

RITTMAN CITY COUNCIL – AGENDA
REGULAR MEETING
Monday, March 23, 2026 at 7:00 p.m.

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Minutes**
 - a. March 9, 2026**
- 5. Citizens Forum**
- 6. Old Business**
 - a. Ord. No. 8513 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, amending Section 121.03 Order of Business; Rules of Court of the Codified Ordinances of the City of Rittman. Third Reading.**
 - b. Ord. No. 8514 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, amending Section 991.10 Charges and Fees of the Codified Ordinances of the City of Rittman. Third Reading.**
 - c. Ord. No. 8519 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, enacting a 180 day moratorium on the receipt, processing, issuance, and approval of any application for a zoning certificate for NAICS 518- Data Processing, Hosting, and related services (Data Centers) under the city's planning and zoning code; declaring an emergency. Second Reading.**
- 7. New Business**
 - a. Motion to approve the placement of farmland in an Agricultural District for Parcel No. 63-01184.000 Located within the City of Rittman and owned by Bishop of Roman Catholic Diocese of Cleveland.**
- 8. City Manager's Remarks**
- 9. Finance Director's Remarks**
- 10. Council Remarks**
- 11. Adjournment**

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 9, 2026

Rittman City Council Met in a
REGULAR MEETING
Monday, March 9, 2026
7:00 p.m.

Members Present: Don Sweigert, Hayward, Amanda Nelson, Rich Schumacher, Melissa Shows and Nick Huff
Members Absent: None
Presiding: Mayor Rudy Arnold

The invocation was given by Ken Mann followed by the pledge of allegiance.

Approval of Minutes

a. February 23, 2026. Nelson moved to approve. Mayor Arnold pointed out a typo in item d under new business. Schumacher moved to amend the minutes, all Yeas on roll call and **motion carried.** Nelson moved to approve, all Yeas on roll call and **motion carried.**

Citizens Forum

Ron Tisher – 294 Winkler – attended the meeting to address Brightspeed putting cable down his street. It’s a muddy mess, and his house is one of many on his street that does not have storm sewer. Brightspeed crushed his pipe and his sump pump will not drain into the street. It will back up into his house. Does he fix this? Beshara stated she will look into it.

Beth Nelson – 288 N. Metzger - she is concerned because she found out from Jordan at Auble if the city cremates someone the family does not get the ashes back. He said that the only city that does this is Rittman. It was explained that if it is an indigent person, we do not give the family the cremains, they are buried. We do make efforts to reach out to next of kin. Beshara stated that the city pays \$1,000.00 to have the body cremated. Another thing, the railroad tracks aren’t any better since they fixed them. And, the North part of Main Street, I couldn’t figure out why they fixed Sheldon which is hardly used at all, but N. Main Street is used excessively and it’s terrible.

Old Business

a. Ord. No. 8513 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, amending Section 121.03 Order of Business; Rules of Court of the Codified Ordinances of the City of Rittman. Second Reading. Ord. No. 8513 was read on second reading. Sweigert moved to place on third, all Yeas on roll call and **motion carried.**

b. Ord. No. 8514 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, amending Section 991.10 Charges and Fees of the Codified Ordinances of the City of Rittman. Second Reading. Ord. No. 8513 was read on second reading. Shows moved to place on third. upon roll call Sweigert – No, Hayward – Yes, Nelson – Yes, Schumacher – Yes, Shows – Yes, Huff – Yes, roll call and **motion carried.**

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New Business

a. **Ord. No. 8515 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, amending the Annual Appropriation Ordinance No. 8492, as amended according to the attached sheet(s) and declaring an emergency. Three Readings.** Ord. No. 8515 was read on first reading. Shows moved to suspend the rules, all Yeas on roll call and **motion carried**. Schumacher moved to adopt. Hayward inquired why we were discontinuing the use of the K-9. Marcum explained that we are not discontinuing use of the K-9, just the fund. Most of the funding came into the K-9 fund from donations and contributions and they now have a 501(c)(3) we are moving that into the police funding, so it is all in the same budget. All Yeas on roll call and **motion carried**.

