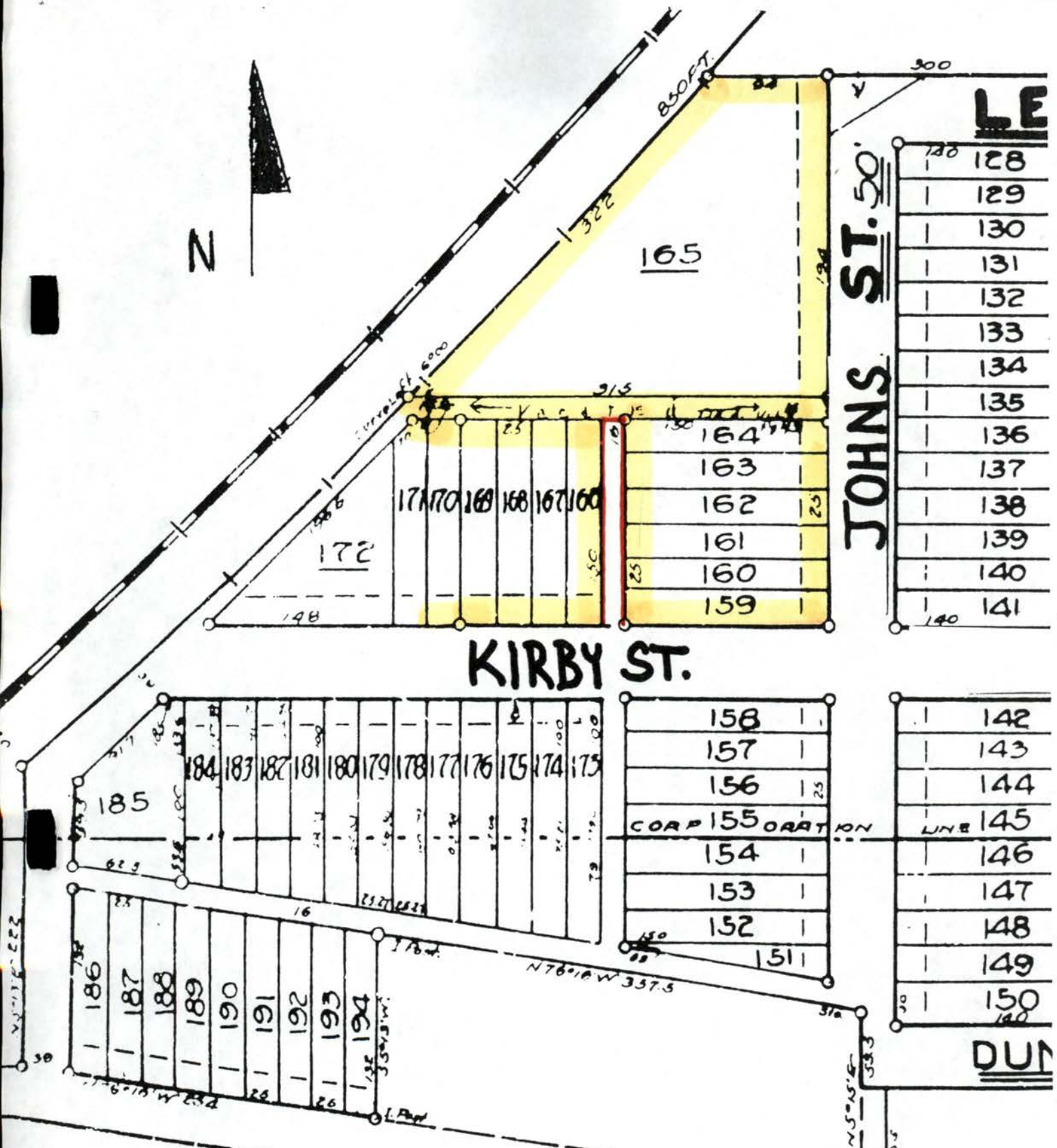
Therefore, Petitioner respectfully requests that the Village Council of the Village of Amanda, Ohio, declare such alley vacated by ordinance pursuant to Revised Code §723.04.

Dated: October 1, 1997



Ray R. Michalski, Attorney/Agent for
Mid West Fabricating Co.

N



LE

128
129
130
131
132
133
134
135
136
137
138
139
140
141

JOHNS ST. 50'

KIRBY ST.

142
143
144
145
146
147
148
149
150

DUN

158
157
156
155
154
153
152
151

CORPORATION

LINE

185	184	183	182	181	180	179	178	177	176	175	174	173
186	187	188	189	190	191	192	193	194				

N76°10'W 357.5

N55°25'W 333

N55°25'W 333

N55°25'W 333

L.P. 194

N76°10'W 354

850 FT.

165

172

171 170 169 168 167 166

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