ORDINANCE C-37-26

AN ORDINANCE TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF GROVE CITY, OHIO, AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 03, 2026 THE INITIATIVE AMENDMENTS TO THE GROVE CITY CHARTER TO ADD A NEW ARTICLE TITLED COMMUNITY CONSENT AMENDMENT

WHEREAS, on July 01, a petition for submission of a proposed amendment to the Charter of the City of Grove City, Ohio, was filed with the Clerk of Council; and

WHEREAS, a General State election will be held on November 03, 2026; and

WHEREAS, in accordance with the Ohio Revised Code, the Council must forward this amendment to the electorate for consideration.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, COUNTY OF FRANKLIN, AND STATE OF OHIO, THAT:

SECTION 1. The question of amending the Charter of the City of Grove City by the enactment of a new Section of the Charter, as hereinafter specifically set forth, be submitted, as a single ballot question, to the qualified electors of the City of Grove City at the Regular Municipal Election to be held on Tuesday, the 3rd day of November, 2026, at the regular places and times of voting in the City:

A) To enact the following proposed amendment to the Charter of the City of Grove City:

Shall Attached Exhibit "A" be enacted as Article XI?

SECTION 2. That the ballot for said election shall conform to the election laws of the State of Ohio, and shall: (1) be entitled "Proposed Charter Amendment - City of Grove City;" (2) contain a statement that a majority affirmative vote is necessary for passage and approval of the amendment of the Section as proposed herein; and (3) state the question to be submitted to the electorate of the City in condensed text form.

SECTION 3. That the Director of Law be and he is hereby authorized and directed to make such arrangements with the Board of Elections of Franklin County as are necessary for giving notice of said election and for placing the question on the ballot, and for printing the text of the proposed amendment for posting at polling places.

SECTION 4. That the Clerk of Council be and she hereby is directed to certify a copy of this Ordinance to the Board of Elections of Franklin County and to publish the full text of the proposed Charter amendment as provided in Section 731.211 of the Ohio Revised Code.

SECTION 5. This ordinance shall take effect at the earliest opportunity allowed by law.

Ted A. Berry, President of Council

Passed: 09-03-2026

Richard L. Stage, Mayor

Effective: 09-03-2026

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law

C-37-26 EXHIBIT "A"

Form No. 6-B Prescribed by Ohio Secretary of State (09-17)

Petition for Submission of Proposed Amendment to Charter

Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06
To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.
(NOTE – The below notice must be printed in red.)
NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.
To the Council, the legislative authority of the City (City or Village) **of** Grove City, **Ohio.**
We, the undersigned, qualified electors of the City (City or Village) of Grove City, Ohio respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

Article [X] — Community Consent Amendment

SECTION [X].01 — PURPOSE AND FINDINGS

The people of Grove City find that large-scale heavy industrial development, including but not limited to data centers, server farms, power generation facilities, and large-scale warehousing and logistics facilities, presents unique and potentially irreversible impacts on the residential character, environment, infrastructure, water supply, noise levels, light pollution, vibration, and quality of life of this City.

The people further find that:

- Heavy industrial facilities draw extraordinary quantities of water and electrical power, placing unique stress on municipal infrastructure serving all residents;
- Noise, infrasound, light pollution, and vibration from such facilities cannot be fully mitigated once a facility is constructed and operational, making pre-approval community consent essential;
- The impacts of heavy industrial development are categorically different in scale, permanence, and community effect from other commercial and industrial uses, justifying a distinct and more rigorous approval process;
- No property right in approval is created by the filing of any application under this Article, and no reasonable investment-backed expectation of approval exists prior to a successful referendum;
- This Article regulates the impacts of development on the health, safety, and welfare of Grove City residents, and is enacted as a health, safety, and welfare regulation under the City's home rule authority;
- This Article is facially neutral as to industry and commerce, applying solely to defined impact thresholds regardless of the industry or operator involved; and
- Heavy industrial facilities of the scale regulated by this Article generate revenues measured in the hundreds of millions of dollars annually; experience in comparable regulatory contexts has demonstrated that penalty levels substantially below those established in this Article have proven inadequate to deter noncompliance or compel timely remediation, and that meaningful penalties calibrated to a facility's economic capacity are necessary to achieve the remedial purposes of this Article; and
- Decisions of this magnitude should not rest solely with elected officials or administrative bodies, but must be directly authorized by the residents most affected.

This Article therefore establishes a mandatory public referendum process as a condition of approval for any such development, and establishes enforceable community impact standards to protect residents from the ongoing effects of any approved facility.

SECTION [X].02 — DEFINITIONS

As used in this Article:

(A) Heavy Industrial Development — means any proposed development, facility, or campus that meets one or more of the following thresholds:

1. Occupies or proposes to occupy 50 or more contiguous acres in total project footprint, regardless of whether all acreage lies within the City at the time of application, including any acreage in adjacent townships proposed for or reasonably anticipated to be subject to annexation into the City in connection with the development;
2. Draws or is designed to draw more than 20 megawatts of electrical power at peak capacity;
3. Consumes or is projected to consume more than 500,000 gallons of water per day.

