



2/10/2025 | 7:00 PM

**Municipal Services Center, Council Chamber
3600 Tremont Road**

If you are joining through Zoom, please click the link below to join the meeting:

<https://us06web.zoom.us/j/87999909201>

Or Telephone: 1 929 205 6099

Webinar ID:879 9990 9201

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance Led By Council Member Kathy Adams**
- 3. Consent Agenda**
 - a. Approve January 27, 2025 City Council Meeting Minutes
- 4. Legislative Items for Third Reading/Public Hearing/ Council Action**
 - a. Ordinance No. 3-2025 - An ordinance amending Chapter 171 - Mayor's Court of the Upper Arlington Code of Ordinances (*Adams*)
- 5. Legislative Items for First Reading/Public Hearing/Council Action**
 - a. Ordinance No. 4-2025 - To amend Ordinance No. 70-2024, authorizing salary amendments for the City Manager, City Attorney, and City Clerk (*Close*)
- 6. Legislative Items for First Reading/Public Hearing**
 - a. Ordinance No. 5-2025 - An ordinance amending 2025 appropriations and the 2025-2026 employee strength table as authorized by Ordinance No. 69-2024
 - b. Ordinance No. 6-2025 - An ordinance amending various sections of Chapter 383 - Bicycles, Motorized Bicycles, and Motorcycles and § 543.02 - Adoption of Rules, Violations; Unauthorized and Prohibited Acts of the Upper Arlington Code of Ordinances
- 7. City Manager Update**
- 8. Adjournment**

January 27, 2025

City Council met in regular session in the Council Chamber of the Municipal Services Center, 3600 Tremont Road, and was called to order by President Awakessien Jeter at 7:00 p.m.

Members Present: President Ukeme Awakessien Jeter, Vice President Brian Close, John Kulewicz, Jim Lynch, Heidi Munc, and Todd Walter

Staff Present: City Attorney Darren Shulman, City Manager Steven Schoeny, Assistant City Manager Jackie Thiel, City Clerk Krystal Gonchar, IT Director Jeff Kasson, Finance Director Brent Lewis, Fire Chief Chris Zimmer, Public Service Director Gary Wilfong, City Engineer Aaron Scott, Parks & Recreation Director Debbie McLaughlin, Police Chief Keith Hall, Community Affairs Director Emma Speight, Community Development Director Chad Gibson, Human Resources Director Don Essex, and Senior Planner Justin Milam.

Pledge of Allegiance

The Pledge of Allegiance was led by Vice President Close.

Consent Agenda

- a. **Approve City Council Meeting Minutes for January 13, 2025**
- b. **Ordinance No. 1-2025 - An ordinance authorizing the City Manager to enter into a three-year contract with Indiana Printing for print publication services**

Mr. Kulewicz moved, seconded by Vice President Close, to approve the Consent Agenda. The motion carried with the following vote:

Voting Aye: Close, Kulewicz, Lynch, Munc, Walter, and President Awakessien Jeter

Absent: Adams

Reports & Presentations

- a. **Columbia Gas Pipeline Project**

The City Manager provided an overview of the project. He stated this is a hearing, which allows for public comment. The City has a fairly limited role because the oversight is done by the Public Utilities Commission of Ohio and the Power Siting Board. Our role is primarily to ensure they meet our zoning requirements. Columbia Gas has not yet submitted any formal application to the Board of Zoning and Planning. The City has filed a request to intervene, to ensure the facilities are safe and that they are in the best possible locations.

The City Manager introduced Luka Papalko, Public Affairs Manager from Columbia Gas, who presented an overview of the pipeline replacement and new regulator station project (presentation attached as Exhibit A). He stated they are encouraging participation in this project. The area regulation station that will be in Upper Arlington plays a critical role in reducing pressure in the system, similar to reducing a speed zone on a road. It is stepping down pressure to deliver the gas. It is constantly monitored and checked to ensure it is operating properly. It began with safety and environmental protection's put in place by the Pipeline and Hazardous Materials Safety Administration (PHMSA). He ensured the new and current guidelines will give Upper Arlington better inspection functionality, computerized monitoring, new and more durable pipelines, and shut off valves, making this entire project much better than what currently exists there. The current pipeline has been operated in this location for the past 70 years, the new route for the pipeline is not changing much. This corridor is critical to serving Upper Arlington. The new pipeline will be the same size as the current one, 20", and the operating pressure will remain the same.

Mr. Papalko emphasized the location of the regulator stations is critical to meet the demands of the distribution network in the area. It is the most efficient location; all the line components tie into the station itself. Additionally, the size of the lot of this property is important, it will allow Columbus Gas to abide by the zoning and setback regulations. They are working with New Avenue Architects to design the aesthetic components of the station.

The Community Development Director summarized the City's role and the zoning code requirements (presentation attached as Exhibit B). Ordinance No. 11-2024, Utility Station Regulations, was passed in March, 2024. This ordinance will protect the public health and safety. The next step will be a Board of Zoning and Planning (BZAP) review.

The Public Service Director gave a presentation on the City impacts from the project, and the permitting and coordination efforts (presentation attached as Exhibit C). Columbia Gas had completed a certificate of registration with the City and will be applying for permits. The City's role is limited, with the main focus being traffic and residents' concerns.

In response to President Awakessien Jeter's invitation to speak, the following speakers came forward:

- Derek Ensign – he is opposed to the project. If fail safes don't work then there could be an ignition. The current placement near the High School is not an ideal location. Columbia Gas has not done enough due diligence; he does not feel this expansion is necessary.
- Sue Miller – she lives adjacent to the project site and feels the pipeline needs replaced. This process has been done in secret. Columbia Gas has not been communicating with residents. She wants to be heard and give input. Columbia Gas is good at taking advantage of loopholes and meeting the bare minimum requirements.

- Dennis Bethel – he echoes what neighbors have said about disclosure. He found out about the project only when he downloaded materials from the PUCO site in December. He feels the project could still go on different property. The route needs reconsidered and negotiations need to be made with Ohio State University.
- Sally Francis – she stated the area the pipeline is located in is a high impact area due to the proximity to the high School. Columbia Gas should use this new project as a chance to move the pipeline to lower the risks to students and staff. She does not feel Columbia Gas was transparent in notifying the residents of the plans for this project. Additionally, it will have a negative impact on property values surrounding it.
- Linda Meadows – she learned of this project in 2023 from land surveyors. She tried to learn more but was told by Columbia Gas that the plans were undetermined. She was advised that since the location had not been negotiated no information could be released to her or other neighbors. A public engagement was scheduled in October at the Library and there was much frustration and anger at it by residents. She would have liked for Columbia Gas to engage with the community sooner to explain the entire project to them and ask for feedback.
- Judy Su – she is frustrated with the lack of answers they have received. Columbia Gas has not answered their questions. They have concerns over safety in the neighborhood and at the high school. Their property values will be negatively impacted.
- Mark Miller – he is a North Star Road resident. The turf grass at OSU is being treated as more valuable than residents' health and safety. The longstanding residents would like the pipeline moved somewhere else.

Vice President Close asked why another regulator station is necessary on top of the existing one on Brandon Road. Mr. Papalko stated Columbia Gas can not fit everything they need at the station on just one lot, therefore they need Ridgeview as well. Additionally, the two locations will serve two different purposes. Segmenting the pipes by having regulation stations actually increases the safety and reliability of the entire system. In response to Mr. Walter, Mr. Papalko stated they are working with OSU to gain access via an easement that will be big enough to allow for the equipment and space needed to install the facilities and pipes. He stated the ability to service the lines versus install a new one is different and that is why they have had to move the easement to the northern point along North Star Road.

Michael Uloko, the Planning and Development Project Manager for Columbia Gas, came forward and stated when installing a new pipeline, if it were to be next to the existing one, they would have to close all gas to those lines during the construction, meaning no gas to Upper Arlington. This could take many weeks to accomplish. Therefore, they need an entirely new easement that grants them enough right of way for equipment and pipes. Under this plan they will be able to maintain service to Upper Arlington throughout the project. Mr. Papalko confirmed that due to the density of Upper Arlington, a pipeline to avoid these areas is not entirely possible. There is still needs for lines and they have to go through Upper Arlington to service it. The new technology that will go into these lines is going to be much safer than when the lines were installed 70 years ago. Randy Owen stated they have not had many issues with break-ins, however, as times change they have seen more issues but nothing that has caused a major event. All the stations are locked and valves are secured.

Mr. Papalko stated in order for Columbia Gas to safely secure the external site their standard requirements would be to install a six feet chain link fence and two feet of barbed wire on top of it. Due to the location within a neighborhood they are going to agree to a contiguous 8-foot fence and forego the chain link and barbed wire. This will require a variance due to the height.

The Community Development Director stated safety will be very important for a conditional use approval. BZAP will review the application from Columbia Gas using the 9 standards that address safety directly. There are four additional standards specific to utilities. Because it is semi-industrial the plans will be sent to a master plans examiner that is state certified in structures like this. Mr. Gibson stated the utility station, when going to the permit stage, will be reviewed for zoning compliance, then it would be sent to the third-party architect, and then it would go to the mater plans examiner for building code review. Upon completion of the facility there will be a third-party inspection done to ensure it is safe for operations. Ms. Munc emphasized her desire for safety at the site, with additional systems such as an alarm.

President Awakessien Jeter called for a brief recess at 9:43 p.m. Council returned from recess at 9:56 p.m.

b. Finance Director Report – Fourth Quarter 2024

The Finance Director presented an update on the City's 2024 fourth quarter finances. The City finished 2024 with income taxes up, revenues up, and expenditures on budget.

Legislative Items for Second Reading/Public Hearing/Council Action

- a. Ordinance No. 2-2025 - An ordinance authorizing the issuance of not to exceed \$20,000,000 of general obligation limited tax bonds, or notes in anticipation of bonds, in one or more series, for the purpose of acquiring, constructing, installing, and equipping capital projects and public infrastructure with related equipment, acquiring land and interests in land, and all necessary appurtenances thereto; and authorizing and approving related matters**

Ms. Munc moved, seconded by Mr. Kulewicz, to pass Ordinance No. 2-2025.

The City Manager stated the finances at year end led staff to determine they are going to hold off on selling bonds. The finances for the projects scheduled can be funded by our cash reserves. They anticipate then to come next to issue bonds. This will save expenses, and debt service payments. It is requested by staff that this legislation be tabled indefinitely.

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 2-2025.

Ms. Munc moved, seconded by Vice President Close, to table Ordinance No. 2-2025. The motion carried with the following vote:

Voting Aye: Close, Kulewicz, Lynch, Munc, Walter, and President Awakessien Jeter

Absent: Adams

Legislative Items for Second Reading/Public Hearing

b. Ordinance No. 3-2025 - An ordinance amending Chapter 171 - Mayor's Court of the Upper Arlington Code of Ordinances

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 3-2025.

President Awakessien Jeter advised that the Third Reading/Public Hearing/Council Action will occur on February 10, 2025.

Liquor Control

- a.** Transfer of LLC membership interest for Store Ops 2140 LLC & Patio, dba Littleton's Market *(no action needed from Council unless there is an objection)*

There were no objections from Council.

- b.** Transfer of existing liquor permits from Michael R. Purdam, dba Old Bag of Nails Pub to Chefo Arlington LLC, dba Chef O Nette *(no action needed from Council unless there is an objection)*

There were no objections from Council.

City Manager Update

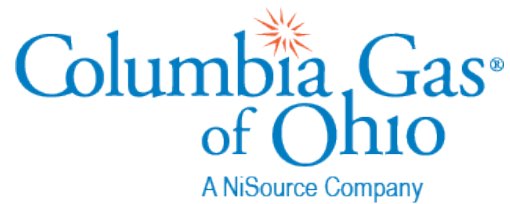
No update provided.

Council Liaison Report

No report provided.

* * *

There being no further business to come before City Council, President Awakessien Jeter called for a motion to adjourn the meeting. Mr. Kulewicz moved, seconded by Mr. Walter, to adjourn. The motion carried unanimously and the meeting adjourned at 10:11 p.m.