b. **Res. No. 8516 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, authorizing the Finance Director to make advances and/or transfers to or from appropriate accounts and declaring an emergency. Three Readings.** Res. No. 8516 was read on first reading. Schumacher moved to suspend the rules, upon roll call Hayward – Yes, Huff – Abstain, Nelson – Yes, Schumacher – Yes, Shows – Yes, Sweigert - Yes and **motion carried**. Schumacher moved to adopt. Sweigert inquired what S.A. Debt was. Marcum replied it's our funding for any kind of loan payments or debt payments; it's just a fund that we keep it separated out of. Sweigert inquired what S.A. stood for. Marcum replied she had no idea. Upon roll call Hayward – Yes, Huff – Abstain, Nelson – Yes, Schumacher – Yes, Shows – Yes, Sweigert - Yes and **motion carried**.

c. **Res. No. 8517 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy the obligation according to the attached sheet(s) and declaring an emergency. Three Readings.** Res. No. 8517 was read on first reading. Sweigert moved to suspend the rules, all Yeas on roll call and **motion carried**. Shows moved to adopt, upon roll call Sweigert – Yes, Nelson – Yes, Schumacher – Yes, Huff – Abstain, Shows – Yes, Hayward - Yes and **motion carried**.

d. **Res. No. 8518 A Resolution allowing the City Manager to apply for a Connecting Communities Planning Grant Funds Programmed by the Akron Metropolitan Area Transportation Study (AMATS) to conduct a city-wide active Transportation Plan and declaring an emergency. Three Readings.** Res. No. 8518 was read on first reading. Shows moved to suspend the rules, upon roll call Shows – Yes, Schumacher – Yes, Nelson – Yes, Hayward – No, Huff – Yes, Sweigert - Yes and **motion carried**. Shows moved to adopt. Shows inquired what the timeline was. Beshara stated that March 20th is when we have to apply. We already have the \$20,000.00 in our budget. The \$50,000.00 is the actual grant. We will know in June if we got it or not. Huff stated we are going to spend \$20,000.00 for a study to know our downtown needs work. Beshara stated that it is for the community; they are going to start with the downtown area. They will do a feasibility study so they can ask the community members their suggestions and ideas. They would like the schools to be involved with getting kids to school safely from downtown, can the access the parks, and look at the roadway and parking on Main. This is a very good grant to get; as long as we have been involved with AMATS we have never applied. Shows stated that the study is part of the condition of the grant. Beshara said they give you the grant and tell you what you are limited to spend it on. Huff inquired if we spend the \$20,000.00 we still might not get the grant? Beshara clarified that the \$20,000.00 comes after the grant is approved. Further discussion was held regarding the benefits and negatives

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on this grant. Upon roll call Shows – Yes, Schumacher – Yes, Nelson – Yes, Hayward – No, Huff – No, Sweigert - Yes and **motion carried.**

e. **Ord. No. 8519 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and state of Ohio, Enacting a 180-day moratorium on the receipt, processing issuance and approval of any application for a zoning certificate for NAICS 518 – Data Processing, Hosting and related services (Data Centers) under the City's Planning and Zoning Code; and declaring an emergency. First Reading.** Ord. No. 8519 was read on first reading. Hayward moved to place on second. Shows stated that we have heard from NOPEC the impact it would have on our infrastructure and our power. The moratorium is to look at the zoning; look at making changes. What kind of changes are we looking at. Beshara stated that the data centers right now that they are bringing in at the IX Center was to be a huge center with 10 jobs. It's things like that I want to protect the city from. Shows inquired if this was preventative. Beshara stated at this time it was. A few months back there was conversation. Matt is going to look into it more. Further discussion was held. All Yeas on roll call and **motion carried.**

City Manager's Remarks

Thank you for the discussion on these items, I appreciate it. Also, we had our Chamber State of the City, and it was really nice, we gave out some great awards to community members and businesses. We gave out a Community Improvement Award to S.O.S. (Success on the Spectrum) and to The Creative Images Flower Shop and Boutique. Officer Hunter and Jesse Robertson who work for us both received Big Heart Awards from the Mayor. Also, the Ruth Ann Leatherman Award and the Humanitarian Award to Scott Marshall and to Lilian Grzybowski at H & R Block. It was a really nice night. I gave my State of the City, and our Mayor did a fantastic job on his State of the City.

