

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1793-24

Passed: January 15, 2024

**AN ORDINANCE REPEALING EXISTING SOUTH AMHERST CODIFIED
ORDINANCE 123.01 POSTING AND ENACTING NEW SOUTH AMHERST CODIFIED
ORDINANCE 123.01 POSTING AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:**

SECTION 1: The Council of the Village of South Amherst hereby repeals the existing South Amherst Codified Ordinance Chapter 123 Section .01 and enacts new South Amherst Codified Ordinance Chapter 123 Section .01 as follows:

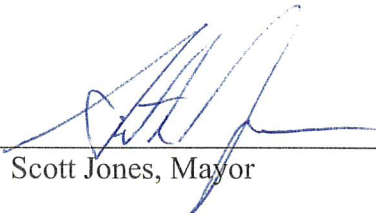
123.01 POSTING

Public notices shall be posted on the Village's website and official social media platforms as well as places within the Village as determined by the Council of the Village of South Amherst.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the efficient and orderly operation of the Village of South Amherst and services to the Village, and the immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: January 15, 2024



Scott Jones, Mayor

ATTEST: Michele Burke

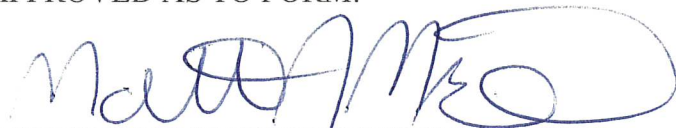
Fiscal Officer

I, the Fiscal Officer of the Village of South Amherst, Lorain County, Ohio, hereby certifies that the forgoing Ordinance No. 1793-24 is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in an open meeting held in compliance with O.R.C. 121.22



Fiscal Officer

APPROVED AS TO FORM:



Matthew A. Mishak, Law Director
SA/1793-24 Posting

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1794-24

Passed: January 15, 2024

**AN ORDINANCE ENACTING SECTION 133.08 ACH AND ELECTRONIC
TRANSACTIONS AND DECLARING AN EMERGENCY**

WHEREAS, the Village of South Amherst deems that it is in the best interest of the Village to make certain financial transactions by using electronic transactions, including receipt of funds from the Lorain County Auditor.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:

SECTION 1: That Section 133.08 of the codified ordinances of the Village of South Amherst be enacted to read as follows:

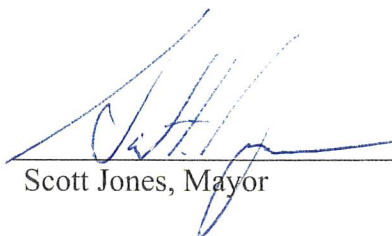
133.08 ACH and ELECTRONIC TRANSACTIONS

- (a) The Fiscal Officer Michelle Henke, shall be responsible for establishing all ACH arrangements for the Village with the Lorain County Auditor.
- (b) The Fiscal Officer is authorized to share the Village's banking information with the Lorain County Auditor and to make any changes to the bank account where funds will be settled on behalf of the Village.
- (c) The Fiscal Officer shall be responsible for accounting, reporting, and generally overseeing compliance.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the efficient and orderly operation of the Village of South Amherst and services to the Village, and the immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: January 15, 2024



Scott Jones, Mayor

ATTEST: Michelle Henke
Fiscal Officer

I, Michelle Henke, the Fiscal Officer of the Village of South Amherst, certifies that the forgoing Ordinance No. 1794-24 is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in and open meeting held in compliance with O.R.C. 121.22

Michelle Henke
Fiscal Officer

APPROVED AS TO FORM:

Matthew A. Mishak

Matthew A. Mishak, Law Director
SA1794-24 ACH/Electronic Transactions County Auditor

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1795-24

Passed: January 15, 2024

**AN ORDINANCE CREATING THE POSITION OF CEMETERY SEXTON
AND FIXING THE RATE OF COMPENSATION AND DECLARING AN
EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:**

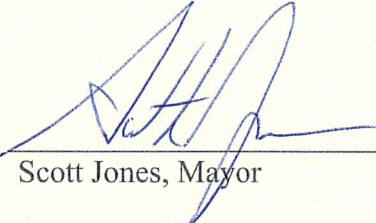
SECTION 1: The Council of the Village of South Amherst hereby creates the following position for the Village of South Amherst:

- (a.) Cemetery Sexton\$15.00 per hour
- (b.) Per duties outlined in Exhibit A.
- (c.) Position effective as of January 1, 2024.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the efficient and orderly operation of the Village of South Amherst and services to the Village, and the immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: January 15, 2024



Scott Jones, Mayor

ATTEST: Munee Nene

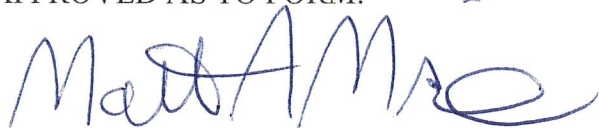
Fiscal Officer

I, Michelle Henke, the Fiscal Officer of the Village of South Amherst, certifies that the forgoing Ordinance No. 1795-24 is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in and open meeting held in compliance with O.R.C. 121.22



Fiscal Officer

APPROVED AS TO FORM:



Matthew A. Mishak, Law Director
SA1795-24 Cemetery Sexton

Village of South Amherst

December 20th 2023

Evergreen and Pioneer Cemeteries

Position: Sexton/ Cemetery Maintenance Person

Basic Function:

Coordinates and oversees the daily operation and maintenance of the village cemeteries. Administers day-to-day administrative, grounds maintenance, and burial-related activities; and performs other work as assigned. Responsible for working with cemetery clerk, excavator, vault company, funeral director, and cemetery board to ensure that all funerals at Evergreen Cemetery are managed as efficiently as possible.