For purposes of calculating acreage under subsection (A)(1), parcels under common ownership, common development agreement, or common operational purpose that are contiguous or separated only by a road, utility corridor, or other right-of-way shall be aggregated and treated as a single development. Phased developments shall be aggregated across all phases. Any development by the same or a related entity within one mile of a prior approved Heavy Industrial Development, proposed within five years of that approval, shall be aggregated with the prior development for threshold calculation purposes.

(B) Applicant — means any person, corporation, partnership, limited liability company, or other legal entity seeking any City approval for a Heavy Industrial Development.

(C) Public Referendum — means the election held pursuant to this Article in which registered voters of the City cast ballots to approve or reject a proposed Heavy Industrial Development.

(D) Referendum Fund — means a dedicated escrow account established and funded by the Applicant to cover all costs associated with the Public Referendum process.

(E) Baseline — means the approved project description on file with the City Clerk at the time of referendum certification, constituting the permanent operational reference point against which all future modifications are measured, including all Community Impact Standards measurements established prior to construction under Section [X].03(F).

(F) Cumulative Change Log — means the permanent public record maintained by the City Clerk documenting all modifications to an approved project measured against the Baseline.

(G) Threshold Determination — means the written finding issued by the City Law Director as to whether a proposed development constitutes a Heavy Industrial Development under this Article.

(H) Materiality Determination — means the written finding issued by the City Law Director as to whether a proposed modification constitutes a material change requiring a new referendum under this Article.

(I) Community Impact Standards — means the measurable limits on noise, infrasound, light, and vibration established in Section [X].03 of this Article.

(J) Operational Control — means the legal authority to direct the day-to-day operations of the facility, whether held through ownership, lease, management agreement, contract, or any other arrangement, regardless of the form of the transaction. A transfer of Operational Control does not include internal reorganizations, mergers, or restructurings among entities that share the same ultimate beneficial ownership, provided that the identity of the ultimate beneficial owner does not change and the Applicant provides written notice to the City Clerk within 30 days of the reorganization describing the transaction and confirming that ultimate beneficial ownership is unchanged.

(K) Commencement of Operations — means the earlier of: (1) issuance of a certificate of occupancy for any portion of the facility; or (2) the first commercial power draw exceeding ten percent (10%) of the facility's projected peak electrical capacity. A testing, commissioning, or pre-operational phase shall not delay the commencement date if either triggering condition is met.

(L) Substantially Similar Development — means a proposed development that shares two or more of the following characteristics with a previously rejected or withdrawn development: (1) the same or overlapping project footprint; (2) the same primary facility type; (3) the same or a related Applicant or ownership entity; or (4) the same or adjacent parcels. The City Law Director shall make Substantially Similar determinations in writing, which are subject to appeal under Section [X].04(C).

SECTION [X].03 — COMMUNITY IMPACT STANDARDS

(A) Purpose — This Section establishes the measurable standards by which community impact shall be assessed for purposes of this Article, including Threshold Determinations under Section [X].04, Independent Impact Studies under Section [X].07, and Quarterly Compliance Reviews under Section [X].11. These standards represent the maximum allowable impact of any Heavy Industrial Development on surrounding residential properties and shall be treated as enforceable limits upon any approved facility.

(B) Noise Standards —

Time Period	Maximum Allowable Level	Measurement Point
Daytime (7:00 a.m. – 10:00 p.m.)	55 dB(A)	Nearest residential property line
Nighttime (10:00 p.m. – 7:00 a.m.)	45 dB(A)	Nearest residential property line

Measurements shall use A-weighted decibels (dB(A)) per ANSI standards. All standards are instantaneous maximums, not averages. See Section [X].03(G) for the measurement verification protocol.

(C) Infrasound and Low-Frequency Noise Standards —

Metric	Maximum Allowable Level	Measurement Point
G-weighted infrasound	75 dB(G)	Nearest residential property line or structure
Discrete tonal components below 20 Hz	Any measurable level above ambient baseline	Nearest residential property line or structure

Ambient baseline shall be established by measurements taken prior to facility construction or commencement of operations, conducted by the independent firm selected under Section [X].07. The pre-construction baseline measurement shall be filed with the City Clerk and shall serve as the permanent reference standard for that facility.

(D) Light Standards —

Time Period	Maximum Allowable Spillage	Measurement Point
Daytime	1.0 foot-candle	Nearest residential property line
Nighttime	0.1 foot-candle	Nearest residential property line

In addition to the foot-candle limits above:

- No unshielded light fixture whose direct source is visible from any residential property line at any horizontal angle shall be permitted;
- No light source shall produce sky glow visible from any residential property at any elevation angle above the horizontal plane of the facility boundary, including upward-directed or unshielded roof-mounted lighting, cooling tower illumination, or equipment lighting; and
- All exterior lighting shall be fully shielded, downward-directed, and Dark Sky compliant per International Dark-Sky Association standards.

(E) Vibration Standards —

Metric	Maximum Allowable Level	Measurement Point
Peak Particle Velocity (PPV)	No measurable increase above pre-construction ambient baseline PPV	Foundation of nearest residential structure within one mile

Measurements shall be taken using standard seismographic equipment during normal facility operating conditions at maximum projected or actual capacity. The ambient baseline PPV shall be established by the pre-construction measurements required under Section [X].03(F) and shall serve as the permanent reference standard. A violation occurs when any measured PPV at the foundation of the nearest residential structure within one mile exceeds the documented ambient baseline PPV, subject to the confirmation protocol of Section [X].03(G). All standards are instantaneous maximums, not averages.