Finance Director's Remarks

You guys did receive your financial packet for the month of February. There was an updated version put in front of you guys because I had an extra zero in the capital and did not spend \$800,000.00, we only spent \$80,000.00. Just as a general overview everything is within expected ranges, so we are stable so early in the year. I don't have any concerns financially for how we stand now.

a. **Approval of Financial Report for February, 2026.** Nelson moved to approve, all Yeas on roll call and **motion carried.**

Council Remarks

Shows – I had the privilege last weekend of going to the Police Department's year end party. It was a nice gathering held at Nuestra where I estimated about 55 people. It was nice to see hundreds of years of Rittman's continued service in various ways. We had dispatchers, former officers, some who have moved on to other careers in other departments and brought on with the new guys that were here. It was just a wonderful evening and many of our officers were recognized for their daily tasks as well as going above and beyond in many ways. Sergeant Mascolo was given his tenth Officer of Year Award, his sixth in a row. It was nice to be hosted here in the City using some of our resources here; it was a nice evening. I want to thank everybody for the State of the City and those who attended this evening.

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Huff – I want to thank the Lion's Club; we had a chili cook off a couple of weeks ago. A lot of citizens came out for that. Thanks for everyone who came tonight and hope to see you here in two weeks.

Schumacher – again, I want to thank everybody for showing up tonight. And for everybody who showed up at our soup and chili cookoff. It was well attended and I think everybody enjoyed their time and the soup that they had. The next event that the Lion's have coming up is the Easter Egg Hunt. It will be held at Calvary Baptist Church on March 28. We expect another good turnout for that. We just have to cross our fingers on weather. I also want to congratulate Amanda and the Chamber of Commerce for what they did, the State of the City. It was a very nice evening.

Hayward – I want to thank everybody for coming out and I know the Fire Department's getting ready for their Easter Breakfast, I think on the 28th at 7 – 11.

Nelson – the Chamber Annual Banquet, State of the City, but it was a really good time. It's always great to see everybody in one room that is always helping out in the City and meeting with Commissioners and other State Representatives and people from Wooster. We had the United Way attend. It is good to see everybody. The Beautification Committee is having our purse bingo on March 20. We only have about ten tickets left out of 120, if you are thinking about coming, get your ticket. We also have our annual Easter Basket giveaway coming up March 29. The time will be posted as soon as we have it finalized. We are taking donations for Easter Baskets, toys and candy at So Cal Salon or at Prim and Proper during our normal business hours.

Sweigert – I forgot to ask about some vouchers. The first one is Southeastern Equipment Company for \$30,000.00. Marcum replied that it is the hot box purchase for asphalt. Sweigert – the City of Rittman for \$9,276.29, why are we paying ourselves. Marcum replied that when we receive our payments from RITA for our income tax and we do have to pay fees. When we deposit them, we deposit the entire amount and then the fees are allocated as payment. Sweigert - Anchor Heating Air Conditioning and Plumbing for \$16,697.00. Marcum responded that it was replacing the furnace at the garage at the Waste Water Treatment Plant. Sweigert – A and H Equipment Company \$14,646.65. Marcum stated that it was the camera head for the jet and tube for the jet that we use for the water line and sewer line repair. Sweigert – thanks for that, I appreciate you being prepared. Regarding the State of the City, could I suggest that for those of us who weren't able to make it or those who can't afford the \$50.00 to attend in person, would it be possible to have maybe those who gave a speech record it and then the citizens who weren't able to attend they can see what the state of our City is. Then maybe the State of the Chamber or whatever, just so the people that weren't there can see what is going on.