West Central North Columbus High Pressure (NCHP) Project – Upper Arlington

Luka Papalko, Public Affairs Manager, Columbia Gas of Ohio



OUR VISION IS TO BE A

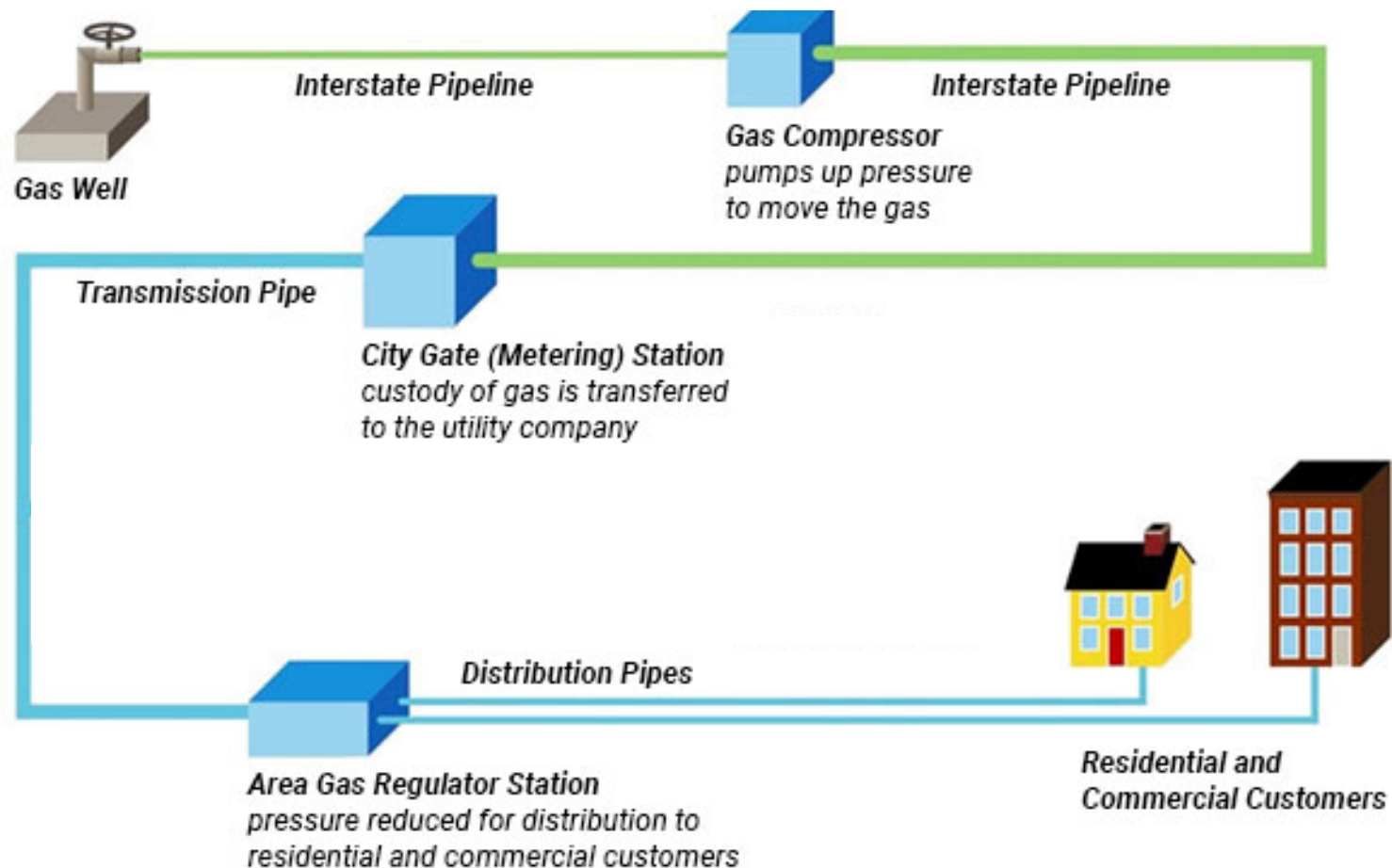
PREMIER, INNOVATIVE & TRUSTED
ENERGY PARTNER



Terms To Know

- **Transmission lines:** Pipes that carry natural gas from processing and storage facilities to distribution lines and customers, i.e., supply lines.
- **Distribution lines:** Pipes that carry natural gas from transmission pipelines to homes and businesses, i.e., delivery lines.
- **Regulator station:** A collection of pipes, valves and other measurements that reduce gas pressure to appropriate pressure connecting transmission lines and distribution lines. Regulator stations also act as monitoring and safety checkpoints.
- **PHMSA:** Department of Pipeline and Hazardous Materials Safety Administration. Federal component of gas line safety regulations.
- **PUCO:** Public Utilities Commission of Ohio. State regulator for Ohio utilities such as Columbia Gas.
- **OPSB:** Ohio Power Siting Board. Reviews gas pipeline projects based on size, length and pressure limits.
- **HCA:** High Consequence Area. Designated areas along pipeline corridor meeting specific population density, land use and pipeline specific requirements.
- **MAOP:** Maximum operating pressure. The extent of the system operating pressure.
- **NCHP:** North Columbus High Pressure. Name of Columbia Gas project.

Natural Gas System Overview



How Did We Get Here?



- PHMSA issued safety and environmental protections in response to safety incidents in other parts of the country.
- Multi-year, multi-phase project to comply with federal requirements.
- **2020:** 1st rule went into effect
- **2022:** 2nd rule went into effect
- **2023:** 3rd rule went into effect
- **What is the Mega Rule?**
 - Improves integrity management
 - Increases safety requirements
 - Expands erosion control
 - Mandates inspections
 - Updates repair criteria

Mega Rule Compliance



Perform additional maintenance and inspections within HCA



Create Pipeline Integrity program



Install in-line inspection functionality



Install automatic shut off valves



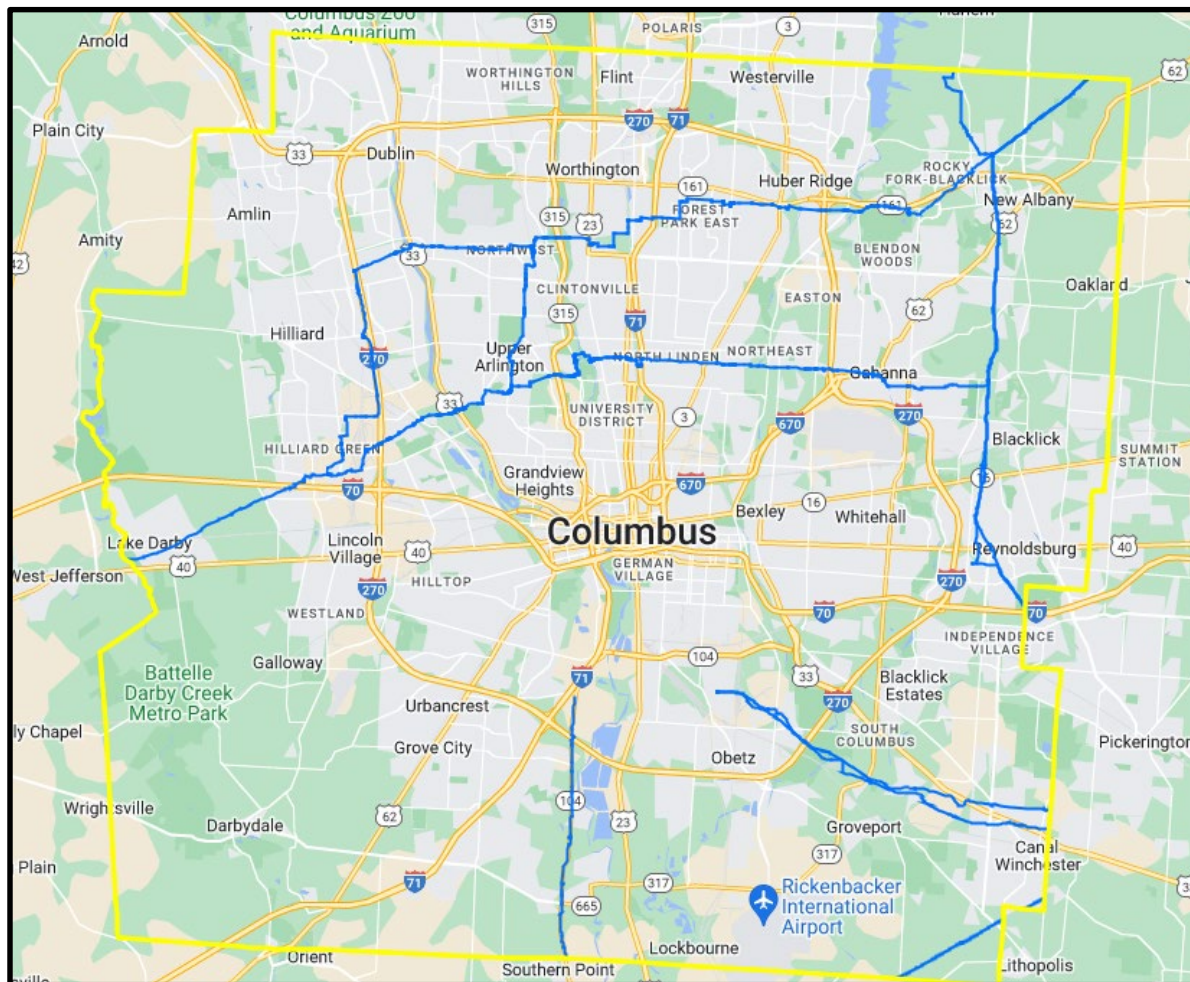
Install computerized monitoring and leak detection systems



Replacing pipeline segments with newer, thicker pipe

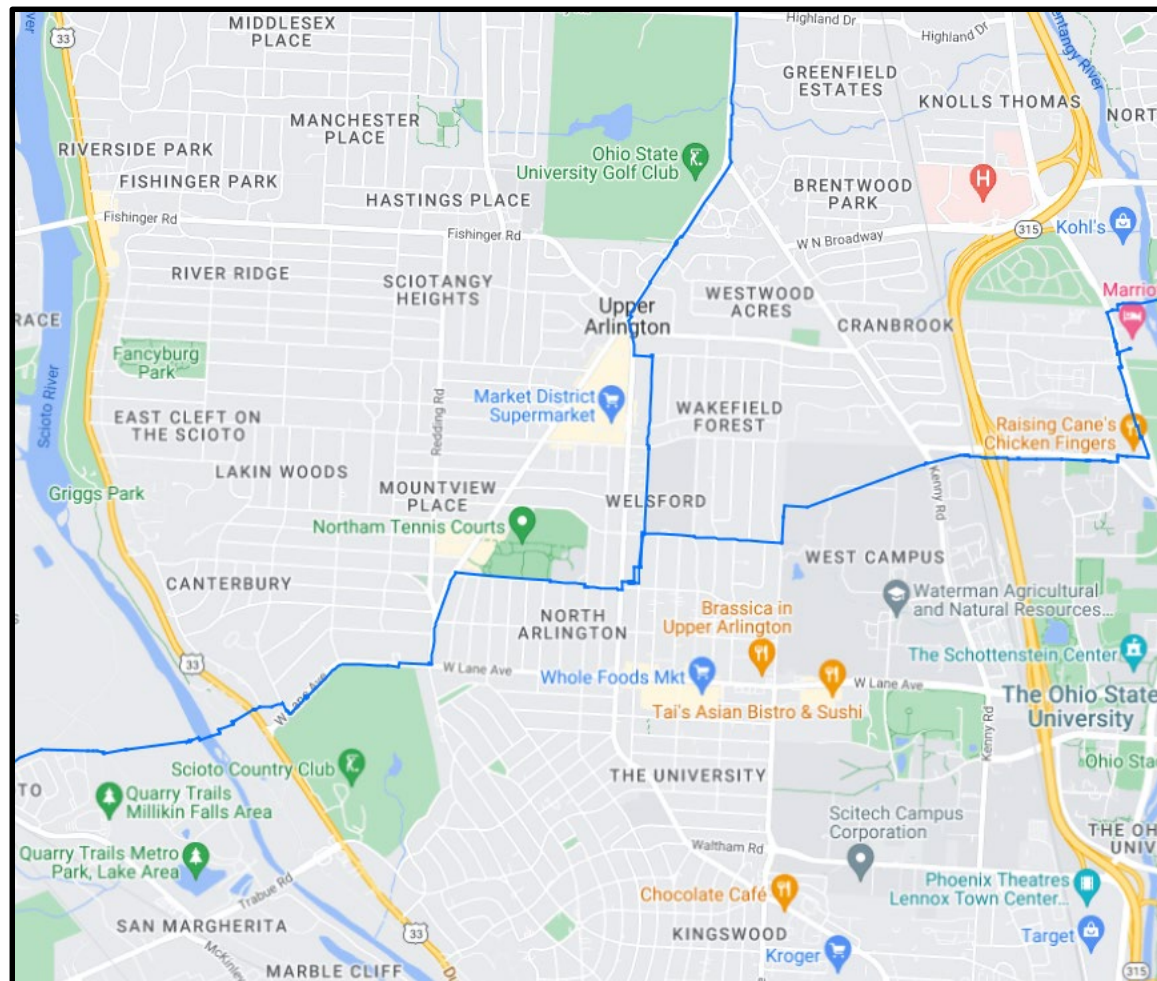
Columbia Gas North Columbus High Pressure System

Columbia Gas must be in 50% compliance by July 2028.



Columbia Gas North Columbus High Pressure System – Upper Arlington

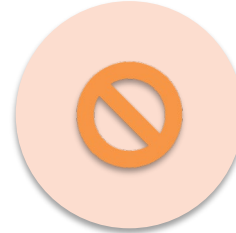
Upper Arlington will have multiple phases.



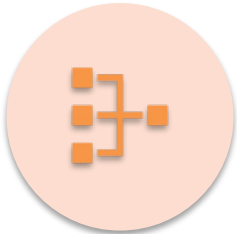
Important Notes



Columbia operates 52 miles of transmission pipeline in Ohio – there has never been an incident in 70+ years.



There is no leakage history on the pipeline in Upper Arlington.

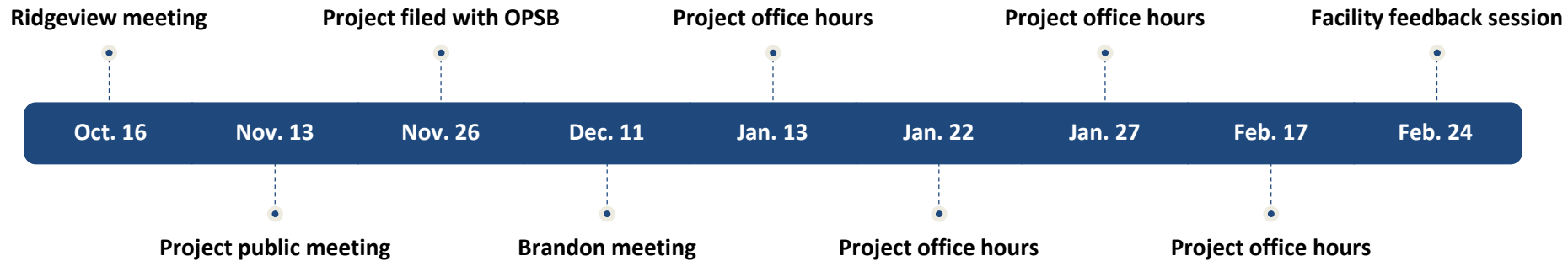


There is 300,000+ miles of transmission pipeline in US.



1 in every 7 miles is considered HCA.

Timeline Of Public Events



West Central Project Route



Green = existing pipeline

Red = new pipeline

Project Facts And Figures

- **Start date:** Spring 2025?
- **End Date:** TBD
- 2.4 miles of new pipeline installed
- In Upper Arlington, pipeline will be installed in public right-of-way
- Main impacts will be maintenance of traffic and construction disruption
- **Two facilities:** 1336 Ridgeview and 2723 Brandon Road
- **Construction to follow guidelines from:**
 - US EPA
 - Ohio PA
 - ODNR
 - Army Corps of Engineers
 - Upper Arlington
 - OPSB
- **Project planning steps taken:**
 - Integrity digs
 - Surveying
 - Cultural Resource Study
 - Endangered Species Review
 - Wetland Delineation Report
 - Coordination with impacted stakeholders

Safety Precautions During Construction

- Columbia personnel will oversee project execution contractor
- Columbia will follow right-of-way permit issued by Upper Arlington
- Upper Arlington will have inspection personnel and capabilities
- Columbia will follow maintenance of traffic plan submitted to and issued by Upper Arlington
- Columbia will have maintenance of traffic contractor
- Storage yard will be outside of Upper Arlington
- Pipeline safety components during construction:
 - Steel plant verifies and tests material
 - Welds are tested
 - Joints are sandblasted and coated
 - Pipe is x-rayed
 - Pipe is tested longitudinally and laterally
 - Cathodic protection is applied
 - Pipe is pressure tested (with water) before in service

Important Pipeline Notes



The current 20" pipeline will be replaced with a new 20" pipeline.