Characteristic Duties & Responsibilities:

- Ability to locate and mark burial lots for internments, sales, and footer placement.
- Probes **all** lots before Sales, and Burials.
- Meet with vault company to prepare set-up. Determine if the funeral service will be graveside or false set-up.
- Post "funeral today" sign at entrance on day of funeral.
- Determine the direction of procession.
- Works with contractor for excavation and closing of graves. Prepare site for Cremation committal. (Cover opening to prevent an incident until interment).
- Works with contractor with any issues involved with mowing.
- Leads funeral processions to gravesite. Remains in attendance until grave is closed.
- Removes deteriorated funeral flowers.
- Lowers and raises flag for military funerals.
- Level and seed new internments spring and fall (6 months after ground settles). Fill, level and seed low areas.
- Maintains weed control in the Memorial Garden.
- Schedules use of village equipment as needed.

- Regulate articles placed on Lots or Graves that pose a threat to the safety of all internment right holders, visitors, and cemetery employees.
(Additional to Spring and Fall clean ups)
- Works under supervision of cemetery clerk. Covers "on call" when clerk is unavailable. Takes phone messages and schedules services if needed.
- Communicates well with cemetery clerk, mayor, funeral directors, and visitors.
- Monthly walk through of Pioneer Cemetery. Report any issues that may arise.
- Attends monthly board meetings.

Minimum Qualifications:

- Experience of mapping and lot placement.
- Ability to locate lots for burials.
- Ability to operate gator, rototiller, landscaping equip, grave probe, metal detector, unmarked vehicle.
- Communicates with Funeral Directors, and contractors.
- Good writing and record keeping skills.
- Ability to communicate with public.
- Ability to work under varying climate conditions.
- Completion of a standard high school course.
- Possession of valid Ohio Driver's License.

Salary: To work remotely. \$15.00 per hour. No Benefits.

Name

Date

Witness

Date

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1796-24

Passed: January 15, 2024

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE
SOUTH AMHERST CODIFIED ORDINANCES AND DECLARING AN
EMERGENCY**

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the Village has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:

SECTION 1: That the ordinances of the Village of South Amherst of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and section within the 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Amended)
- 303.10 Leaving Junk Vehicles on Private Property With Permission of Owner. (Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion.(Amended)
- 333.01 OVI; Willful Misconduct; Speed. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 335.07 Driving Under Suspension or License Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation;
Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.073 Driving Without Complying With License Reinstatement Requirements. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and
Animal-Drawn Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
- 339.01 Permit Required to Exceed Load Limits. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 351.04 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)

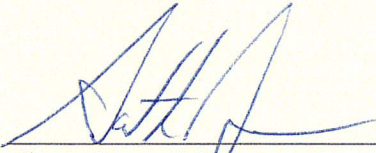
- 505.12 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
- 509.04 Disturbing a Lawful Meeting. (Amended)
- 509.11 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.121 Marihuana Drug Paraphernalia. (Amended)
- 517.08 Raffles. (Amended)
- 521.11 Nonsmoking Areas in Places of Public Assembly. (Amended)
- 521.17 Spreading Contagion. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 529.02 Sales to and Use By Underage Persons; Securing Public Accommodations. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.06 Voyeurism. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.06 Menacing. (Amended)
- 537.07 Endangering Children. (Amended)
- 537.15 Temporary Protection Order. (Amended)
- 545.05 Misdemeanor Theft. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.10 Possessing Replica Firearm in School. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are set forth in full in the current replacement pages to the Codified Ordinances. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is declared to be an emergency measure necessary for the efficient and orderly operation of the Village of South Amherst and services to the Village, and the immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: January 15, 2024

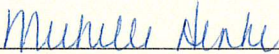


Scott Jones, Mayor

ATTEST: Michele Nerke

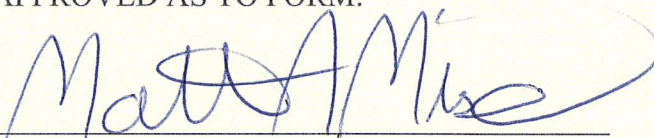
Fiscal Officer

I, Michelle Henke, the Fiscal Officer of the Village of South Amherst, certifies that the forgoing Ordinance No. 1796-24 is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in and open meeting held in compliance with O.R.C. 121.22



Fiscal Officer

APPROVED AS TO FORM:



Matthew A. Mishak, Law Director
SA/1796-24 Codified Ordinances

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1797-24

Passed: January 15, 2024

**AN ORDINANCE REPEALING EXISTING SOUTH AMHERST CODIFIED
ORDINANCE 333.11 TEXTING & DRIVING AND ENACTING NEW SOUTH
AMHERST CODIFIED ORDINANCE 333.11 DISTRACTED DRIVING AND
DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:**

SECTION 1: The Council of the Village of South Amherst hereby repeals the existing South Amherst Codified Ordinance Chapter 333.11 and enacts new South Amherst Codified Ordinance Chapter 333.11 as detailed in the attached Exhibit A:

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the efficient and orderly operation of the Village of South Amherst and services to the Village, and the immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: January 15, 2024



Scott Jones, Mayor

ATTEST: Michele Neake

Fiscal Officer

333.11 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE
PROHIBITED WHILE DRIVING.

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity.

(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties.

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:

- A. Manually enter letters, numbers, or symbols into the device;
- B. Hold or support the device with any part of the person's body;

(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

- A. Manually enter letters, numbers, or symbols into the device;
- B. Hold or support the device with any part of the person's body;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
A. Manually enter letters, numbers, or symbols into the device;
B. Hold or support the device with any part of the person's body;

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(c) If a law enforcement officer issues an offender a ticket, citation or summons for a violation of subsection (a) of this section, the officer shall do both of the following:

(1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(2) Ensure that such report indicates the offender's race.

(d) (1) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

A. Except as provided in subsections (d)(1)B., (d)(1)C., (d)(1)D. and (d)(2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars (\$150.00).

B. If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars (\$250.00).

C. If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent or municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars (\$500.00). The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

D. Notwithstanding subsections (d)(1)A. to (d)(1)C. of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (d)(1)A., (d)(1)B., or (d)(1)C. of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars (\$150.00) under subsection (d)(1)A. of this section and the assessment of points under subsection (d)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Section 303.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court.

(3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in subsection (d)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.

(5) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(e) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(f) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for the purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

- A. Access the device without a warrant unless the operator voluntarily and unequivocally gives consent for the officer to access the device;
- B. Confiscate the device while awaiting the issuance of a warrant to access the device;
- C. Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(g) As used in this section:

(1) "Electronic wireless communications device", includes any of the following:

- A. A wireless telephone;
- B. A text-messaging device;
- C. A personal digital assistant;
- D. A computer, including a laptop computer and a computer tablet;
- E. Any device capable of displaying a video, movie, broadcast television image, or visual image;
- F. Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

(2) "Utility" means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E) or (G).

(3) "Utility service vehicle" means a vehicle owned or operated by a utility.

(4) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(ORC 4511.204)

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1798-24

Passed: February 11, 2024

**AN ORDINANCE OF TERMINATION FOR THE VILLAGE OF SOUTH
AMHERST RESIDENTIAL & COMMERCIAL BUILDING INSPECTION
PROFESSIONAL SERVICE AGREEMENT WITH SAFEbuilt OHIO LLC. AND
DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:**

SECTION 1: The Mayor be and is hereby authorized to terminate the residential and commercial building inspection professional service agreement with SAFEbuilt Ohio LLC. per the terms set forth in Exhibit A (Ordinance No. 1505-16 and original contract) attached hereto.

SECTION 2: The Mayor be and is hereby authorized to mail a certified letter of Notice of Termination effective May 31, 2024 Exhibit "B" attached hereto.

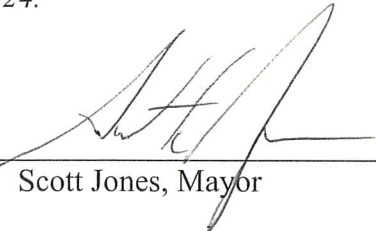
SECTION 3: SECTION 3: Refund Policy and Construction Completion Assessment
The Village retains the right to negotiate refunds for permits where fees have been collected but inspections by SAFEbuilt are pending. Refunds will be determined based on the construction completion level, evaluated by an appointed Consultant using objective criteria agreed upon by the Village. The prorated refund will reflect the Consultant's assessment, with the Village's concurrence ensuring fairness and transparency. No refunds will be issued for inspections corresponding to completed work, in alignment with the terms of the agreement. (per pg. 2; section 6 of agreement).

SECTION 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is declared to be an emergency measure necessary for the efficient and orderly operation of the Village of South Amherst and services to the Village, and the immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

Adopted the 12th day of February, 2024.

PASSED: 2/12/2024



Scott Jones, Mayor

ATTEST: Murilee Stork

Fiscal Officer

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

I, the Fiscal Officer of the Village of South Amherst, Lorain County, Ohio, hereby certifies that the forgoing Ordinance No. 1798-24 is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in and open meeting held in compliance with O.R.C. 121.22


Fiscal Officer

APPROVED AS TO FORM:


Matthew A. Mishak, Law Director
SA/1798-24 Cancellation SAFEbuilt Contract