Mayor Arnold – for myself, one of the things that I mentioned at the State of the City was I always take a 100 days of observation before making big changes or decisions. One of the things I mentioned at the State of the City was March 11 will be 100 days since the newly elected folks have been in place. It is my intention to become much more active on social media and those types of things. It was in the best interest of myself and the City to make sure we understood roles and where we fit in and those types of things. I am more than happy to redo that speech but at the same time I plan to be more active and engaging with the community which includes quarterly town halls, things of that nature.

Sweigert – I did attend the Rittman Youth Sports Night at the Races Saturday night. There were at least 100 people there. All to proceeds go back to all the youth sports. It was a good event; there was a lot of money raised.

Mayor Arnold – thank you all, I have a few things briefly to say is one that the State of the City was a great event. That was my first time attending. Like Councilwoman Nelson said quite a few local and State Representatives were there. It may not seem like it, but people are definitely watching and willing to help this community and that leads me into the next part, the amount of folks up here that I see out the community events, it does make a difference. Thank you, I appreciate it. We are definitely moving forward. Everyone being here tonight, it's the same thing. Thank you for coming, next time bring a friend.

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Held March 9, 2026

Beshara – don’t forget we have Charter Review and the next one is March 18 at 6:00 p.m. in this room.

Adjourn: 7:53 p.m. Nelson moved to adjourn, all Yeas on roll call and motion carried.

Mayor

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 8513

Passed: _____, 2026

ORDINANCE NO. 8513

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING SECTION 121.03 ORDER OF BUSINESS; RULES OF COURT OF THE CODIFIED ORDINANCES OF THE CITY OF RITTMAN.

WHEREAS, section 121.03 of the Codified Ordinances of the City of Rittman is the ordinance governing the agenda items and order for all meetings of Council; and

WHEREAS, the Council wishes to provide for better and more meaningful input from the citizens at Council meetings; and

WHEREAS, the ordinance presently allows for Citizens' forum before the business of the day, but provides no opportunity for input after such business has been discussed; and

NOW THEREFORE, be it ordained by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE

That section 121.03(a) ORDER OF BUSINESS; RULES OF COURT be amended as follows:

A Second Citizens' Forum shall be held after Finance Director's remarks, shall be enumerated appropriately, and all subsequent items in this section shall be renumbered to account for the additional item as shown herein:

- (1) Invocation;
- (2) Pledge of Allegiance;
- (3) Roll call;

RECORD OF ORDINANCES

Ordinance No. 8513

Passed: _____, 2026

- (4) Workshop;
- (5) Approval of minutes;
- (6) Citizens' forum;
- (7) Old business;
- (8) New business;
- (9) Manager's remarks;
- (10) Finance Director's remarks;
- (11) Second citizens' forum
- (12) Council's remarks;
- (13) Adjournment.

Passed: _____, 2026

Mayor

Attest:

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 8514

Passed: _____, 2026

ORDINANCE NO. 8514

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING SECTION 991.10 CHARGES AND FEES OF THE CODIFIED ORDINANCES OF THE CITY OF RITTMAN.

WHEREAS, section 991.10 of the Codified Ordinances of the City of Rittman is the ordinance governing the fees related to the municipal cemetery; and

WHEREAS, Council wishes to recognize the service of the employees of the City of Rittman by treating them the same as citizens with regards to cemetery charges and fees.

NOW THEREFORE, be it ordained by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE

That section 991.10(b) be amended as follows (new text underlined):

Residents and Nonresidents. Since the City is obligated to pay from the General Fund all costs involved in the operation and maintenance of the cemetery over and above the income derived from the sale of lots, burials, the Cemetery Maintenance and Operations Fund, the Special Lot Endowment Fund, gifts and bequeaths, and since nonresidents of the City do not necessarily contribute to the General Fund by way of taxes, a distinction is made in charges and fees for the lots and services rendered between residents and nonresidents of the City. All current and retired employees of the City of Rittman and their close family members, as determined by the City Manager, shall be considered “residents” for the purposes of charges and fees under this section.