The operating pressure will remain the same.

This is a like for like project while improving system safety and reliability.

What Is A Regulator Station?

- Above ground facilities that reduce gas pressure to operating pressure appropriate for downstream section of the distribution system.
- Includes features such as:
 - Pressure reduction valves
 - Pressure monitoring
 - Metering
 - Automatic shut off valves
 - Emergency relief components
- 800+ regulator stations in Central Ohio
- 17 regulator stations in Upper Arlington



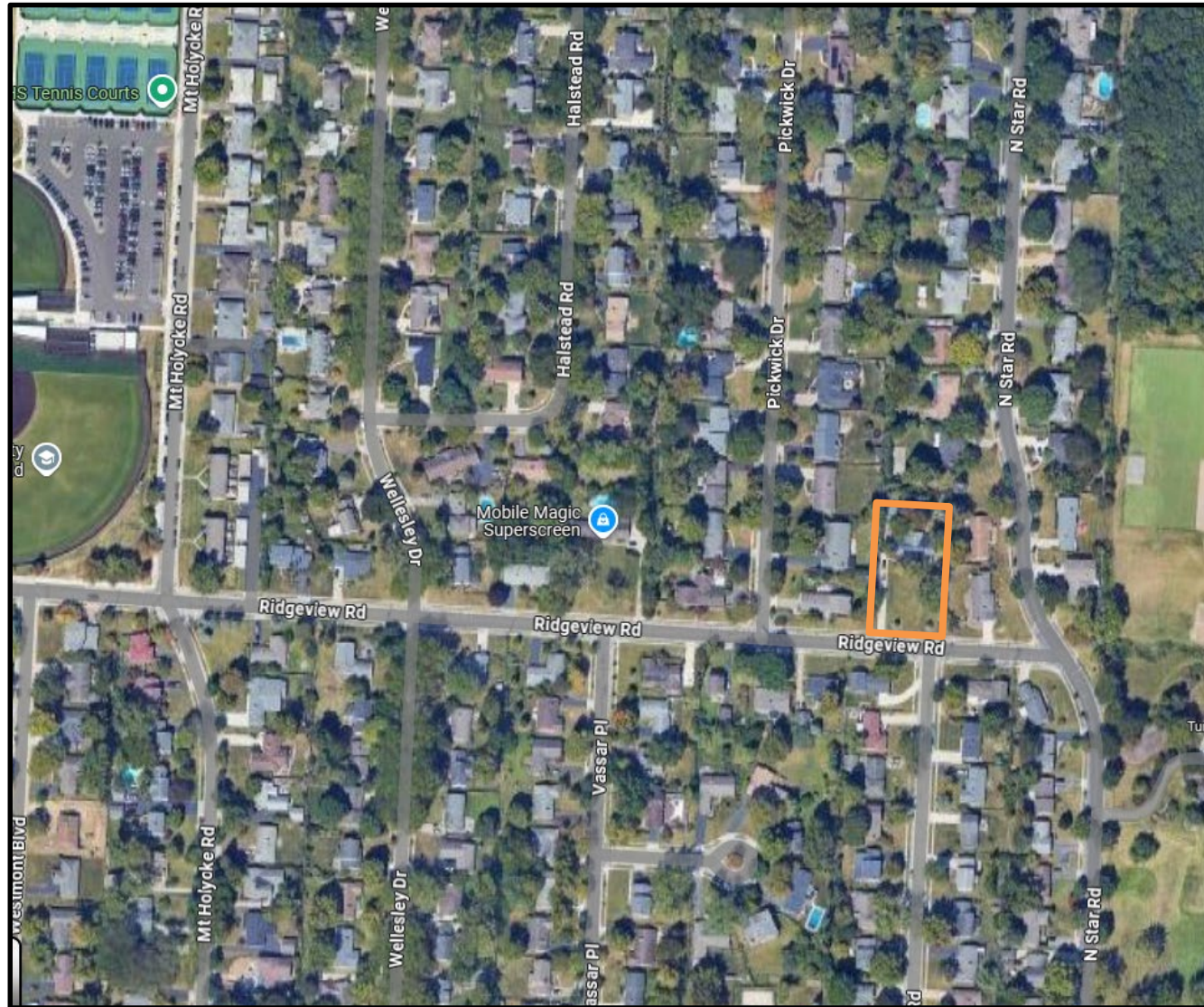
Regulator Stations In Ohio



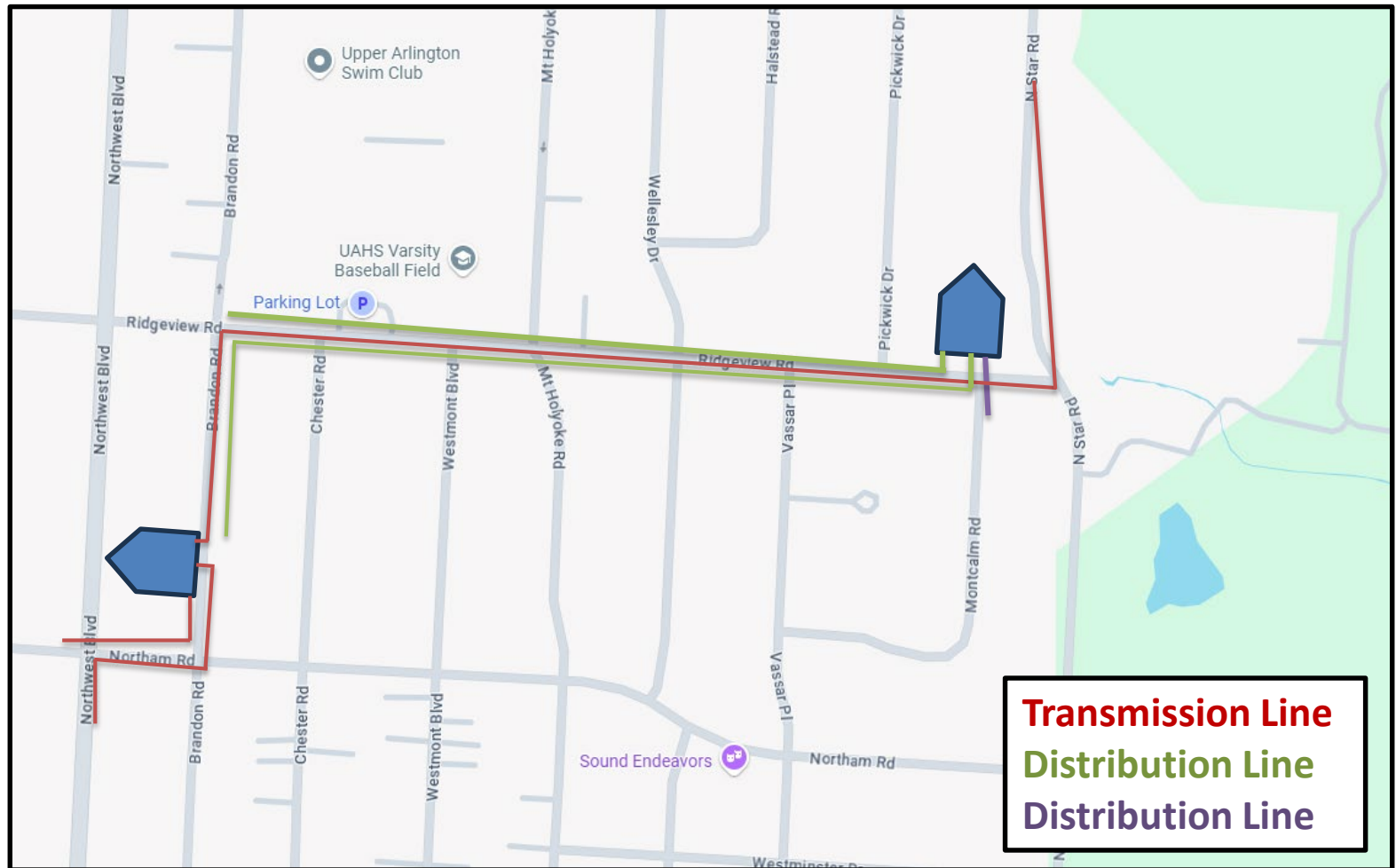
Brandon Road



Ridgeview Road

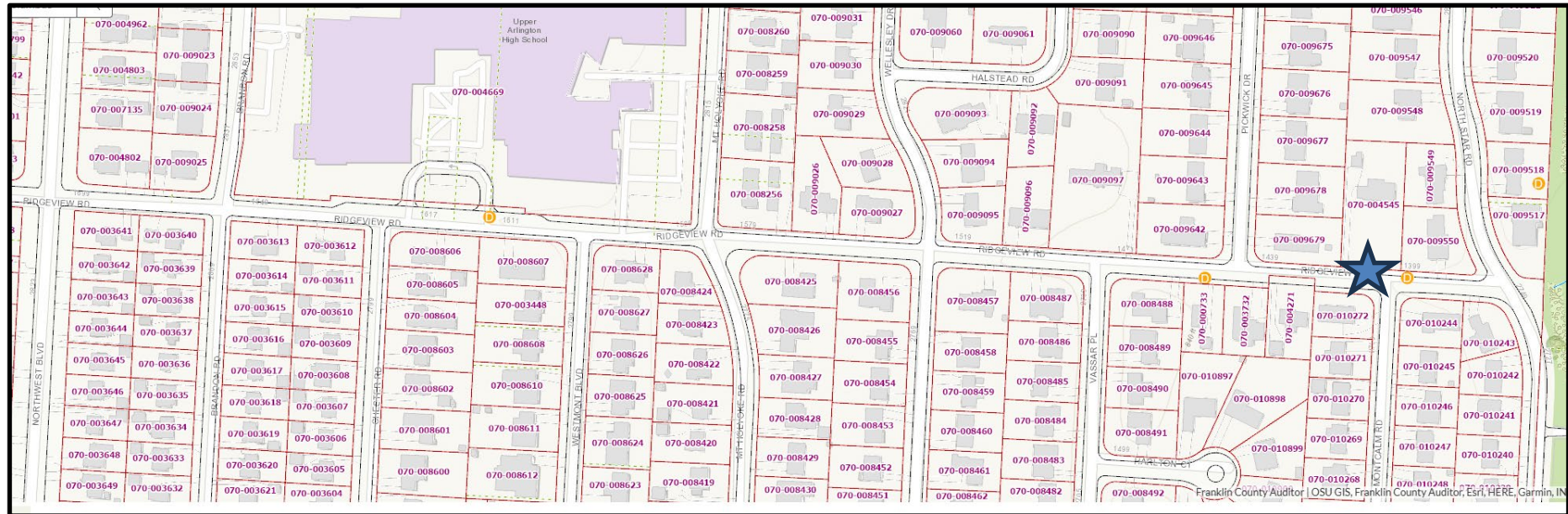


Why These Locations?



Connectivity

Why These Locations?



Lot Size

What Will Be At These Facilities?



Brandon

In-line inspection



Ridgeview

Automatic shutoff valve
(every 2.5 miles)

Inlet and outlet of gas
Monitoring safety checkpoint
Heater

Brandon Road



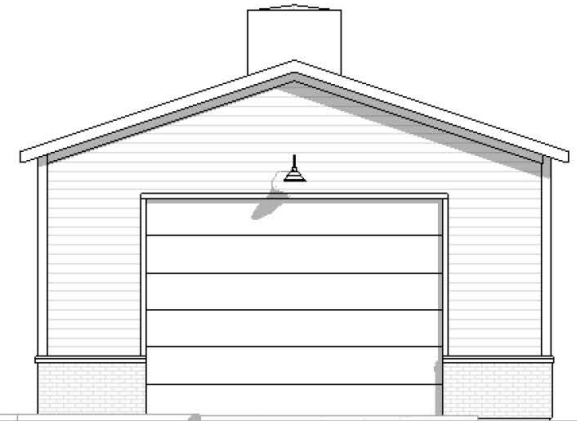
Brandon Road



Ridgeview Road



Ridgeview Road



COLUMBIA GAS STATION

1336 RIDGEVIEW RD. UPPER ARLINGTON, OHIO

01/24/2025

Ridgeview Road



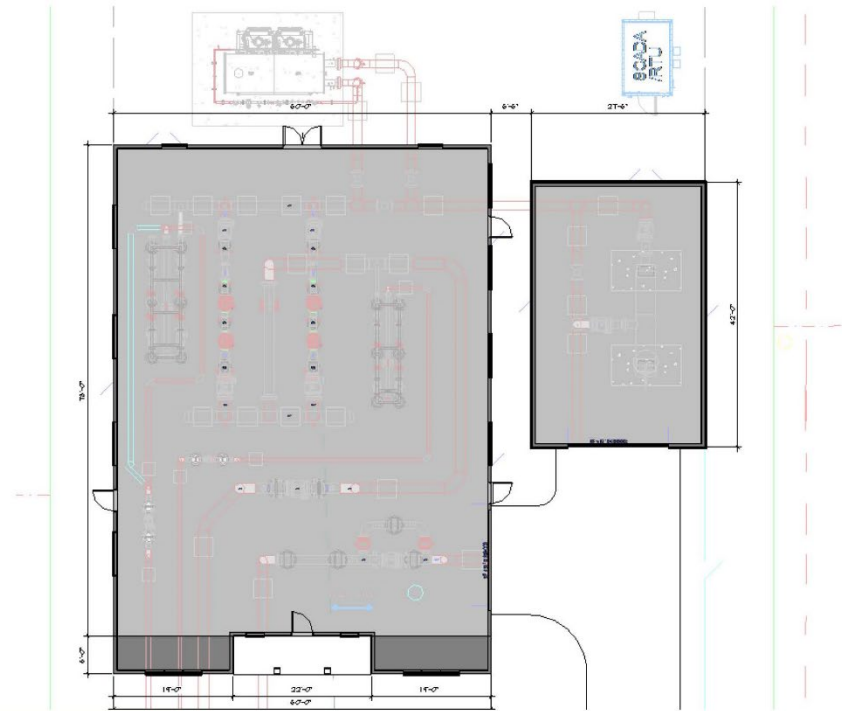
NEW AVENUE
architects • engineers

COLUMBIA GAS STATION

1336 RIDGEVIEW RD. UPPER ARLINGTON, OHIO
01/24/2025

Ridgeview Station Notes

- Maximum building height: 25'-6"
- Maximum garage height: 15'
- Zoning variance required: Fence height
- Current plans abide by zoning and setback requirements
- Looking for value add opportunities
- Will continue feedback loop with community



NEW AVENUE
architects • engineers

COLUMBIA GAS STATION

1336 RIDGEVIEW RD. UPPER ARLINGTON, OHIO
01/24/2025

Regulator Station FAQs

- **What are the sound measurements?**

Sound will be dampened by the containment of most of the site's equipment within the buildings as well as landscaping and fencing around the site. The original site design would provide a net decibel rating of 40 during peak operating times.