(F) Ambient Baseline Measurement Requirement — Prior to commencement of construction, and at the

Applicant's expense, a qualified independent firm selected by the City shall conduct comprehensive baseline measurements of noise, infrasound, light, and vibration at all residential property lines and structures within one mile of the proposed facility boundary. These baseline measurements shall:

- Be filed with the City Clerk as permanent public records;
- Serve as the reference standard for all subsequent compliance measurements; and
- Be incorporated into the Baseline as defined in Section [X].02(E).

(G) Measurement Verification Protocol — All standards in this Section are instantaneous maximums, not averages. However, a single measurement exceeding a standard shall not automatically constitute a violation. The following protocol applies:

(1) Initial Exceedance — The independent firm shall document the exceedance in writing and immediately notify the City Administrator. Within 7 days of the initial exceedance, the firm shall conduct a minimum of three additional measurements at the same location under comparable operating conditions.

(2) Confirmation — If two or more of the three additional measurements also exceed the standard, a violation shall be deemed confirmed and referred to the City Law Director for enforcement action. The confirmed exceedance date shall be the date of the first measurement, not the confirmation date, for purposes of calculating fines.

(3) No Confirmation — If fewer than two of the three additional measurements exceed the standard, no violation shall be found. The initial exceedance and all follow-up measurements shall be filed with the City Clerk as public records. A pattern of repeated unconfirmed exceedances — defined as three or more initial exceedances within any 12-month period — shall itself constitute a violation regardless of confirmation status.

(4) Equipment Verification — All measurement equipment shall be calibrated and certified before each measurement session. Calibration records shall be included in all reports filed with the City Clerk. If equipment malfunction is documented, the measurement shall be voided and repeated within 7 days.

(5) Applicant Notice and Dispute — The Applicant shall be notified of any initial exceedance within 24 hours and shall have the right to have their own independent firm present for confirmation measurements, at their own expense. The Applicant's firm may not interfere with or direct the City's independent firm's measurement process. If the Applicant's firm produces conflicting results, a third independent firm selected by mutual agreement — or if no agreement, by the Franklin County Common Pleas Court — shall conduct a binding measurement within 14 days.

(H) Independent Measurement Requirement — All measurements required under this Article shall be conducted by a firm selected by the City from the City's Approved Measurement Roster, maintained by the City Administrator. No firm with any financial relationship with the Applicant shall be eligible. The Applicant shall have no role in firm selection. All measurement reports shall be filed with the City Clerk as public records. The Applicant shall fund the City's cost of establishing, maintaining, and updating the Approved Measurement Roster through the annual Oversight Fee established in Section [X].06(D).

(I) Measurement Protocols — All measurements required under this Article shall:

- Be conducted by a firm from the City's Approved Measurement Roster with no financial relationship with the Applicant;
- Use equipment calibrated to applicable ANSI, ISO, or equivalent standards;
- Be conducted during normal facility operating conditions at maximum projected or actual capacity;
- Be repeated across multiple measurement periods to account for seasonal and operational variation; and
- Be submitted as written reports filed with the City Clerk as public records.

(J) Amendment of Standards — The specific numeric standards set forth in this Section may be updated by City Council ordinance to reflect advances in measurement science, changes in applicable state or federal standards, or recommendations of the City's independent technical advisors, provided that no amendment shall increase any allowable limit without approval of the voters at a general election. Council may tighten standards by ordinance alone.

SECTION [X].04 — THRESHOLD DETERMINATION

(A) Upon receipt of any rezoning application, annexation petition, conditional use application, planned unit development application, or pre-application conference request for a development that could reasonably meet or approach any threshold in Section [X].02(A), the City Law Director shall, within fifteen (15) business days, issue a written Threshold Determination stating whether the proposed development constitutes a Heavy Industrial Development under this Article. The obligation to issue a Threshold Determination under this

subsection does not attach to inquiries or applications for development that plainly cannot meet any threshold in Section [X].02(A)

(B) The Law Director's Threshold Determination shall be a public record filed with the City Clerk.

(C) Any person may appeal the Threshold Determination to City Council within 30 days of filing. Council shall hear the appeal within 45 days and issue a written decision by majority vote.

(D) If the Law Director determines the proposed development is a Heavy Industrial Development, the Applicant shall comply with all requirements of this Article before any City approval may be granted.

(E) Default Rule — Failure to Act — If the City Law Director fails to issue a Threshold Determination within 15 business days of receiving a qualifying application or inquiry, the proposed development shall automatically be deemed a Heavy Industrial Development and all requirements of this Article shall apply. The Applicant shall be notified in writing by the City Clerk of the automatic determination within 2 business days of the deadline passing.

