

ORDINANCE NO. O-24-02

**AN ORDINANCE AMENDING SECTION 1113.10 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF CLINTON; AND DECLARING AN
EMERGENCY.**

WHEREAS, this amendment to the Codified Ordinance is necessary to properly address the needs of the Village of Clinton;

WHEREAS, the Council finds that the new professional fees policies are necessary and in the best interest of the Village.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Clinton, Summit County, Ohio as follows:

Section 1: That Section 1113.10 of the Codified Ordinances of the Village of Clinton is hereby created and shall provide as follows:

**PROFESSIONAL FEES AND COSTS; ACCOUNT
ESTABLISHED; DEPOSIT BY APPLICANT REQUIRED.**

(a) Reimbursement. All persons submitting an application, license, or other request to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals shall be required to reimburse the Village for any professional fees and related costs associated with the Village's review, analysis, inspection, and other activity related to such request.

(b) Account. The Fiscal Officer shall, subject to the approval of the Mayor and a majority vote of Council, establish a Professional Fees, Costs, and Review Account for the Village of Clinton. The funds placed in this Review Account are subject to the deposit and fee schedules described in subparts (c) and (d) herein.

(c) Mandatory Deposit with Application. A Professional Fees and Costs Deposit shall accompany each application, license, or request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. No such application shall be deemed submitted until the Deposit is made. The foregoing submission determination based upon the filing of a Deposit may be waived in the discretion of the Village Engineer. The Deposit shall be placed in a Professional Fees, Costs, and Review Account, which shall be maintained for each separate application, license, or request. The initial Deposit shall be received before the Village will incur any professional fee or cost associated with the Village's review, analysis, inspection, and other activity related to an applicant's request. The specific amount for an initial Deposit shall be established in a schedule created by the Mayor and approved by the Village Engineer and a majority vote of Council. The Mayor may, on a case by case basis, assess an applicant an additional Deposit based upon anticipated future professional fees and costs. At all times during the pendency of an application, license, or request where professional fees and/or costs for the Village are required, such fees and costs shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis and a positive balance shall be maintained in an applicant's professional review

account. The Village shall give notice to an applicant once the balance in the applicant's professional review account reaches a five hundred dollar (\$500.00) or lower balance if an additional Deposit will be required. Should the fees as set forth in subpart (d) consume the entire initial Professional Fees and Costs Deposit, all reviews, consideration, deliberation and analysis of the subject application, license, or request by the Village shall be suspended and no further construction, work, and/or further use shall be done by the applicant or its agents until a supplemental Deposit is assessed and deposited. The balance of the Deposit funds on hand, after fees are assessed to said applicant, shall be returned to the applicant within 90 days of the final conclusion of the project and any potential legal matter pertaining to the request, application, or license.

(d) No Construction, Grading, or Other Work Until Deposit Made. The commencement, undertaking and/or completion of any construction, grading, soil preparation or other activity conducted by an applicant related to a project that requires a Deposit under this Codified Ordinance is strictly prohibited until an initial and/or supplemental Deposit has been made. Any such work completed without the submission of an initial and/or supplemental Deposit shall be subject to removal and/or demolition by the Village at the applicant's costs.

(e) No Final Approvals Permitted Until Deposits All Made. No approvals shall be granted for any application, license, or other request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals unless and until the required initial and/or supplemental Deposit have been made.

(f) Fee Schedule. The Mayor shall create a fee schedule for various tasks associated with the professional review, inspection or other conduct required in association with any application, request or license submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. The fee schedule shall be created by the Mayor with the approval of the Village Engineer and a majority vote of Council. The fees shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis. The fees set forth in the schedule shall not conflict with any other fee established by the Codified Ordinances.

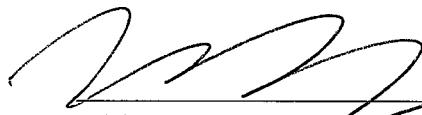
Section 2: To the extent they conflict, all prior resolutions and ordinances that relate to this measure are hereby repealed and rescinded.


Section 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

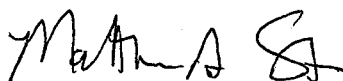
Section 4: This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Clinton and the inhabitants thereof, and for the further reason that this Ordinance must be immediately effective in order to provide for the immediate protection of the Village as to professional services provided for herein, which are necessary to preserve and protect the legal and financial interests

of the Village. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved May 21, 2024


William (Bud) McDaniel, Mayor

By: 
Leah Weirick, Fiscal Officer

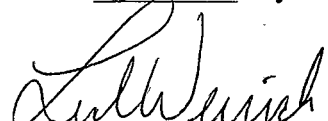

Matt Steiner, President of Council

Enacted Effective May 21, 2024

ON ROLL CALL: E. Conroy Y J. Godwin Y M. Gensimore Y
R. Joseph A R. Blankenship No M. Steiner Absent
A = Absent

CERTIFICATION

I, Leah Weirick, Fiscal Officer of the Village of Clinton, Summit County, Ohio do hereby certify that the foregoing Ordinance No. O-24-02 is a correct copy of the legislation passed by a 2/3 vote of members of the Village of Clinton Council, which was duly passed by Council and approved by the Mayor of the Village of Clinton on May 21, 2024 given under my hand the official seal this 21st day of May, 2024.

By: 
Leah Weirick, Fiscal Officer
Village of Clinton