- **What noise level can neighbors expect during construction of the station?**

Like that of building a house. Columbia will abide by working days and hours as permitted by Upper Arlington.

- **Will residents be compensated for a reduction in property values?**

Columbia does not engage in property value compensation with neighboring property owners of Columbia owned sites. Columbia's experience has been that its projects do not devalue neighboring properties. Further, Columbia's development will be consistent with all local laws, rules, and regulations (including zoning regulations) to preserve neighboring aesthetics, characteristics, and value. Columbia's focus remains on collaborating with the community on site design to ensure the property blends in with the community.

- **Will this cause a change to their insurance rates?**

Columbia's experience has been that its projects do not cause changes to insurance rates. Columbia will follow all federal, state, and local requirements that will result in safe and reliable facilities, for all customers and residents including those living around the facilities.

- **Are there any emissions that this station will let off when operating?**

There will not be natural gas emissions during day-to-day operations. Carbon dioxide emissions when the heater runs will be on par with typical residential gas-fueled facilities.

- **Will there be an ongoing measurement for potential emissions?**

Columbia has identified all sensitive environmental and cultural areas in the vicinity and has designed this project in a manner that minimizes its impact. Construction will follow regulations from the U.S. EPA, Ohio EPA, Ohio Department of Natural Resources, Army Corps of Engineers, the OPSB and other agencies to protect the environment. As it stands, no natural gas emissions will occur during day-to-day operations.

- **Will there be any commercial sized lights or atypical installations?**

Lighting will be consistent with that on residential homes with lighting being near doors, along the building, around entry points. We plan to design the project with features such as lighting consistent to that of a residential neighborhood.

- **Will neighbors be limited by what they can install at their house?**

Neighbors will not have to alter home projects because of regulator station components being in the neighborhood.

Ohio State's Role

- Pipeline easement currently runs across Waterman Lab
- Worked with Ohio State to gain new easement on northernmost side of property
- Current pipeline will be retired in place
- Original project was titled "University" phase by Communications team to give project name unique landmark name; that has since been changed to avoid any confusion
- Original OPSB filing had the following language that caused confusion:

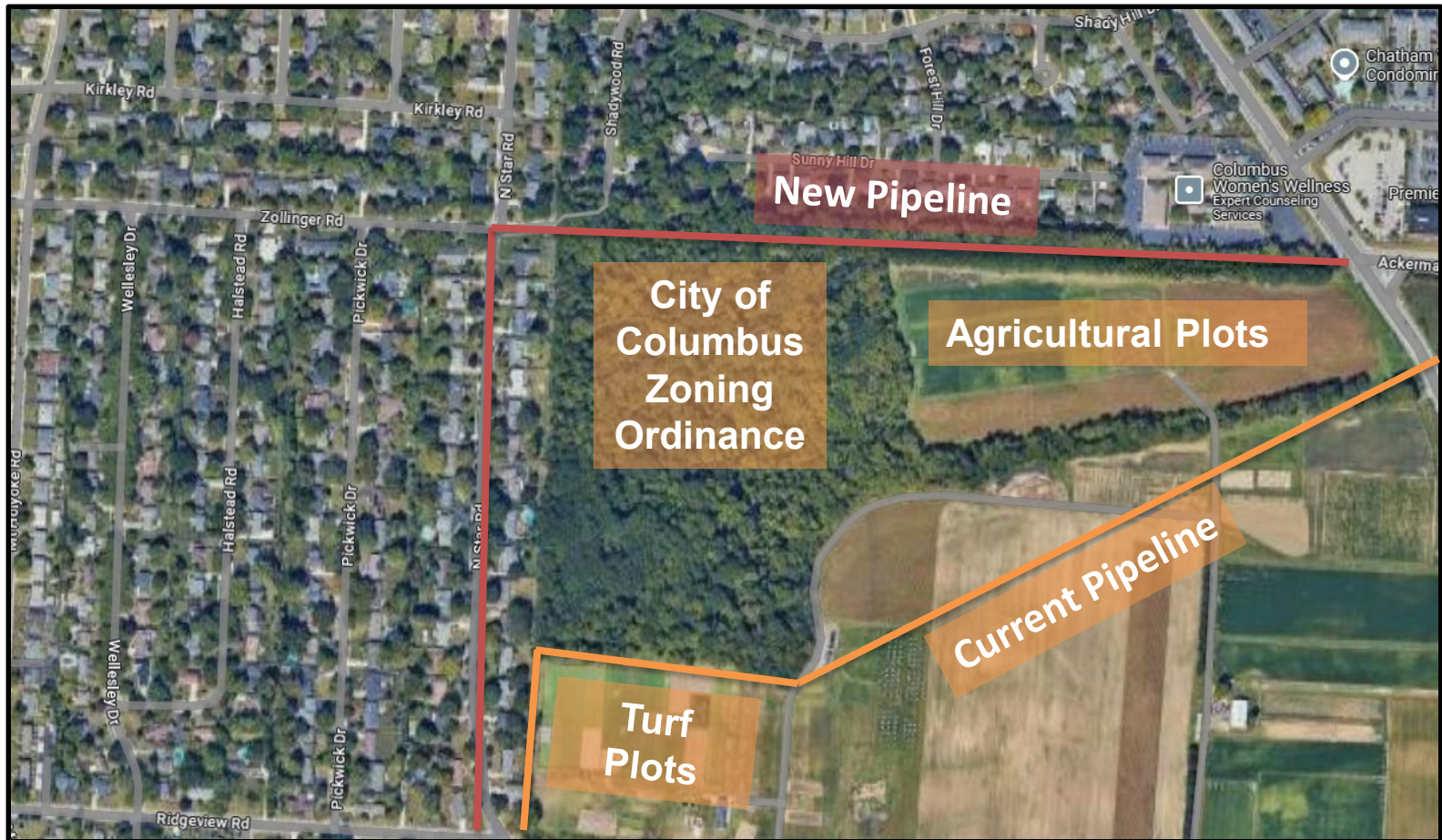
*The Project will begin on Brandon Road between Ridgeview Road and Northam Road. The Project will be constructed within the public road rights-of-way within the City of Upper Arlington **as well as within permanent private pipeline easements from State of Ohio for the use and benefit of The Ohio State University within the City of Columbus.** The Project ends at the intersection of Defiance Drive and Ackerman Road.*



This project is not exclusively serving or benefitting Ohio State and was not for or initiated by Ohio State in any manner.

Ohio State's Role

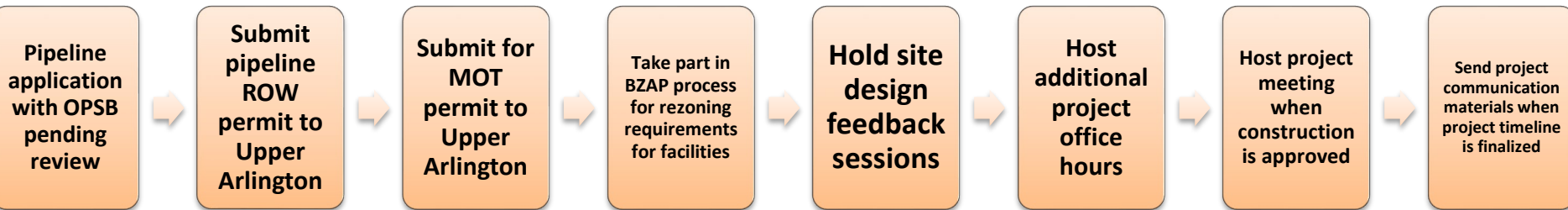
- Columbia cannot eminent domain Ohio State – see prior public use doctrine



Ohio State's Intervention

“The routing of the Project is of critical importance so as to not disturb the research and other activities occurring at Waterman Lab. For example, some of the current research plots include 40-year conservation areas, and it would be very difficult and perhaps impossible to relocate while preserving the research if the Project were routed through these areas of Waterman Lab. While OSU does not object to the location of the Project as currently proposed by Columbia in the Application, OSU has a real and substantial interest in ensuring that the Project is not modified in a manner that would negatively impact the Waterman Lab property, the ongoing education and research projects, and adjacent areas of the OSU campus.”

What's Next?



West Central NCHP Project



**COLUMBIAGASOHIO.COM/
WEST-CENTRAL-NCHP**



800-242-6227



NCHP@NISOURCE.COM

Ordinance #11-2024

- Passed by Council on March 4, 2024
- Amended multiple sections of the UDO regarding Utility Stations
- Consider balance between necessary operation of utility infrastructure and protecting public health, safety, and welfare, as well as property values
- Ensures that major utility installations include Board of Zoning and Planning review with an opportunity for public comment
- Defined Utility Station and distinguished from Utility Structures
- Designated Utility Stations as a Conditional Use in the R-S, R-1, R-2 and R-3 Districts



Selected Conditional Use Application Requirements

- A site plan and other drawings to scale, showing the existing and proposed use of the site, all pertinent natural and man-made features, and adjacent development character and buildings;
- A statement of need for the proposed use, its location and a report identifying the effects of the proposed use on the surrounding properties and the neighborhood; and
- A plan of how the potential negative effects of the proposed use will be mitigated including traffic, parking, noise, light intrusion, solid waste storage and removal.



Utility Station Standards (1 of 2)

- i. As practicable, all pipes, valves and related equipment shall be located inside fully enclosed, sound-limiting buildings, with closed windows and double-door entrances. Such buildings shall be designed to meet the City's Residential Design Standards (Article 7.17), which includes an architectural style in terms of height, scale, massing and exterior building materials that shall be consistent with the street segment. This shall include a pitched roof and at least 50 percent of the exterior building material shall be brick and/or stone.
- ii. There shall be no more than three buildings per property: a larger primary building, a smaller secondary building, and an accessory building. Each building has a height limit: 25'-6" for the primary, 15 feet for the secondary and 10 feet for the accessory.



Utility Station Standards (2 of 2)

- iii. A landscape plan shall be submitted, which includes six-foot tall privacy fencing (or wall) along the side and rear property lines, not in the front yard, and a mixture of deciduous and evergreen trees. A minimum of one tree for each 25' of property line length shall be installed on-site. Any mature trees marked as good condition by the City Forester should be preserved.
- iv. The property shall be restored to grass if the station is abandoned for more than 2 years.



Residential Design Standards

- New homes shall be consistent and compatible with the noticeable and recognizable characteristics of the homes and lots on the street segment.
- Such characteristics include: lot width and size, architectural style and materials, heights and massing, front yard setbacks, roof pitch and shape, garage location, amount of impervious surface, and other defining features of the street segment.
- An accompanying neighborhood compatibility policy provides further guidance.



Utility Station Review

6

- New Utility Station proposed at 1336 Ridgeview Road
- Replacement/expanded Utility Station proposed at Brandon Road
- BZAP review of Conditional Uses required
- Notification required to all property owners within 300 feet



Questions?



- Existing Utility Station Examples
 - Brandon Road
 - Sunset Drive



- Existing Utility Station Examples
 - Northwest Blvd.
 - Reed Road



Conditional Use Standards of Approval (1 of 3)

- 1) The conditional use is a permitted conditional use in the district for which it is proposed;
- 2) The conditional use will be in accordance with the general objectives, or with any specific objective, of the City's Master Plan or this UDO;
- 3) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;



Conditional Use Standards of Approval (2 of 3)

- 4) The conditional use will not be hazardous or reasonably disturbing to existing or future neighboring uses;
- 5) The conditional use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;
- 6) The conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

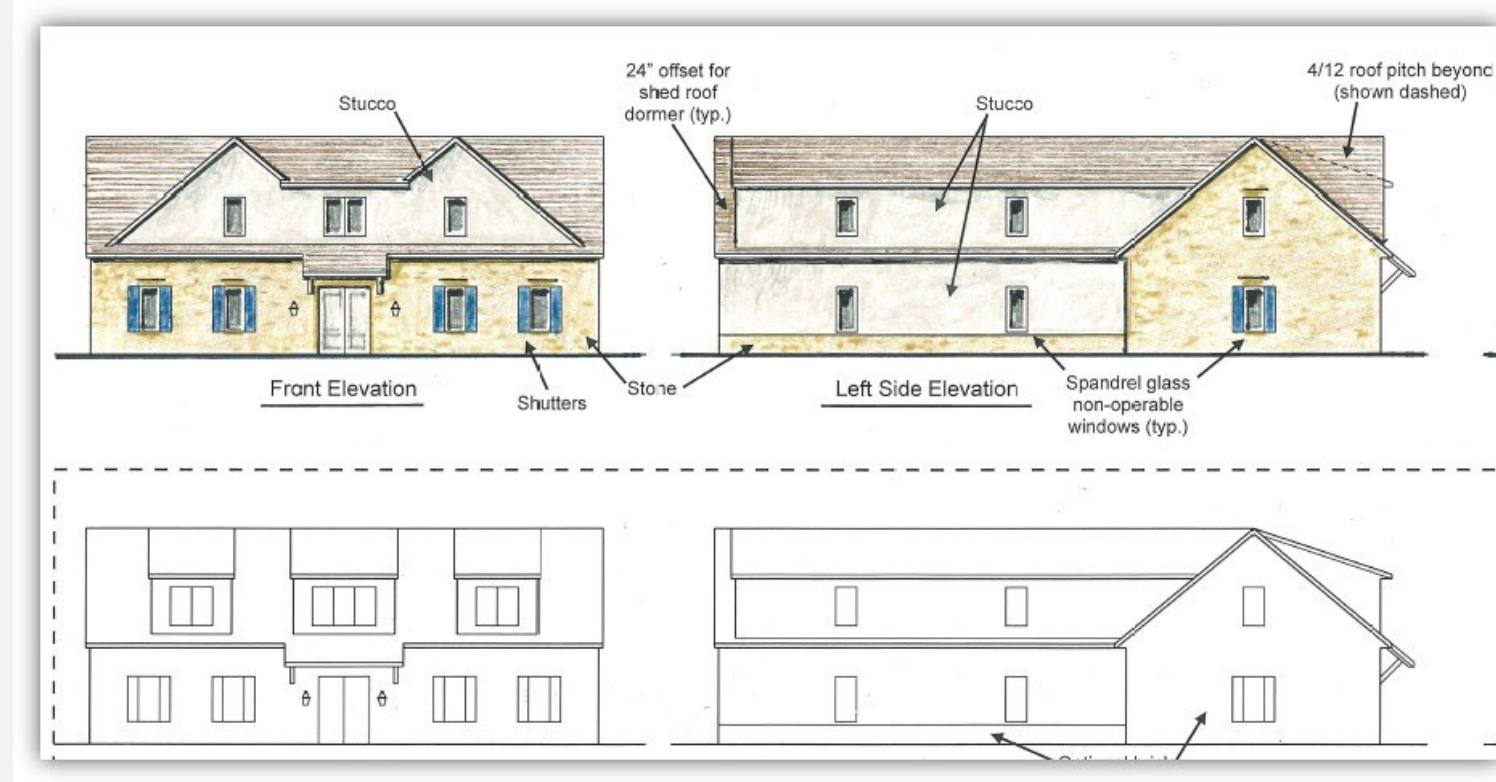


Conditional Use Standards of Approval (3 of 3)

- 7) The conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- 8) The conditional use will have vehicular approaches to the property, which shall be designed so as not to interfere with traffic on surrounding public thoroughfares; and
- 9) The conditional use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.