SECTION [X].05 — MANDATORY REFERENDUM REQUIREMENT

No City approval, including but not limited to any rezoning, conditional use permit, planned unit development approval, annexation approval, or building permit, shall be granted for any Heavy Industrial Development unless and until:

(A) The Applicant has complied with all requirements of this Article; and

(B) A majority of voters casting ballots in the Public Referendum have voted to approve the proposed development; and

(C) The Public Referendum was conducted in accordance with the procedures set forth in this Article.

No City Council action, administrative decision, or waiver by any City official shall exempt a Heavy Industrial Development from the requirements of this Article. Any purported approval granted in violation of this Article shall be void and of no legal effect.

(D) Adjacent Township Protections —

(1) Intergovernmental Agreement Obligation — Where a proposed Heavy Industrial Development has a total project footprint that includes, borders, or is reasonably anticipated to affect unincorporated territory in an adjacent township, the City shall, within 30 days of a complete referendum application being filed, formally request negotiation of an intergovernmental agreement with the relevant township board of trustees pursuant to Ohio Revised Code Chapter 167. Such agreement shall provide, at minimum, for coordinated or joint referendum processes giving affected township residents a meaningful voice in the approval decision. The City shall negotiate in good faith and shall report the status of negotiations to City Council at each regular Council meeting during the negotiation period.

(2) Advisory Vote Fallback — If no intergovernmental agreement is executed within 180 days of the formal request, the advisory vote process shall automatically apply. The City shall formally request that the relevant township board of trustees place a non-binding advisory question before township residents on the same ballot as the City referendum. The advisory ballot question shall mirror the City referendum question in plain language. Advisory results shall be publicly reported simultaneously with City referendum results and shall be entered into the permanent public record.

(3) Council Consideration of Advisory Results — While an advisory township vote is not binding on the City, a majority advisory vote against the development shall be formally considered by City Council before any post-referendum permitting decisions are made. Council shall make written findings responding to the advisory vote result as part of any subsequent approval action.

(4) Acreage Aggregation Across Jurisdictions — For purposes of the 50-acre threshold in Section [X].02(A), all acreage that is part of the total project footprint shall be aggregated regardless of whether it lies within City limits at the time of application, including acreage in adjacent townships proposed for or reasonably anticipated to be subject to annexation in connection with the development.

SECTION [X].06 — APPLICANT OBLIGATIONS

Before any application for a Heavy Industrial Development may be deemed complete or considered by any City body, the Applicant shall:

(A) Establish a Referendum Fund — by depositing with the City Auditor a sum sufficient to cover all costs of the Public Referendum, including:

- All election administration costs as estimated by the Franklin County Board of Elections;
- All required public notice and publication costs;
- Costs of the independent environmental and infrastructure impact study required under Section [X].07;

- Costs of pre-construction ambient baseline measurements required under Section [X].03(F); and
- A 15% administrative reserve.

The City Auditor shall determine the required deposit amount in consultation with the Franklin County Board of Elections within 30 days of receiving a written request from the Applicant. Funds shall be held in escrow and may only be disbursed for referendum-related costs. Any unused funds shall be returned to the Applicant following the referendum election.

(B) Conduct Community Information Meetings — At least two public informational meetings, held on separate dates at least 30 days apart, within the City, at which the Applicant shall present the proposed development in plain language and accept written and oral questions from residents. Meetings shall be publicly noticed at least 14 days in advance.

(C) File a Complete Application — Including all information required by the City's zoning and development codes, plus all disclosures required under Section [X].07.

(D) Pay Annual Oversight Fee — Beginning with the first year of operations and annually thereafter, the Applicant shall pay to the City an Annual Oversight Fee in an amount set by City Council ordinance, sufficient to cover the City's ongoing costs of quarterly compliance review, Cumulative Change Log maintenance, Approved Measurement Roster administration, website publication requirements, and any other administrative obligations imposed on the City by this Article. The Annual Oversight Fee shall be scaled to the facility's approved peak electrical capacity and shall be reviewed by Council no less than every three years. Failure to pay the Annual Oversight Fee shall constitute a violation of this Article subject to the penalties of Section [X].12.

SECTION [X].07 — INDEPENDENT IMPACT STUDY

(A) As part of the referendum process, the Applicant shall fund, but shall have no control over the selection or findings of, an Independent Impact Study.

(B) Firm Selection — The City Administrator shall solicit competitive proposals from qualified independent firms pursuant to City purchasing policies and shall recommend a firm to City Council for approval. Council shall approve or reject the recommended firm within 30 days by majority vote. If Council rejects the recommendation, the City Administrator shall submit a new recommendation within 15 business days. No contract with an independent study firm shall be executed until Council approval is obtained. The Applicant shall have no role in firm selection, scope development, or communication with the firm except to provide requested data. All communications between the firm and the Applicant shall be routed through the City Administrator's office and shall be public records.

(C) Scope — The study shall address at minimum:

- Projected daily water consumption and impact on City water infrastructure;
- Projected electrical demand and impact on the regional grid;
- Assessment of projected noise, infrasound, light, and vibration impacts against the Community Impact Standards established in Section [X].03, including pre-construction ambient baseline measurements at all residential property lines and structures within one mile of the proposed facility boundary;
- Traffic impacts;
- Projected local employment, direct and indirect, with wage level analysis;
- Projected tax revenue versus infrastructure cost to the City; and
- Environmental impacts including stormwater, air quality, and heat island effects.