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Ordinance No. 8514

Passed: _____, 2026

Passed: _____, 2026

Attest:

Mayor

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 8519

Passed: _____, 2026

ORDINANCE NO. 8519

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, ENACTING A 180 DAY MORATORIUM ON THE RECEIPT, PROCESSING, ISSUANCE, AND APPROVAL OF ANY APPLICATION FOR A ZONING CERTIFICATE FOR NAICS 518-DATA PROCESSING, HOSTING, AND RELATED SERVICES (DATA CENTERS) UNDER THE CITY'S PLANNING AND ZONING CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the City has determined it is in the best interest of the City and its residents to adopt an ordinance enacting a 180 day moratorium on the receipt, processing, issuance, and approval of any application for a zoning certificate for NAICS 518-data processing, hosting, and related services (Data Centers); and

WHEREAS, due to concerns relating to data centers the City recognizes that the Planning and Zoning Code needs to be reviewed and updated to ensure proper development can occur within the City and that the City has the necessary processes, resources and infrastructure in place to address such growth and demand for data centers; and

NOW THEREFORE, be it ordained by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE

This Council believes it is in the best interest of the City to institute a 180 day moratorium on the receipt, processing, issuance, and approval of any application for a zoning certificate for NAICS 518-data processing, hosting, and related services (Data Centers). This moratorium is necessary to ensure such

RECORD OF ORDINANCES

Ordinance No. 8519

Passed: _____, 2026

future developments align with the intent of the City and its residents, to ensure proper development can occur within the City and that the City has the necessary processes, resources and infrastructure in place to address such growth and demand for data centers and that such interests are a legitimate public interest necessary to protect the public health, safety and general welfare.

SECTION TWO

The Council may rescind this moratorium at any time prior to the expiration of the 180 days.

SECTION THREE

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City due to the dangers and complications that NAICS 518-data processing, hosting and related services (Data Centers) pose to the City's residents and shall be in full force and effect from and after its passage and approval or otherwise take effect and be in full force from and after the earliest period allowed by law.

Passed: _____, 2026

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Mayor

Attest:

Clerk of Council

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT**

New Application
Renewal Application



(O.R.C Section 929.02)

(See page 4 for General Information regarding this Application)

Owner's Name: BISHOP OF ROMAN CATHOLIC DIOCESE OF CLEV	
Owner's Address: C/O STS PETER & PAUL CHURCH 161 W CLINTON ST DOYLESTOWN, OH 44230	
Owner's Email (optional):	
De	AGRICULTURAL DISTRICT RENEWAL
—	Agricultural District is renewed every 5 years.
—	THIS IS NOT CAUV
—	
Location of property.	
Street or Road-	
County- WAYNE	

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- ☐ List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- ☐ Describe location of property by roads, etc., and taxing district where located.
- ☐ State whether any portion of land lies within a municipal corporation.
Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- ☐ A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- ☐ If the acreage totals 10 acres or more, do not complete Part D.
- ☐ If the acreage totals less than 10 acres, complete either D (1) or (2).
- ☐ Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

TAX DISTRICT(S)	PARCEL NUMBERS(S)	# of Acres
63-RITTMAN CITY RITTMAN TWP RITTM	63-01184.000	11.0300
Total Number of Acres		11.0300

AFTER COMPLETING APPLICATION, PLEASE RETURN TO:

RUSSELL ROBERTSON
428 W LIBERTY ST
WOOSTER OH 44691-4851

- B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
Yes _____ No ☒

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?

Yes ☒ No ☐

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes ☒ No ☐

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application, I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner:  Date: 24 February 2026

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. _____

Action of County Auditor

Application Approved _____ Rejected _____ *

Date Application Filed with County Auditor _____

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____

Date Decision Mailed and Emailed¹ to Applicant _____

Email Address¹ _____

OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____ * Rejected _____ *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed and Emailed¹ to Applicant _____

Email Address¹ _____

OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.