- Conceptual Ridgeview Road Utility Station design based on Columbia Gas conceptual site plan
- City's third-party architect created these renderings which include dormer and exterior material options
- Per code, the maximum height of Utility Stations is **25'-6"**



- Per UDO Article 4.10 appeals of BZAP decisions are heard by Council
- Appeals of a BZAP decision must be filed by an aggrieved party within 21 days of the decision
- ‘Aggrieved’ is defined: *“means any person who demonstrates an interest that is directly affected by the order, requirement, decision, or determination. A person's interest is directly affected where it is subject to an immediate, unique harm distinct from the harm suffered by the community at large. A future, contingent, or speculative interest will not suffice. For the purposes of this definition, any person owning property contiguous or adjacent to a proposed land use site shall be considered directly affected with respect to any administrative hearing or appeal regarding that site.”*
- A two-thirds majority vote of Council is required to overturn BZAP



City Project Impacts

Columbia Gas Proposed Transmission Line - 2025

Exhibit C

1



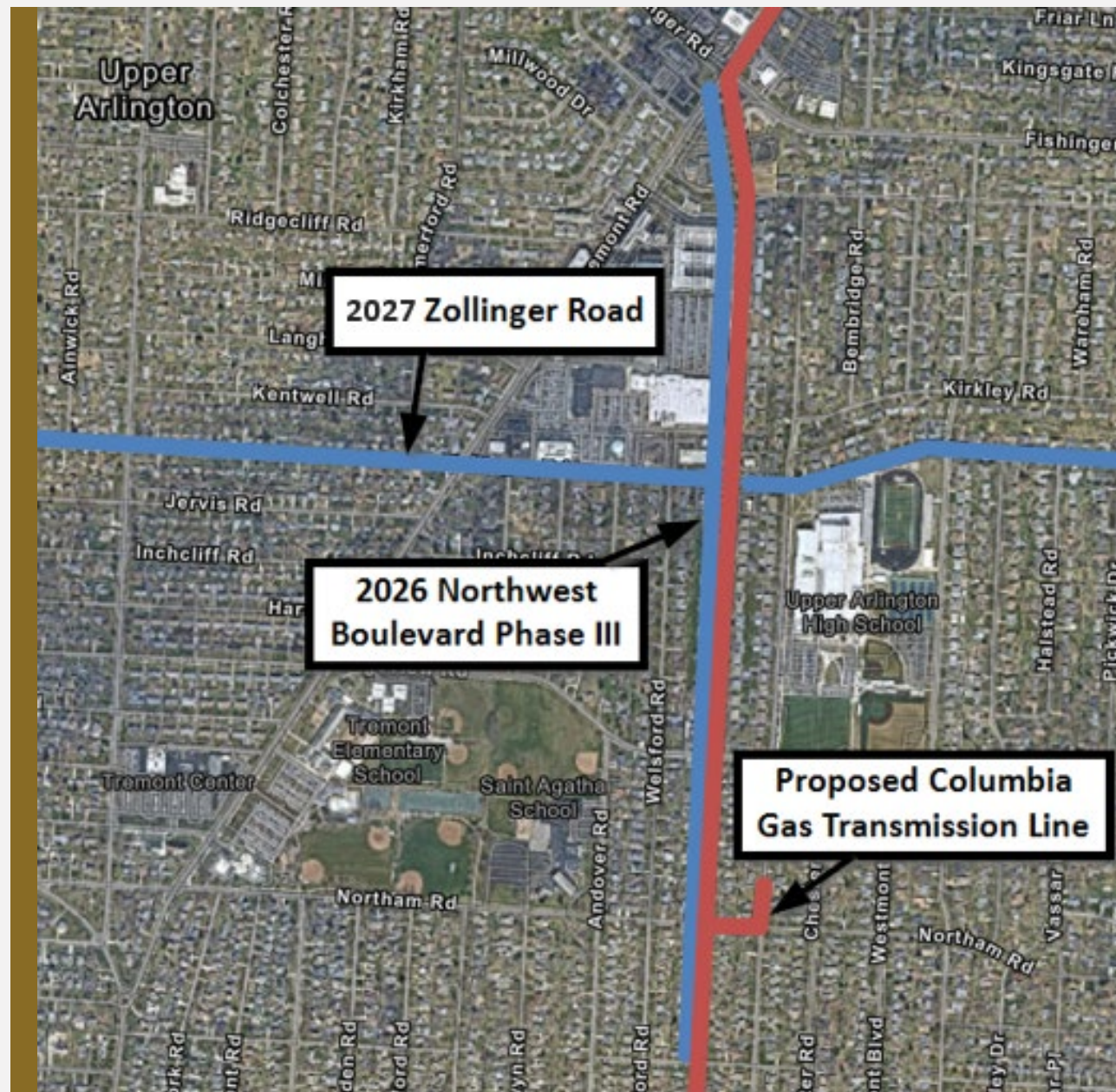
Chester Road

- Waterline Replacement & SMP proposed for 2025
 - Proposed waterline would connect to the existing main on Ridgeview Road
- Coordination Issues
 - Minimal concerns for traffic maintenance depending on construction timing

City Project Impacts

Columbia Gas Proposed Transmission Line – Date TBD

2



Northwest Boulevard - 2026

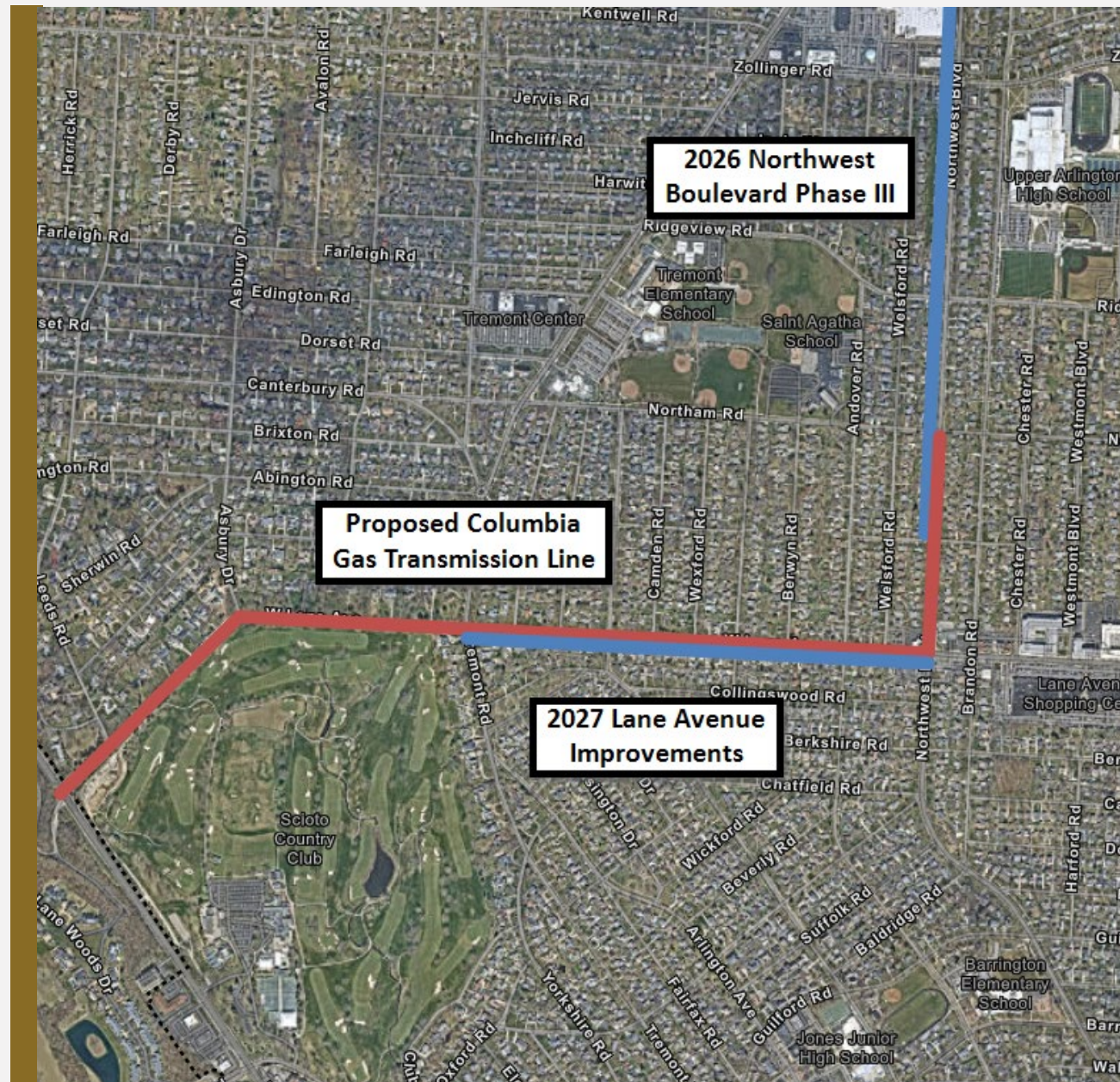
- Northwest Boulevard Phase III
 - Wilshire Road to Five Points
- Coordination Issues
 - Proposed transmission line from Northam to Five Points
 - Staff prefers not to delay City Project
 - Five-year pavement cut moratorium, NW Boulevard to be repaved in 2026, Zollinger Road in 2027



City Project Impacts

Columbia Gas Proposed Transmission Line – Date TBD

3



Lane Avenue Improvements

- Project Limits
 - Tremont Road to Northwest Boulevard
- Coordination Issues
 - City shifted project to 2027 from 2025
 - Additional maintenance in 2025 & 2026
 - 2026 Senior Open at Scioto Country Club
 - One-block overlap with 2026 Northwest Boulevard Phase III



Right of Way Permits

C.O. 933 – REQUIREMENTS FOR THE USE OR OCCUPATION OF RIGHTS OF WAY AND PUBLIC PROPERTY

4

Right of Way Permits for Utilities

- Certificate of Registration Required
- Right of Way Permit Required - \$500
 - Engineering Division
 - GIS Division
 - Electrical Division (if applicable)
- Permits must include construction plans as well as Maintenance of Traffic Plans

Permit # 25-114

- Submitted January 9, 2025
- Construction plans and Maintenance of Traffic Plans currently under review
- Initial review expected to be complete by 1/31
- Comments will be returned to applicant for correction and resubmittal

Authors:	Darren Shulman, City Attorney
Council Meeting Date:	February 10, 2025
Subject/Legislative Item:	Ordinance No. 3-2025 - An ordinance amending Chapter 171 - Mayor's Court of the Upper Arlington Code of Ordinances (<i>Adams</i>)
Purpose:	Increase the pay for magistrates in Mayor's Court and adjusts fees.
Executive Summary:	This legislation is a companion to the budget, which reflects an increase in pay for Mayor's Court magistrates. The increase is recommended based on a survey of area mayor's courts and the recommendation is consistent with the findings of that survey. In addition, based on case volume, the Mayor's Court sessions have been going longer. Magistrates are paid per session, so the longer court times support additional pay. The legislation also allows for adjustments to court fees, which have not been updated in several years.

Purpose and Impact

Per Council's direction during the budget process, this legislation removes the magistrate pay amount from the City's Codified ordinances. If passed, going forward, the contracts would be treated like any other professional services contract under the City's procurement code. As part of the legal department's code review project, this ordinance also makes the following additional changes:

- Aligns with current practice of appointing magistrates by removing language indicating the mayor and vice mayor preside over mayor's court. In recognition that there could be an emergency situation, the revised language does permit the clerk to request the mayor or vice mayor preside if the clerk is unable to schedule a magistrate. The City does not anticipate ever needing to do this as we currently use a rotation of magistrates.
- Aligns code with current practice of having mayor review and approve mayor's court rules instead of creating them, as most of the rules are driven by recommendations by the Mayor's Court Clerk.
- Adds language to Mayor's Court Computer Fund and Clerk of Courts Fund to align with how the funds are named in state code.

- Raises the maximum Clerk of Court Computerization Fund fee to \$20 to reflect the increased limit permitted by state law. However, the fee will currently be set at \$12.
- Removes \$2.50 fee that is not being collected.

While they do not require Council approval, the following changes are being made to the Fee and Bond schedules:

Fee Changes (last reviewed in 2019)

- Computer Funds: This fee will increase by \$9, which will allow the City to implement technology programs that will make court more efficient and provide better service to users. Examples of planned and/or potential uses include transitioning to e-tickets, establishing a text system to remind people of their court dates, and an easier system for individuals to request continuances.
- Trials: Every defendant has a right to trial, so this change removes the charge for people exercising their rights.
- Request to change in limited driving privileges: The City wants to encourage people to obtain privileges and keep them up to date, and is therefore removing this charge.