(D) The completed study shall be made publicly available on the City's website no less than 60 days before the referendum election date.

SECTION [X].08 — REFERENDUM ELECTION

(A) Upon completion of the requirements in Sections [X].06 and [X].07, and upon the City Law Director's issuance of a Threshold Determination confirming the project constitutes a Heavy Industrial Development, the City Auditor shall coordinate with the Franklin County Board of Elections to place the referendum on the next available general election ballot, provided it occurs no fewer than 90 days after the City Auditor's written certification that all pre-referendum requirements have been satisfied.

(B) The ballot question shall be stated in plain language, substantially as follows:

"Shall the City of Grove City approve the [Project Name], a [facility type] proposed by [Applicant] to be located at [address/location], consisting of approximately [acreage] acres, as more fully described in the Applicant's application on file with the City Clerk?"

☐ YES — I approve this development.

☐ NO — I do not approve this development.

(C) Only registered voters residing within the City of Grove City shall be eligible to vote.

(D) A majority of votes cast (50% + 1) shall be required for approval.

(E) All costs of the election shall be paid from the Referendum Fund established under Section [X].06.

SECTION [X].09 — EFFECT OF VOTE

(A) If the referendum passes — The City may proceed to consider the Applicant's development application through normal zoning and permitting processes. A referendum approval does not guarantee any City permit or approval; all other applicable City codes and standards remain in full force.

(B) If the referendum fails — No City approval of any kind shall be granted for the proposed development. The Applicant may not reapply for the same or a Substantially Similar Development for 24 months from the date of the election.

SECTION [X].10 — MATERIAL CHANGE REVIEW

(A) Baseline — A referendum approval is specific to the Applicant, the location, and the project description on file with the City Clerk at the time of the referendum. The approved project description shall constitute the Baseline and shall be permanently recorded with the City Clerk upon referendum certification.

(B) Change Notice Requirement — At least 30 days before implementing any proposed modification to an approved project, the Applicant shall submit a written Change Notice to the City Clerk describing the modification in detail. Failure to submit a Change Notice at least 30 days before implementation shall constitute a violation of this Article; provided, however, that if the Applicant submits the required Change Notice within 14 days after implementing the modification, the referendum approval shall not be voided pending the City Law Director's Materiality Determination under subsection (E). If the Change Notice is not submitted within that 14-day cure period, the referendum approval shall automatically be void.

(C) Cumulative Measurement — All thresholds below shall be measured against the original Baseline, not against any previously approved modification. The City Clerk shall maintain a running Cumulative Change Log as a permanent public record. When assessing any Change Notice, the Law Director shall calculate the total cumulative deviation from the Baseline across all prior modifications plus the proposed modification.

(D) Materiality Thresholds — A change shall be deemed material — requiring a new referendum — if the cumulative total of all modifications since the Baseline meets any of the following:

- Increases total project acreage by more than 10% from Baseline;
- Increases projected peak electrical demand by more than 10% from Baseline;
- Increases projected daily water consumption by more than 10% from Baseline;
- Changes the primary use or facility type from what was described at referendum;
- Relocates the primary facility footprint more than 500 feet from the Baseline location; or
- Transfers ownership or Operational Control to a different ultimate beneficial owner, as defined in Section [X].02(J).

(E) Materiality Determination — Upon receipt of a Change Notice, the City Law Director shall issue a written Materiality Determination within 20 business days. The determination shall be filed with the City Clerk as a public record. If the City Law Director fails to issue a Materiality Determination within 20 business days, the proposed change shall automatically be deemed material and a new referendum shall be required. The Applicant shall be notified in writing by the City Clerk of the automatic determination within 2 business days of the deadline passing.

(F) Continued Operations During Material Change Referendum — If the Law Director issues a Materiality Determination requiring a new referendum, the Applicant may continue to operate the facility at or below the most recently approved Baseline levels while the new referendum process is conducted. The Applicant shall not expand, increase capacity, or exceed Baseline operational levels during this period. Continued operation is conditioned on the Applicant filing the new referendum application within 30 days of the Materiality Determination. Failure to file within 30 days shall suspend all City approvals until the new referendum application is filed and deemed complete.

(G) Effect of Failed Material Change Referendum — If a material change referendum fails, the Applicant shall remain bound by the original Baseline or the last previously approved Baseline, whichever is more recent. The Applicant may continue operations at those approved levels. The failed referendum shall be treated as a rejection of the proposed expansion only and shall not affect the validity of the underlying approval. The

Applicant may not reapply for the same or a Substantially Similar material change for 24 months from the date of the failed election.

(H) Appeal of Materiality Determination — The Applicant may appeal a Materiality Determination to City Council within 30 days. Council shall hear the appeal within 45 days and decide by a vote of at least five (5) members. Council's decision is final.