Bond Schedule changes (last revised in 2021)

The City prefers to use methods such as license forfeitures or registration blocks to obtain attendance in court. However, recent legislative proposals may change what the City is able to do. The following changes provide the City with options should it no longer be able to use license forfeitures:

- Unclassified Misdemeanor: Reducing the bond from \$200 to \$150 places less of a burden on defendants and is aimed at making it easier for them to post bond while still covering the City's court costs should they fail to appear in court. A typical unclassified misdemeanor is driving without a license.
- Minor misdemeanor: The preference is not to use a warrant in these cases. However, should a warrant be necessary, the City believes a \$100 bond captures most of court costs and reflects the low severity of the charge. A typical minor misdemeanor is a speeding ticket.
- Minor misdemeanor out of state: The bond for minor misdemeanors for people who live outside of Ohio reflects the greater chance that they will not appear in court as well as the fact that Ohio is limited in what it can do to secure their attendance.

History

While some parts of Chapter 171 - Mayor's Court have been updated more recently, state code has changed last reviewed. Magistrate's pay has not been reviewed since 2011.

Alternatives



City Council may choose not to make adjustments to Chapter 171 - Mayor's Court, which would make it challenging to find magistrates to cover court sessions.

Attachments

1.	Ordinance No. 3-2025
2.	Exhibit A - CHAPTER 171. MAYOR S COURT REVISION DRAFT (1-6-25)
3.	Exhibit B - Mayor's Court Fees and Bond Schedule



RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 3-2025

TO AMEND CHAPTER 171 – MAYOR’S COURT OF THE UPPER ARLINGTON CODE OF ORDINANCES

WHEREAS, the City Manager, in conjunction with the Finance Director and the City Attorney, has recommended increases to the Mayor’s Court magistrates’ pay per Mayor’s Court session; and

WHEREAS, it is the recommendation of staff that the magistrates’ pay, which is currently set at \$400/session worked per §171.01, be increased to \$500/session worked to remain competitive with other local Mayor’s Courts; and

WHEREAS, to increase efficiency, it is recommended to remove the magistrates’ pay from the codified ordinance; and

WHEREAS, the proposed amounts were included in the 2025-2026 Municipal Program of Services (Draft), adopted by City Council on December 16, 2024; and

WHEREAS, the Mayor’s Court magistrate salary adjustments will go into effect 30 days after passage, but pay shall be retroactive to January 1, 2025; and

WHEREAS, staff recommend other changes to the Mayor’s Court chapter, including fee adjustments; and

WHEREAS, a proposed revised fee and bond schedule, which are contained in the Mayor’s Court rules is attached for reference as Exhibit B.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio, that:

SECTION 1. Chapter 171 of the Upper Arlington Codified Ordinances is hereby amended as contained in the attached Exhibit A.

SECTION 2. The magistrate per session pay of \$500 shall be retroactive to January 1, 2025.

SECTION 3. This ordinance shall take effect 30 days after passage.

CHAPTER 171. MAYOR'S COURT

§ 171.01 DUTIES AND COMPENSATION OF PUBLIC OFFICIALS SERVING IN MAYOR'S COURT.

~~The mayor and vice mayor shall be paid eighty-four dollars (\$84.00) per court session worked. If the mayor is unavailable to preside on a scheduled date(s), the mayor shall appoint either the vice mayor or magistrate to preside on that particular date(s).~~

The mayor shall appoint magistrates to preside over mayor's court. A person appointed as a mayor's court magistrate, other than the mayor or vice mayor, shall be paid four hundred dollars (\$400.00) per mayor's court session worked at a rate established by contract. ~~not to exceed an annual salary of fifteen thousand dollars (\$15,000.00). Upon request by the Clerk of Court, the mayor or vice mayor preside over mayor's court in the event the City is unable to schedule a magistrate.~~

~~The mayor has the authority to create~~ shall review and approve the rules and procedures to govern the court. These rules prescribe the conduct and procedures to be followed in mayor's court and sets forth the fines, fees and court costs to be imposed by the court.

~~The mayor and vice mayor shall be paid a total fixed annual salary of four thousand two hundred dollars (\$4,200.00) for performance of their duties as judges of the mayor's court in accordance with ORC §1905.21. This fixed annual salary for the mayor and vice mayor shall be distributed between the mayor and vice mayor on a proportionate basis, such proportions to be based on the number of sessions at which each presides during the annual period.~~

(Ord. No. 115-2010, 3-16-2011)

§ 171.02 CLERK OF COURT.

The city manager shall appoint a clerk of court who shall maintain the records of the mayor's court in accordance with applicable state law and rules of court. The clerk of court shall be part of the finance department and supervised by the finance director unless otherwise determined by the city manager.

(Ord. No. 5-2019, § 1, 2-11-2019)

§ 171.03 DEPUTY CLERKS.

The city manager may appoint, such deputy clerks of court as are necessary to fulfill his/her duties in accordance with applicable state law and rules of court.

(Ord. No. 5-2019, § 1, 2-11-2019)

§ 171.04 VIOLATIONS BUREAU.

- (A) A traffic violations bureau is hereby established in accordance with Rule 13, Ohio Traffic Rules. It shall have authority to process and dispose of those traffic offenses for which no court appearance is required by law or by the arresting officer in reasonable exercise of his discretion. The traffic violations bureau shall be

administered by the clerk of court for the mayor's court in accordance with the applicable law and the fine and bail schedules established by the rules of mayor's court.

- (B) A minor misdemeanor violations bureau is hereby established in accordance with Rule 4.1, Ohio Rules of Criminal Procedure. It shall have authority to process and dispose of those minor misdemeanor offenses for which no court appearance is required by law or by the arresting officer in the reasonable exercise of his discretion. The minor misdemeanor violations bureau shall be administered by the clerk of court for the mayor's court in accordance with the applicable law and the fine and bail schedules established by the rules of the mayor's court.
- (C) The violations bureau shall keep accurate records of all of their activities and submit summarized reports, no less than quarterly to the mayor, of all notices issued and arrests made for violations of city ordinances and of fines collected by the bureau of the court, and of the final disposition and present status of every case of violation of city ordinances.

§ 171.05 MAYOR'S COURT COMPUTER AND LEGAL RESEARCH FUND.

A fee, not to exceed three dollars (\$3.00), shall be collected on each case and deposited into the mayor's court computer fund, which is hereby established. Such fee shall be established as a cost pursuant to the rules of court. Said fund shall be used to pay the cost of computerization of the mayor's court and for computerized legal research services.

Expenditures from said fund are subject to appropriation by city council and shall be made only for the furtherance of maintaining and replacing the computer software and hardware of the mayor's court and for computerized legal research or as set out in ORC § 1901.261(A)(1).

§ 171.06 CLERK OF COURTS' COMPUTERIZATON FUND.

A fee, not to exceed ten dollars (~~\$10.00~~ 20.00), shall be collected on each case and deposited into the clerk of courts fund, which is hereby established. Such fee shall be established as a cost pursuant to the rules of court. Said fund shall be used to pay the cost of computerization of the clerk of courts' office.

Expenditures from said fund are subject to appropriation by city council and shall be made only for the furtherance of maintaining and replacing the computer software and hardware of the clerk of courts' office or as set out in ORC § 1901.261(B)(1).

§ 171.07 PROBATION FEE.

A fee, not to exceed sixty dollars (\$60.00) shall be collected on each case where a person is placed on probation. A fee not to exceed thirty dollars (\$30.00) shall be collected on each case where a person is placed on provided no convictions (P.N.C.) status. Such fee shall be established as cost pursuant to the rules of court and deposited into the general fund.

(Ord. No. 5-2019, § 1, 2-11-2019)

§ 171.08 MAYOR'S COURT SPECIAL PROJECT FUND.

- (A) A fee, not to exceed ten dollars (\$10.00), shall be collected on each case and is to be deposited into the mayor's court special project fund.
- (B) ~~A fee, not to exceed two dollars and fifty cents (\$2.50), shall be collected from each first-time OVI offender who is the subject of an order issued under ORC § 4510.022. This fee shall be deposited into the mayor's court special project fund. For purposes of this provision, a first-time OVI offender is a person whose driver's~~

~~license or commercial driver's license or nonresident operating privilege has been suspended for being convicted of, or pleading guilty to, an OVI offense under C.O. § 353.01.~~

- (C) Expenditures from this fund are to be used to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, which includes purchasing of bus passes for Pilot Drug Court participants, mediation or dispute resolution services, the employment of magistrates, the training and education of magistrates, and other related services.
- (D) Expenditures from said fund are subject to appropriation by city council and shall be made only for the furtherance of special projects for the operation of the court or as set out in ORC § 1901.26(B)(1).

(Ord. No. 32-2013; Ord. No. 14-2017, § 1, 2-27-2017; Ord. No. 74-2018, § 1, 10-22-2018)

**EXHIBIT A FEES CHARGED IN UPPER ARLINGTON MAYOR'S COURT
(Effective March 13, 2019)**

UA MAYOR'S COURT COSTS \$25.00
STATE OF OHIO COSTS
TRAFFIC CASES \$39.00
CRIMINAL CASES \$29.00
COMPUTER FUNDS ~~\$6.00~~ \$15 (Mayor's Court Computer Fund \$3, Clerk of Courts Computerization Fund \$12)
MAYOR'S COURT SPECIAL PROJECT FUND \$10.00
CONTINUANCES \$5.00
~~TRIALS \$10.00~~
PRE-TRIAL/MISC. HEARING \$5.00
FAIL TO APPEAR NOTICE/LATE FEE \$20.00
SUBPOENA'S/PRECIPE'S \$10.00
WITNESS FEES AND MILEAGE \$6.00 + mileage
SUMMONS \$15.00
ORDER IN OR BFOI \$40.00
BAD CHECK OR RETURN PAYMENT CHARGE \$30.00
REQUEST TO DROP CHARGES \$30.00
CRIMINAL DIVERSION PROGRAM \$100.00
ENFORCEMENT DATE OF FINE (\$15.00 for any additional enforcement) \$15.00
TIME PAYMENT PROGRAM \$20.00
DUI EDUCATION FUND \$25.00
JURY DEMAND'S FILED \$15.00
APPEALS FILED \$15.00
~~REQUEST CHANGE IN LIMITED DRIVING PRIVILEGES \$10.00~~
PROBATION FEE \$60.00
PROVIDED NO CONVICTIONS FEE \$30.00
TRAFFIC DIVERSION FEE \$225.00
INTERPRETING SERVICES No cost
BOND SURCHARGE \$25.00
IMMOBILIZING/DISABLING DEVICE REQUIRED \$5.00
O.V.I. OFFENDER FEE/SPECIAL PROJECT FEE \$5.00

(Order No. 92 , 2-25-2019; Order No. 97 , 7-18-2021)

EXHIBIT D BAIL/BOND SCHEDULE

(Revised July 1, 2021)

Non-Recognizance Schedule; Residents and Non-Residents

- (A) **Residents.** When the defendant is a resident of the State of Ohio and the Magistrate has ordered bail to be set pursuant to Exhibit D, the bail schedule is as follows:

Classification or Offense	Bench Warrant	Type
Misdemeanor of the first degree	\$500.00	Cash or Surety
Misdemeanor of the second degree	400.00	Cash or Surety
Misdemeanor of the third degree	300.00	Cash or Surety
Misdemeanor of the fourth degree	200.00	Cash or Surety
Unclassified Misdemeanor	200.00 150	Cash or Surety
Minor Misdemeanor	N/A <u>100</u>	License Forfeiture / Registration Block/Cash or Surety

- (B) **Non-Residents.** When the defendant is not a resident of the State of Ohio and the Magistrate has ordered bail to be set pursuant to Exhibit D, the bail schedule is as follows:

Classification or Offense	Bench Warrant	Type
Misdemeanor of the First Degree	\$2,000.00	Cash or Surety
Misdemeanor of the Second Degree	1,500.00	Cash or Surety
Misdemeanor of the Third Degree	1,000.00	Cash or Surety
Misdemeanor of the Fourth degree	500.00	Cash or Surety
Unclassified Misdemeanor	200.00	Cash or Surety
Minor Misdemeanor	N/A-200	License Forfeiture (NRVC)/ <u>cash or surety</u>

D.01

If the non-resident defendant can establish to the satisfaction of the Clerk of Courts that the defendant is a student or gainfully employed in this State, the defendant shall be released on the same bail as residents of this State.

D.02

When bail is required to be set pursuant to Exhibit D, bail will be required for only one of two charges of OVI if both charges arise out of the same incident.

D.03

When bail is required to be set pursuant to Exhibit D, and when a defendant is charged with two or more charges, in any combination, under City of Upper Arlington Ordinance(s) 355.01, 355.05, 355.06, 355.13, 355.14, 355.15, 355.16, 355.18, 355.20 or under any same or similar ordinance, bail will be required for only one [of] the charges. When this schedule applies, bail shall be set in the amount required for the highest-level offense charged.

(Order No. 97 , 7-18-2021)

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 4-2025

TO AMEND ORDINANCE NO. 70-2024, AUTHORIZING SALARY AMENDMENTS FOR THE CITY MANAGER, CITY ATTORNEY, AND CITY CLERK

WHEREAS, on December 16, 2024, City Council adopted Ordinance No. 70-2024, which authorized pay increases for the City Manager, City Attorney, and City Clerk, based on outcomes of their performance reviews; and

WHEREAS, Ordinance No. 70-2024 contained incorrect salary amounts, therefore the ordinance shall be amended to reflect accurate amounts; and

WHEREAS, as part of the City Attorney's employee contract amendments, the City Attorney will be permitted to carryover additional vacation hours.

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

SECTION 1. Ordinance No. 4-2025 here amends Ordinance No. 70-2024 to reflect the following:

The City Manager's annual salary shall be amended to \$248,157.75, annualized based on 2080 hours, retroactive to January 1, 2025.

The City Attorney's annual salary shall be amended to \$209,683.95, annualized based on 2080 hours, retroactive to January 1, 2025.

The City Attorney shall be permitted a maximum carryover of four (4) times the employee's annual vacation accrual rate starting with the 2024 carryover.

The City Clerk's annual salary shall be amended to \$115,000.00, annualized based on 2080 hours, retroactive to January 1, 2025.

SECTION 2. This ordinance shall take effect immediately upon passage.