SECTION [X].11 — QUARTERLY REPORTING AND COMPLIANCE

(A) Quarterly Reporting Requirement — Beginning the first full calendar quarter after Commencement of Operations, the Applicant shall submit a Quarterly Operations Report to the City Clerk no later than 30 days after the end of each calendar quarter. The report shall include at minimum:

- Actual peak electrical demand for the quarter, in megawatts;
- Actual average daily water consumption for the quarter, in gallons;
- Total acreage actively occupied or under development;
- Noise, infrasound, light, and vibration monitoring data measured in accordance with Section [X].03, conducted by a firm from the City's Approved Measurement Roster during the reporting quarter at all required measurement points;
- Any ownership, operational control, or corporate structure changes during the quarter; and
- A certification signed by a responsible officer of the Applicant that the information is accurate and complete under penalty of the violations provisions of Section [X].12.

All Quarterly Operations Reports shall be public records filed with the City Clerk.

(B) Compliance Review Procedure — Within 15 business days of receiving each Quarterly Operations Report, the City Administrator shall:

(1) Compare reported figures against the Baseline, the Community Impact Standards in Section [X].03, and the Cumulative Change Log;

(2) Issue a written Quarterly Compliance Certificate if the facility is operating within all Baseline thresholds and Community Impact Standards;

(3) Issue a written Early Warning Notice to the Applicant if any reported figure meets or exceeds 80% of any Baseline threshold or Community Impact Standard, to allow the Applicant to plan accordingly. An Early Warning Notice is not a violation and carries no penalty; or

(4) Refer the matter to the City Law Director for a Materiality Determination or enforcement action if any reported figure exceeds a Baseline threshold or Community Impact Standard.

(C) The City Administrator shall publish a summary of all Quarterly Compliance Certificates and Early Warning Notices on the City's public website within 5 business days of issuance.

(D) Default Rule — Failure to Act — If the City Administrator fails to issue a Quarterly Compliance Certificate, Early Warning Notice, or referral to the Law Director within 15 business days of receiving a Quarterly Operations Report, any Grove City resident may petition the City Law Director directly to conduct the compliance review. The Law Director shall complete the review within 10 business days of receiving such a petition. Additionally, the City shall conduct an independent annual audit of all active facilities' compliance status, funded by the Annual Oversight Fee, with results published on the City's website.

SECTION [X].12 — PENALTIES FOR VIOLATION

(A) Triggering Events — The following shall each constitute a violation of this Article:

- Exceeding a Baseline threshold or Community Impact Standard without first submitting a Change Notice;
- Transferring ownership or operational control without first submitting a Change Notice;
- Submitting a Quarterly Operations Report that is materially false or incomplete; or
- Failure to pay the Annual Oversight Fee when due.

(B) Immediate Stop-Work / Operational Cap Order — Upon determination of a violation, the City Law Director shall issue a written order immediately capping all operations at Baseline levels. The order is effective upon service and shall be filed with the City Clerk as a public record.

(C) Civil Fines — Escalating Schedule — Fines shall accrue per day for each day the violation continues after service of the Stop-Work/Operational Cap Order, calculated as follows:

Days Out of Compliance	Daily Fine
Days 1–7	$25,000/day
Days 8–30	$75,000/day
Days 31–60	$150,000/day
Days 61–90	$300,000/day
Day 91 and beyond	$500,000/day

Fines shall be calculated cumulatively against the original Baseline. By way of illustration, a violation continuing for 95 days would accrue:

- 7 days × $25,000 = $175,000
- 23 days × $75,000 = $1,725,000
- 30 days × $150,000 = $4,500,000
- 30 days × $300,000 = $9,000,000
- 5 days × $500,000 = $2,500,000
- Total: $17,900,000

(D) False Reporting Penalty — In addition to the escalating fine schedule, any Applicant that submits a Quarterly Operations Report that is materially false or incomplete shall be subject to a separate civil fine of $50,000 per false or incomplete report. If the City Law Director determines that the false or incomplete reporting was knowing and willful, the matter shall be referred to the Franklin County Prosecutor for consideration of criminal charges. A pattern of late, false, or incomplete reports — defined as two or more within any 12-month period — shall be deemed a willful violation.

(E) Allocation of Fines — All fines collected under this Section shall be allocated as follows:

- 50% deposited into a dedicated Community Impact Fund, administered by the City Administrator under Council oversight, to be used exclusively for infrastructure improvements, environmental remediation, or community benefits in neighborhoods within one mile of the facility; and
- 50% deposited into the City's General Fund.

(F) Willful Violation Multiplier — If the City Law Director determines, based on Quarterly Reports or other evidence, that the Applicant had actual knowledge that it was at or above a Baseline threshold or Community Impact Standard and failed to submit a Change Notice or take corrective action, all applicable daily fines shall be multiplied by three (3). A pattern of late or incomplete Quarterly Reports shall be considered evidence of willful violation.

(G) Referendum Approval Suspension — All City approvals for the facility shall be suspended until the Applicant either:

- Returns to Baseline compliance and Community Impact Standard compliance, and pays all accrued fines in full; or
- Completes a new referendum and obtains voter approval.

(H) Ownership Transfer Without Notice — If ownership or Operational Control is transferred to a different ultimate beneficial owner without a Change Notice, all City approvals for the facility shall be suspended and shall not be recognized as valid as to the new owner unless and until a new referendum is completed and the development is approved. The new owner shall take the facility subject to all obligations of this Article, which run with the land under Section [X].13(C). Internal reorganizations qualifying under Section [X].02(J) shall not be subject to this subsection, provided the required written notice has been filed with the City Clerk.