Authors:	Brent Lewis, Finance Department Director
Council Meeting Date:	February 10, 2025
Subject/Legislative Item:	Ordinance No. 5-2025 - An ordinance amending 2025 appropriations and the 2025-2026 employee strength table as authorized by Ordinance No. 69-2024
Purpose:	To amend the 2025 appropriations and the employee strength table for changes that have occurred since the original adoption of these items in December 2024.
Executive Summary:	Two changes have come up since the adoption of the 2025-2026 Municipal Program of Services and the 2025 appropriation measure. The first proposed change is related to the City Council deciding to table the ordinance authorizing the issuance of bonds for the 2025-2026 CIP, and deciding to utilize existing cash to fund the portion of the 2025 CIP that was budgeted for bond funding. This change has budgetary implications. The second proposed change involves amending the employee strength table in the City Clerk's Office. The proposed change would consolidate two authorized part-time positions (total of 1.36 FTE's) to one full-time position (1 FTE). Both of these changes would be incorporated into the final version of the 2025-2026 Municipal Program of Services document schedule for vote on February 24, 2025.

Purpose and Impact

Staff is proposing to amend the 2025 appropriations and the employee strength table for changes that have occurred since the original adoption of these items in December 2024.

The first proposed change is related to the City Council deciding to table the ordinance authorizing the issuance of bonds for the 2025-2026 CIP, and deciding to utilize existing cash to fund the portion of the 2025 CIP that was budgeted for bond funding. This proposed change has the following budgetary implications:

- General Fund - increase 2025 appropriations in the Transfers line item by \$8,319,100 (transfer fund to Infrastructure Improvement Fund).

- Bonded Improvement Fund - decrease 2025 appropriations in the Capital and Personal Services line items by \$8,319,100 and the Other Than Personal Services line item by \$300,000 (estimated bond issuance costs). The total impact is a decrease of \$8,619,100.
- Bonded Improvement Fund - decrease the 2025 estimated revenues by \$19,973,700 (bond sale) and realign estimated revenues for 2026-2029 for future anticipated bond sales.
- Infrastructure Improvement Fund - increase the 2025 appropriations in the Capital and Personal Services line items by \$8,319,100.
- Infrastructure Improvement Fund - increase the 2025 estimated revenues by \$8,319,100 for the transfer from the General Fund.

The second proposed change involves amending the employee strength table in the City Clerk's Office. The proposed change would consolidate two authorized part-time positions (total of 1.36 FTE's) to one full-time position (1 FTE). The Deputy City Clerk position is already an authorized position that has been assigned a pay grade of 21. Utilizing the mid-point of the pay grade and assuming full family benefits, the proposed change is essentially cost neutral (based on budgeted hours for the part-time positions).

If approved, these items would be incorporated into the final version of the 2025-2026 Municipal Program of Service scheduled for City Council's approval on February 24, 2024.

History

N/A

Alternatives

Unless the City Council decides to authorize the issuance of bonds in 2025 for the 2025 portion of the CIP, the proposed budgetary changes will need to be approved for budgetary compliance purposes. The City Council can elect to reject the proposed change to the employee strength table.

Attachments

1.	2025 Budget Summary
2.	Ordinance No. 5-2025



2025 Supplemental Appropriations Summary

	101	402	404	
	General Fund	Bonded Improvement Fund	Infrastructure Improvement Fund	Grand Totals of All Adjusted Funds
Revenue Adjustments from Adopted:				
OFU - Proceeds	\$ -	\$ (19,973,700)	\$ -	\$ (19,973,700)
OFU - Transfers In	-	-	8,319,100	8,319,100
Total Revenue	-	(19,973,700)	8,319,100	(11,654,600)
Appropriation Changes:				
Supplemental Appropriations	8,319,100	(8,619,100)	8,319,100	8,019,100
Total Appropriations	8,319,100	(8,619,100)	8,319,100	8,019,100
Effect on Fund Balance	(8,319,100)	(11,354,600)	-	(19,673,700)
Current Budget Fund Balance (ENDING)	47,367,775	18,839,327	1,912,799	68,119,901
NEW Amended Budget Fund Balance (ENDING)	\$ 39,048,675	\$ 7,484,727	\$ 1,912,799	\$ 48,446,201
Consolidated effect on all fund balances	(19,673,700)			

2025 Supplemental Appropriations Summary

			Supplemental/Transfer			Breakdown By Budget Category				
			Supplemental	Transfer of	Total	Personal	Other than		Transfers/	Total
Fund	Department		Appropriations	Appropriations		Services	Personal	Capital	Advances	
101	General Fund	Transfers	8,319,100	-	8,319,100	-	-	-	8,319,100	8,319,100
	Total General Fund		8,319,100	-	8,319,100	-	-	-	8,319,100	8,319,100
402	Bonded Improvement Fund	Parks & Recreation	(75,000)	-	(75,000)	(75,000)	-	-	-	(75,000)
402	Bonded Improvement Fund	Public Service Admin	(500,000)	-	(500,000)	(500,000)	-	-	-	(500,000)
402	Bonded Improvement Fund	Finance	(300,000)	-	(300,000)	-	(300,000)	-	-	(300,000)
402	Bonded Improvement Fund	Various	(7,744,100)	-	(7,744,100)	-	-	-	(7,744,100)	(7,744,100)
	Total Bonded Improvement Fund		(8,619,100)	-	(8,619,100)	(575,000)	(300,000)	-	(7,744,100)	(8,619,100)
404	Infrastructure Improvement Fund	Parks & Recreation	75,000	-	75,000	75,000	-	-	-	75,000
404	Infrastructure Improvement Fund	Public Service Admin	500,000	-	500,000	500,000	-	-	-	500,000
404	Infrastructure Improvement Fund	Various	7,744,100	-	7,744,100	-	-	7,744,100	-	7,744,100
	Total Infrastructure Improvement Fund		8,319,100	-	8,319,100	575,000	-	7,744,100	-	8,319,100
	Total Non-General Funds		(300,000)	-	(300,000)	-	(300,000)	7,744,100	(7,744,100)	(300,000)
	TOTAL ALL FUNDS		\$ 8,019,100	\$ -	\$ 8,019,100	\$ -	\$ (300,000)	\$ 7,744,100	\$ 575,000	\$ 8,019,100

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 5-2025

TO AMEND 2025 APPROPRIATIONS AND THE 2025-2026 EMPLOYEE STRENGTH TABLE AS AUTHORIZED BY ORDINANCE NO. 69-2024

- WHEREAS,** it is necessary to make adjustments to appropriations and effect certain transfers; and
- WHEREAS,** City Council adopted the 2025-2026 Municipal Program of Services (draft) via Ordinance 69-2024; and
- WHEREAS,** on occasion, there are changes to the employee strength table that require amendments to the adopted budget, which require Council action; and
- WHEREAS,** the following changes require Council action: (1) Consolidating the part-time Deputy City Clerk (.73 FTE) and the Assistant Deputy City Clerk (.63 FTE) positions into a full-time Deputy City Clerk (1 FTE) position.

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

SECTION 1. The Finance Director is hereby authorized and directed to appropriate \$8,319,00.00 from the unappropriated balance of the General Fund and allocate to the Transfers – Transfers category.

SECTION 2. The Finance Director is hereby authorized and directed to *reduce* appropriations in the Bonded Improvement Fund by a total of \$8,619,100.00, as follows:

Department	Category	Amount
Parks and Recreation	Personal Services	(75,000)
Public Service Administration	Personal Services	(500,000)
Finance	Other Than Personal Services	(300,000)
Various	Capital	(7,744,100)
		(8,619,100)

SECTION 3. The Finance Director is authorized and directed to appropriate \$8,319,100.00 from the unappropriated balance of the Infrastructure Improvement Fund, as follows:

Department	Category	Amount
Parks and Recreation	Personal Services	75,000
Public Service Administration	Personal Services	500,000
Various	Capital	(7,744,100)
		8,319,100

SECTION 4.

The following amendments to the employee strength table shall be adopted and incorporated into the 2025-2026 Municipal Program of Services: Consolidating the part-time Deputy City Clerk (.73 FTE) and the Assistant Deputy City Clerk (.63 FTE) positions into a full-time Deputy City Clerk (1 FTE) position.

SECTION 5.

This ordinance shall take effect immediately after passage.

Authors:	Darren Shulman, City Attorney
Council Meeting Date:	February 10, 2025
Subject/Legislative Item:	Ordinance No. 6-2025 - An ordinance amending various sections of Chapter 383 - Bicycles, Motorized Bicycles, and Motorcycles and § 543.02 - Adoption of Rules, Violations; Unauthorized and Prohibited Acts of the Upper Arlington Code of Ordinances
Purpose:	This ordinance updates Chapter 383 of the City's traffic code and the City's park rules.
Executive Summary:	Chapter 383's revisions are proposed as part of the City's code review project to update and simplify Upper Arlington's Codified ordinances. The changes to 543.02 prohibit using a motorized or electric transportation device (other than motorized wheelchairs and personal assistive mobility devices) in the parks.

Purpose and Impact

Chapter 383's revisions are proposed as part of the City's code review project to update and simplify Upper Arlington's Codified ordinances. To this end, the code makes the following changes:

- New section 383.01 provides general rules for all forms of transportation other than walking. The approach taken in this section is intended to provide simple rules that cover all the emerging forms of transportation such as e-bikes and scooters.
- The addition of the new 383.01 allows language in other sections to be stricken, resulting in the changes in 383.02, 383.13, 383.15, 383.16, and the deletion of the previous 383.01.

The changes to 543.02 began with prohibiting using a motorized or electric transportation device (other than motorized wheelchairs and personal assistive mobility devices) in the parks. Staff recommended this change due to the high number of complaints received. As staff reviewed the rules, additional cleanup and substantive changes were recommended by staff and the Parks and Recreation Advisory Board. The following are the substantive changes:



- Allowing use of a metal detector but not allowing digging in a park
- Providing considerations the City will review granting a permit to sell or provide instructional services on park grounds or parking lots.
- Prohibiting the use of vehicles or devices used to transport a person that is propelled by a motor or electricity.
- Providing times when park lighting at Sunny 95 park and ball diamonds/courts may be used
- Prohibiting release of domesticated or exotic fish or animals in a park
- Adding vaping and e-cigarettes to the smoking prohibition

History

This project was initially undertaken with the purpose of prohibiting the use electric/motorized vehicles in parks due to the number of resident complaints received, citing safety concerns. In addition to amending the park rules, the traffic code was examined to align with the change. During the review process, other changes were suggested for the park rules and the traffic code sections were given a thorough review as part of the code cleanup project.

Alternatives

Staff recommends passing this language to allow the new park rules to take effect before spring. In the alternative, Council could decline to pass some or all of these changes.

Attachments

1.	Ordinance No. 6-2025
2.	Exhibit A - Draft Code Changes - Motorized Scooters in Parks



RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 6-2025

TO AMEND VARIOUS SECTIONS OF CHAPTER 383 – BICYCLES, MOTORIZED BICYCLES, AND MOTORCYCLES AND § 543.02 – ADOPTION OF RULES, VIOLATIONS; UNAUTHORIZED AND PROHIBITED ACTS OF THE UPPER ARLINGTON CODE OF ORDINANCES

- WHEREAS,** over the past year, City staff have received numerous concerns regarding safety issues caused by motorized vehicles in City parks; and
- WHEREAS,** a comprehensive review of existing park regulations was conducted, leading to recommended updates presented to the Parks and Recreation Advisory Board (PRAB), which endorsed the changes and recommended approval by City Council; and
- WHEREAS,** the City Attorney has reviewed the traffic code to ensure consistency with the proposed park regulations; and
- WHEREAS,** Staff recommend City Council approval of these code changes to enhance public safety and align regulations accordingly.

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

SECTION 1. Sections 383.01, 383.02, 383.13, 383.15, and 383.16 of Chapter 383 – Bicycles, Motorized Bicycles, and Motorcycles and § 543.02 – Adoption of Rules, Violations; Unauthorized and Prohibited Acts, of Chapter 543 – Parks, Playgrounds and Open Spaces, of the Upper Arlington Code of Ordinances is hereby amended as described in EXHIBIT A, attached hereto and made a part herein.

SECTION 2. This ordinance shall take effect 30 days after passage.

Ordinance No. 6-2025 EXHIBIT A

CHAPTER 383. - BICYCLES, MOTORIZED BICYCLES, AND MOTORCYCLES, AND OTHER FORMS OF
TRANSPORTATION OTHER THAN WALKING

§383.01 TRANSPORTATION RULES FOR FORMS OF TRANSPORTATION OTHER THAN WALKING.

(A) THIS SECTION SHALL APPLY TO ALL FORMS OF TRANSPORTATION OTHER THAN WALKING.

(B) ALL TRAFFIC LAWS MUST BE FOLLOWED WHEN USING ANY FORM OF TRANSPORTATION. ALL TRAFFIC LAWS THAT BY THEIR NATURE COULD APPLY TO A MODE OF TRANSPORTATION OTHER THAN WALKING, DO APPLY UPON ANY PUBLIC STREET, HIGHWAY, SIDEWALK, OR SHARED-USE PATH, OR UPON ANY PORTION OF A ROADWAY SET ASIDE FOR THE EXCLUSIVE USE OF BICYCLES.

(C) WHEN USING A VEHICLE OR OTHER TRANSPORTATION DEVICE, THE VEHICLE/DEVICE MAY ONLY CARRY THE NUMBER OF PEOPLE THE VEHICLE/DEVICE IS DESIGNED FOR.

(D) DUE CARE MUST BE TAKEN WHEN PASSING.

(E) NO PERSON SHALL TRAVEL RECKLESSLY ON A CITY STREET OR SIDEWALK.

(F) UNLESS TRAVELING UNDER THE CIRCUMSTANCES PROVIDED IN C.O. 383.04, WHEN TWO
(2) OR MORE PERSONS ARE TRAVELING TOGETHER THEY SHALL DO SO IN SINGLE FILE.

§ 383.01 APPLICATION OF TRAFFIC CODE TO BICYCLES.

~~(A) Except as provided in subsection (C), all sections of this traffic code which are applicable to bicycles apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.~~

~~(B) A bicycle operator who violates any section of this traffic code as described in subsection (A) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation.~~

~~(C) The following sections of the traffic code shall apply whenever a bicycle is operated upon any street, highway, any path set aside for the exclusive use of bicycles, or any public or private property used by the public for purposes of vehicular travel or parking:~~

~~(1) C.O. § 315.02;~~

- ~~(2) C.O. § 315.03;~~
- ~~(3) C.O. § 351.25;~~
- ~~(4) C.O. § 353.01;~~
- ~~(5) C.O. § 353.02;~~
- ~~(6) C.O. § 353.03;~~
- ~~(7) C.O. § 357.01;~~
- ~~(8) C.O. § 357.02; or~~
- ~~(9) C.O. § 357.03.~~

§383.02 RULES FOR BICYCLES, MOTORIZED BICYCLES AND MOTORCYCLES. RESERVED.

- ~~(A) (1) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon the bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon a firmly attached and regular seat.~~
 - ~~(2) No person operating a motorized bicycle or motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon the motorized bicycle or motorcycle other than upon a firmly attached and regular seat thereon, and no person shall ride as a passenger upon a motorized bicycle or motorcycle other than upon a firmly attached and regular seat or saddle.~~
 - ~~(3) No bicycle, motorized bicycle or motorcycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped, nor shall any motorcycle or motorized bicycle be operated on a street or highway when the handle bars or grips are more than fifteen (15) inches higher than the seat or saddle for the operator.~~
 - ~~(4) No person shall ride upon a bicycle, motorized bicycle or motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one (1) leg on each side of the bicycle, motorized bicycle or motorcycle.~~
- ~~(B) No person operating a bicycle, motorized bicycle, or motorcycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handle bars.~~
- ~~(C) No person shall operate a motorized bicycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless both of the following conditions are met:~~
 - ~~(1) The person, is fourteen (14) years of age or older and holds either a valid operator's license issued under ORC ch. 4507.~~

- ~~(2) A valid motorized bicycle license is issued after the person has passed the test provided for in ORC § 4511.521.~~
- ~~(D) No person shall operate or be a passenger on a motorcycle without using safety glasses or other protective eye device.~~
- ~~(E) When required, a signal of intention to move right or left shall be made not less than once but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for safe operation of the bicycle or motorized bicycle.~~
- ~~(F) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or motorized bicycle.~~

§ 383.13 SKATEBOARDS.

- (A) As used in this section the term skateboard shall, without limitation, include any vehicle or device consisting basically of a board or platform mounted on wheels or rollers, whether powered by gravity, muscle power or mechanical or motorized means, which is not equipped with a positive, mechanical means of steering such vehicle or device.
- (B) It shall be unlawful for any person to ride or propel a skateboard on any roadway in this city.
- (C) No person shall ride or propel a skateboard upon a sidewalk within a business district.
- ~~(D) No person shall operate a skateboard at a speed greater than is reasonable and prudent under the conditions then existing.~~

~~§ 383.15 IN-LINE SKATES AND ROLLER SKATES.~~

- ~~(A) *Skates and skate*: mean, respectively, in-line skates and roller skates, and the use of such devices on the feet as a means of propelling oneself by human power or gravity. The terms do not include skateboards as defined in C.O. § 383.13.~~
- ~~(B) It shall be unlawful for any person to skate on the following roadways except to cross these streets at intersections or crosswalks: Arlington Avenue, Arlington Centre Boulevard, Cambridge Boulevard, Coach Road, Dierker Road, Fifth Avenue, Fishinger Road, Henderson Road, Highland Drive, Kenny Road, King Avenue, Lane Avenue, Lane Road, MacKenzie Drive, McCoy Road, North Broadway, North Mallway, North Star Road, Northwest Boulevard, Nugent Drive, Redding Road, Reed Road, Riverside Drive, South Mallway, Trabue Road, Tremont Road, Waltham Road and Zollinger Road.~~
- ~~(C) No person shall skate upon a sidewalk within a business district or within a shopping center.~~

- ~~(D) No person shall skate on a street or roadway during the time from one-half (½) hour after sunset to one-half (½) hour before sunrise;~~
- ~~(E) No person shall skate upon public or private property used by the public for purposes of vehicular travel or parking unless the following conditions are met:~~
- ~~(1) The person shall wear a protective helmet with the chin strap properly fastened and wrist guards (wrap around or pull-on device with high impact splints along the top and bottom);~~
 - ~~(2) A person skating on a street or roadway shall skate as near to the right hand side of the street or roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, and shall obey all other traffic rules applicable to vehicles;~~
 - ~~(3) When two (2) or more persons are skating together they shall skate in single file;~~
 - ~~(4) When a person skating is approached by a public safety vehicle signaling in compliance with C.O. § 351.25, the person shall immediately pull to the side of the street or roadway and stop until the vehicle has passed;~~
 - ~~(5) No person shall skate recklessly, skate backwards, skate while wearing headphones, or skate without exercising ordinary care;~~
 - ~~(6) No person shall skate by being propelled by a vehicle, nor shall any person knowingly propel a person who is skating by use of a vehicle or other means.~~

~~§ 383.16 APPLICATION OF THE TRAFFIC CODE TO ELECTRONIC SCOOTERS.~~

- ~~(A) The following sections of the traffic code shall apply whenever an electronic scooter is operated upon any street, highway, any path set aside for the exclusive use of bicycles or electronic scooters, or any public or private property used by the public for purposes of vehicular travel or parking:~~
- ~~(1) C.O. § 315.02;~~
 - ~~(2) C.O. § 315.03;~~
 - ~~(3) C.O. § 351.25;~~
 - ~~(4) C.O. § 353.01;~~
 - ~~(5) C.O. § 353.02;~~
 - ~~(6) C.O. § 353.03;~~
 - ~~(7) C.O. § 357.01;~~
 - ~~(8) C.O. § 357.02; or~~
 - ~~(9) C.O. § 357.03.~~
- ~~(B) An electronic scooter operator who violates any section of this traffic code as described in subsection (A) of this section may be issued a ticket, citation, or summons by a law~~

enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation.

~~(C) The following sections of this chapter shall apply to the use of electronic scooters:~~

~~(1) C.O. § 383.03;~~

~~(2) C.O. § 383.06;~~

~~(3) C.O. § 383.08.~~

CHAPTER 543. PARKS, PLAYGROUNDS AND OPEN SPACE AREAS

§ 543.02 ADOPTION OF RULES, VIOLATIONS; UNAUTHORIZED AND PROHIBITED ACTS.

(A) The following rules and regulations are ordained and established for the conduct in the parkettes, public parks, playgrounds and open space areas of the city.

(1) No person shall cut, injure, deface, remove or disturb any tree, shrub, building, fence, sign, bench or other structure, apparatus or property; or pick, cut, or remove any shrub, bush or flower; or mark or write upon any building, fence, bench or other structure. **THE USE OF A METAL DETECTOR IS PERMITTED, BUT DIGGING IS NOT PERMITTED.**

(2) No person shall make or kindle an open fire except in **BARRELS**, fireplaces, or picnic **GRILLS** stoves provided **BY THE CITY** for that purpose.

(3) No abusive, profane or indecent language, or any lewd or obscene conduct, or any other conduct that may annoy others, shall be allowed.

(4) (a) No person, except law enforcement officers within the scope of their duties, shall shoot or discharge any firearms of any description, knives, bows and arrows, crossbows, air and gas guns, slingshots, missiles or missile-throwing devices, or other dangerous ordnance or deadly weapon as defined in C.O. ch. 523.

(b) No person shall have in his or her possession or ignite or detonate any fireworks, or explosive devices, **OR MODEL ROCKETS**, as defined in C.O. ch. 523, without having first obtained in writing the permission of the director of parks and recreation **AND FIRE CHIEF.**

(c) **MODEL ROCKETRY, ARCHERY AND SIMILAR HOBBIES AND/OR ACTIVITIES SHALL BE PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DIRECTOR OF PARKS AND RECREATION.**

(5) No person shall sell, offer or solicit for sale any goods or merchandise, **CONDUCT BUSINESS, OR PROVIDE INSTRUCTIONAL SERVICES ON PARK GROUNDS OR PARKING LOTS** without a written permit therefore from the director of parks and recreation. **THE FOLLOWING ARE CONSIDERATIONS FOR GRANTING A PERMIT:**

(a) PERSON HAS ENTERED INTO A CONTRACT WITH THE CITY FOR SUCH SALES AS A SERVICE TO PATRONS AT FACILITIES SPECIFICALLY DESIGNED FOR SUCH PURPOSE, INCLUDING, BUT NOT LIMITED TO POOL CONCESSION STANDS, COMMUNITY CENTER CAFÉ, AND VENDING MACHINES.

(b) SALES ARE BEING DONE AS PART OF EITHER A CITY HOSTED OR CITY PERMIT APPROVED SPECIAL EVENT. SPECIAL EVENTS FOR THE PURPOSE OF PROMOTING A PRIVATE BUSSINESS SHALL NOT BE APPROVED. SPECIFICALLY, THE SALE OF BEVERAGES, PRE-PACKAGED GOODS, OR SALES FROM FOOD TRUCKS ARE ONLY PERMITTED ON PARK GROUNDS OR PARKING LOTS IF PART OF A PERMITTED EVENT.

(c) INSTRUCTIONAL SERVICES ARE BEING PERFORMED BY A PERSON THAT HAS ENTERED INTO A CONTRACT WITH THE CITY FOR SUCH PURPOSES. THIS SHALL INCLUDE GROUP PROGRAMS AS WELL AS INDIVIDUAL LESSONS.

- (6) No person shall use, consume, carry or bring any alcoholic beverage in or upon any parkette, public park, playground or open space areas.
- (a) This subsection does not apply to intoxicating liquor or beer consumed on the premises of the Amelita Mirolo Barn or within the **EVENT AREAS** enclosed area of Northam Park designated by the city manager in accordance with a city permit issued by the city manager pursuant to C.O. § 131.05.
- (7) Betting, gambling in any form or maintaining any gambling equipment is prohibited.
- (8) The playing of baseball, golf and other games, **ACTIVITIES**, or contests involving risk of injury to persons or property is prohibited except in areas expressly set aside for such activities, unless otherwise approved by the director of parks and recreation.
- (9) No person shall distribute any advertising, commercial or promotional circulars, cards or written matter, **OR PLACE SIGNS** within any parkette, public park, or playground, or open space areas.
- (10) No **EVENTS**, entertainment or exhibition (**PUBLIC OR PRIVATE**) shall be given in any parkette, public park, playground, or open space areas except under the direction or by written permission of the director of parks and recreation.
- (11) It shall be unlawful for any person to scatter or litter any form of waste material **INCLUDING BUT NOT LIMITED TO WRAPPERS, GUM, SEEDS, AND CIGARETTE BUTTS.**
- (12) No motor vehicles of any description **OR OTHER VEHICLE OR DEVICE USED TO TRANSPORT A PERSON THAT IS PROPELLED BY A MOTOR OR ELECTRICITY**, other than municipal service or emergency vehicles, may enter upon a parkette, public park, playground or open space areas, except as authorized by the director of parks and recreation. **THIS SECTION DOES NOT PROHIBIT MOTORIZED WHEELCHAIRS AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, WHICH ARE EXCLUDED FROM THE DEFINITION OF VEHICLE IN C.O. 301.05**
- (13) No person or group of persons shall erect, place or cause to be placed, alter or cause to be altered any equipment (**INCLUDING STAKES OR INFLATABLE APPARATUS**),

facilities or grounds in the city-owned parkette, public park, playground, or open space areas without special written permission from the director of parks and recreation.

- (14) No person or group of persons shall enter, use or remain upon city parkette, public park, playground or open space areas between the hours of 11:00 p.m. to 5:00 a.m. except upon the express authorization of the director of parks and recreation.

(a) LIGHTS FOR THE MULTI-SPORT COURT AT SUNNY 95 PARK ARE LIMITED TO USE UP TO 9:30 PM.

(b) ALL OTHER PARK LIGHTING SYSTEMS FOR ACTIVE AREAS SUCH AS BALL DIAMONDS AND COURTS SHALL ONLY BE USED WITHIN THE DESIGNATED PARK HOURS.

- (15) No person shall feed, cause to be fed or provide food for any waterfowl on any public property within the boundaries of the city. Exceptions to this will only be granted through city, state and/or federal permitting processes.

(a) Signs shall be conspicuously posted to notify individuals that feeding of waterfowl is prohibited on public property within the city.

(b) The absence of a sign shall not be an indication that the no feeding of waterfowl policy does not apply to a particular water source.

(c) Defacing, tampering, moving, or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.

- (16) No person in a park shall engage in the activities of swimming, wading, boating and/or ice skating in areas or at times which have not been set aside for these purposes by appropriate signage.

(a) Signs shall be conspicuously posted to notify individuals that these activities are prohibited on public property within the city.

(b) The absence of a sign shall not be an indication that these activities do not apply to a particular water source.

(c) Defacing, tampering, moving or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.

- (17) **REGULATIONS REGARDING ANIMALS**

(a) No person in a park shall hunt, capture, take, trap or in any other way abuse, molest, injure, pursue or destroy any animal without the permission of the director other than by fishing.

(b) NO PERSON SHALL RELEASE ANY DOMESTICATED OR EXOTIC FISH OR ANIMALS IN ANY PARK.

(c) ALL PERSONS USING A PARK MUST COMPLY WITH C.O 519.02 (ANIMALS AT LARGE AND ANIMALS CAUSING PHYSICAL HARM.)

- (18) Fishing on a catch-and-release only basis is permitted within the City of Upper Arlington. After capture, all fish must be unhooked and returned to the water unharmed. No person shall take or carry away or attempt to take or carry away any fish caught in a public body of water within the City of Upper Arlington.
- (a) Signs shall be conspicuously posted to notify individuals that a water source is catch-and-release fishing only and criminal penalties exist for taking or carrying away, or attempting to take or carry away fish from the water source.
 - (b) The absence of a sign shall not be an indication that this catch and release policy does not apply to a particular water source.
 - (c) Defacing, tampering, moving or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.
 - (d) No person in a park shall fish in public park waters in violation of any sign or signs prohibiting fishing or a manner thereof.
- ~~(19) Model rocketry, archery and similar hobbies and/or activities shall be prohibited without the written permission of the director of parks and recreation.~~
- (19)(20) Smoking and the use of any smoking, **VAPING, OR E-CIGARETTE** materials or devices within any areas of any parkette, public park, playground, or open space areas is prohibited.
- (B) (1) Except as provided in subsections (B)(2) and (B)(3), whoever violates this section is guilty of violating park rules and regulations, a minor misdemeanor.
- (2) If the offender has previously been convicted of a violation of this section, violating park rules is a misdemeanor of the fourth degree.
 - (3) If a violation of this section constitutes a higher classification of offense under another section of the general offenses code or under a state or federal statute, then the offender may also be prosecuted for said section of the general offense code or state or federal statute. It is the intent of this section that the offender be subject to the full range of penalties provided by said section of the general offense code or state or federal statute.