(I) Injunctive Relief — In addition to civil fines, the City may seek injunctive relief in the Franklin County Court of Common Pleas to compel immediate operational reduction to Baseline levels and Community Impact Standard compliance.

(J) Appeal — The Applicant may appeal any Stop-Work or Operational Cap Order to City Council within 15 days. Council shall hear the appeal within 30 days. The Order remains in effect during the appeal period.

SECTION [X].13 — PERFORMANCE BOND AND DECOMMISSIONING FUND

(A) Performance Bond — As a condition of receiving any City approval following a successful referendum, the Applicant shall post a performance bond or provide equivalent financial security in a form and amount approved by the City Law Director and City Administrator. The bond shall be sufficient to cover:

- Estimated costs of full facility decommissioning and site remediation;

- Estimated costs of restoring affected infrastructure to pre-development condition; and
- A 25% contingency reserve.

(B) Decommissioning Fund — In addition to the performance bond, the Applicant shall establish and maintain a dedicated Decommissioning Fund, held in escrow with a financial institution approved by the City, funded at a level sufficient to cover full decommissioning costs as estimated by the independent firm selected under Section [X].07. The Decommissioning Fund shall be reviewed and, if necessary, increased every five years.

(C) Obligations Running With the Land — All obligations of this Article, including but not limited to compliance with Community Impact Standards, quarterly reporting, payment of fines, and maintenance of the Decommissioning Fund, shall run with the land and shall be binding upon all successors and assigns. Any deed or instrument transferring any interest in the facility or its property shall reference this Article and the obligations herein.

(D) Fund Structure — The Decommissioning Fund shall be established as a trust or escrow arrangement in which the City is named as a direct beneficiary, structured so that the City's access to fund assets does not depend on the Applicant's continued solvency or legal existence.

SECTION [X].14 — RESIDENT PRIVATE RIGHT OF ACTION

(A) Any Grove City resident shall have standing to file suit in the Franklin County Court of Common Pleas to compel enforcement of this Article if:

- A violation has been documented in a Quarterly Operations Report or by any independent measurement; and
- The City has failed to issue a Stop-Work/Operational Cap Order or otherwise initiate enforcement within 30 days of the documented violation.

(B) In any such action, a prevailing resident plaintiff shall be entitled to recover reasonable attorneys' fees and costs from the Applicant. The City shall not be liable for attorneys' fees in any action brought under this Section.

(C) Nothing in this Section shall limit the City's independent authority to enforce this Article at any time.

SECTION [X].15 — CONFLICT OF INTEREST

(A) Disclosure Requirement — Any City official, including the City Law Director, City Administrator, and any member of City Council, who has a financial relationship with an Applicant — including but not limited to employment, investment, contractual relationship, or family relationship with a principal of the Applicant — shall disclose that relationship in writing to the City Clerk within 5 business days of learning of the application. For purposes of this Section, "family relationship" means a relationship with the official's spouse or domestic partner, parent, child, sibling, or any member of the official's household.

(B) Recusal — Any City official with a disclosed financial relationship shall be recused from all decisions, determinations, and votes under this Article relating to the relevant Applicant. Recused officials shall have no role in the relevant proceedings and shall not communicate with other officials regarding the matter outside of public meetings.

(C) Violation — Failure to disclose a financial relationship or failure to recuse shall constitute a violation of this Article and shall render any decision made by the non-disclosing or non-recused official void and subject to rescission by City Council.

(D) Majority Conflict — If a majority of City Council members are required to recuse themselves from any decision, determination, or vote under this Article with respect to the same Applicant, the City Clerk shall certify that fact in writing and transmit the matter to the Franklin County Court of Common Pleas for appointment of a hearing officer to make the relevant determination in place of Council. The hearing officer's determination shall have the same legal effect as a Council decision under this Article. Costs of the hearing officer appointment shall be borne by the Applicant.

SECTION [X].16 — ANTI-CIRCUMVENTION

No approval process, zoning classification, overlay district, planned development agreement, or other City action shall be used to circumvent the requirements of this Article. Any annexation of land into the City that is proposed in connection with a Heavy Industrial Development shall be subject to this Article as if the land were already within City limits at the time of application.

No developer shall avoid the thresholds of this Article by artificially subdividing a project across multiple parcels, multiple legal entities, multiple phases, or multiple jurisdictions. The City Law Director shall look through the form of any transaction to its substance in making Threshold Determinations.

The City shall not recognize, credit, or give effect to any township-level approvals, permits, or entitlements obtained in anticipation of annexation for a development that would constitute a Heavy Industrial Development under this Article. No such township-level approval shall be relied upon by any Applicant to satisfy any requirement of this Article or any other City approval process.

SECTION [X].17 — AMENDMENT

This Article may only be amended or repealed by a vote of the people of Grove City at a general election. City Council shall have no authority to suspend, waive, or modify any provision of this Article by ordinance or resolution.

SECTION [X].18 — SEVERABILITY

If any provision of this Article is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION [X].19 — EXISTING FACILITY REGISTRATION AND EXPANSION REVIEW

(A) Purpose — This Section establishes a registration and baseline declaration process for facilities already operating within the City of Grove City at or above one or more of the thresholds of Section [X].02(A) at the time this Article takes effect. Because those facilities had no opportunity to obtain referendum approval before this Article existed, this Section protects them from retroactive application of the referendum requirement for their current operations, while ensuring that any substantial expansion is subject to full community review. Facilities operating below all thresholds at the time this Article takes effect are unaffected by this Article unless and until they independently meet or exceed a threshold, at which point they are treated as new applicants.

(B) Registration Requirement; Grandfathered Status — Any facility operating at or above one or more thresholds of Section [X].02(A) on the effective date of this Article may obtain grandfathered status by submitting a Baseline Declaration to the City Clerk within 180 days of this Article's effective date. Grandfathered status protects the facility from the referendum requirement for its current operations only. It is not a permanent exemption and does not authorize any expansion beyond the declared Baseline. A facility that does not file within the 180-day window forfeits any claim to grandfathered status and shall be subject to all requirements of this Article with respect to its ongoing operations and any future City approvals.

(C) Contents of Baseline Declaration — A Baseline Declaration shall include, at minimum, all of the following, measured as of the date of filing and certified under penalty of the violation provisions of Section [X].12 by a responsible officer of the facility:

- Current peak electrical demand, in megawatts;
- Current average daily water consumption, in gallons;
- Total acreage occupied or under active development;
- Primary facility type and description of operations; and
- Legal name and address of the operating entity and all entities holding Operational Control as defined in Section [X].02(J).

All Baseline Declarations shall be public records filed with the City Clerk. The City Clerk shall publish a registry of all filed Baseline Declarations on the City's website within 30 days of the close of the registration window.

(D) Effect of Registration; Deemed Baseline — Upon acceptance of a Baseline Declaration by the City Clerk, the declared metrics shall constitute the facility's official Baseline under Section [X].02(E). From the date of acceptance, the facility shall be subject to the Material Change Review process of Section [X].10 and the quarterly reporting requirements of Section [X].11 exactly as if it were an approved facility. Grandfathered status protects the facility from retroactive application of the referendum requirement for its existing operations only. It does not exempt the facility from any other provision of this Article, including the Community Impact Standards of Section [X].03, the penalty provisions of Section [X].12, or the anti-circumvention provisions of Section [X].16.

Regardless of whether a Baseline Declaration is filed, any facility operating at or above one or more thresholds of Section [X].02(A) on the effective date of this Article shall be required to submit Quarterly Operations Reports under Section [X].11 beginning with the first full calendar quarter after this Article's effective date. Quarterly reporting is an obligation of operation at threshold levels and is not contingent on registration. Grandfathered status under this Section provides protection from the referendum requirement only; it does not alter or reduce any reporting, compliance, or enforcement obligation under this Article.

Because grandfathered facilities are already operational at the time this Article takes effect, no pre-construction ambient baseline measurements exist for purposes of the Community Impact Standards of Section [X].03. Within 90 days of the close of the 180-day registration window, every facility that has filed a Baseline Declaration shall fund and facilitate a current ambient baseline measurement conducted by a firm selected by the City from the Approved Measurement Roster under Section [X].07. Measurements shall be taken at the facility's boundary and at the nearest occupied residential properties, in accordance with the measurement protocols of Section [X].03. The results of those measurements shall constitute the facility's permanent Community Impact Standards compliance reference standard in place of a pre-construction baseline. The cost of the measurement shall be borne entirely by the facility. Failure to cooperate with or fund the measurement within the 90-day window shall constitute a violation of this Article and shall result in forfeiture of grandfathered status.

(E) Substantial Expansion Triggers Referendum — Grandfathered status is frozen at the declared Baseline and is not a license to grow without limit. Any proposed modification that constitutes a material change under Section [X].10(D), measured cumulatively against the declared Baseline, shall trigger the full referendum requirement. The facility shall be treated as a new applicant for purposes of the expansion and shall comply with all requirements of this Article before any City approval for the expansion may be granted. By way of illustration: a facility that registered a Baseline of 30 megawatts may continue operating at 30 megawatts without restriction, but any proposed expansion that cumulatively exceeds the 10% materiality threshold of Section [X].10(D) requires a new referendum before that expansion may proceed.

(F) Failure to Register — A facility operating at or above a threshold on the effective date of this Article that does not file a Baseline Declaration within the 180-day window forfeits any claim to grandfathered status. Such a facility shall be subject to all provisions of this Article as if it were a new applicant, including the referendum requirement for any City approval sought after the close of the registration window. Failure to register shall not itself be penalized; the consequence is loss of the protection, not an affirmative penalty.

(G) False or Inaccurate Baseline Declaration — A Baseline Declaration that materially understates any metric shall be treated as no declaration at all. If the City Law Director determines, based on subsequent Quarterly Operations Reports or other evidence, that a Baseline Declaration was materially inaccurate at the time of filing, the facility's grandfathered status shall be revoked and the facility shall be subject to all requirements of this Article as if no declaration had been filed. A knowing and willful false declaration shall additionally be subject to the false reporting penalties of Section [X].12(D).