Article [X] — Community Consent Amendment

● SECTION SUMMARY

This is a proposed addition to Grove City's city code. It creates a brand-new process that requires a public vote before the city can approve any large-scale industrial facility — like a data center, server farm, or power plant. Think of it as the residents getting a direct say before any massive industrial project can move forward.

SECTION [X].01 — PURPOSE AND FINDINGS

● SECTION SUMMARY

This section explains WHY this law exists. It lists the city's official reasons for needing it — like a court filing that says "here's what we found and why we're acting." These findings also make the law harder to challenge in court because they document the reasoning.

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.

■ PLAIN ENGLISH

Translation: Huge industrial buildings — like data centers — can permanently change what it's like to live in Grove City. Once they're built, you can't easily undo the damage to the neighborhood, environment, or water supply.

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;

■ PLAIN ENGLISH

These buildings use a shocking amount of water and electricity — resources shared by every resident. A single large data center can use as much electricity as a small city.

• 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;

■ PLAIN ENGLISH

"Infrasound" means low-frequency vibrations you feel more than hear. Once a facility is running, you can't fully silence it. This is WHY the community vote must happen BEFORE construction — not after.

• 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;

■ PLAIN ENGLISH

A normal store or factory and a massive data center are NOT the same thing. This justifies treating them differently under the law and requiring extra steps before approval.

• 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;

■ PLAIN ENGLISH

Legal protection: Just because a company files paperwork doesn't mean they're owed approval. This prevents developers from suing the city by claiming they had a "right" to build once they filed.

• 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;

■ PLAIN ENGLISH

This frames the law as a health-and-safety rule, giving Grove City the strongest legal footing under Ohio's home rule powers. Cities have broad authority to protect residents' health and safety.

• This Article is facially neutral as to industry and commerce, applying solely to defined impact thresholds regardless of the industry or operator involved; and

■ PLAIN ENGLISH

"Facially neutral" means the law doesn't target any specific company or industry by name — it applies to anyone who hits the size thresholds. This protects the law from being called discriminatory.

• 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

■ PLAIN ENGLISH

These companies make hundreds of millions of dollars. Small fines are pocket change — they'll just pay and keep violating. This is why the fines here are scaled to actually hurt a huge company's bottom line.

• Decisions of this magnitude should not rest solely with elected officials or administrative bodies, but must be directly authorized by the residents most affected.

■ PLAIN ENGLISH

The bottom line: decisions this big shouldn't be made by a few politicians behind closed doors. The people who actually live here should get to vote on it directly.

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.

■ PLAIN ENGLISH

This is the “therefore” conclusion: because of everything above, here’s what the law does — it requires a public vote AND sets hard limits on noise, light, and vibration that a facility must stay under forever, even after it’s approved and built.

SECTION [X].02 — DEFINITIONS

● SECTION SUMMARY

Every law has a definitions section. This one is especially important because it draws the lines: exactly what kinds of projects trigger all the rules that follow? The thresholds here (50 acres, 20 megawatts, 500,000 gallons/day) are the tripwires that activate the entire law.

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:

■ PLAIN ENGLISH

This is the key definition — what kind of project has to go through this whole process? If a project hits ANY ONE of the three thresholds below, the whole law kicks in.

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.

■ PLAIN ENGLISH

50 acres = roughly 38 football fields. 20 megawatts = enough electricity to power about 16,000 homes. 500,000 gallons/day = about 750 backyard swimming pools worth of water every single day. These are BIG numbers — this law is aimed at truly massive projects.

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.

■ PLAIN ENGLISH

Anti-cheating rule: A developer can't split a 100-acre project into two 50-acre pieces on paper to dodge the threshold. If they're connected, related, or near each other, they count as one project. This closes a very obvious loophole.

(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.

■ PLAIN ENGLISH

Referendum = public vote. Registered Grove City voters get to say YES or NO to the project at an official election — like voting for mayor, but for a building.

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

■ PLAIN ENGLISH

The DEVELOPER pays for the election, not taxpayers. The money is held in a separate escrow account so it can only be used for referendum costs.

(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).

■ PLAIN ENGLISH

The Baseline is the "official snapshot" of the project at the moment voters approved it. Every future measurement of the facility gets compared back to this snapshot. If the facility grows beyond it, new rules kick in.

(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.

■ PLAIN ENGLISH

A running public scoreboard of every change the facility makes since opening. Anyone can look it up — it's a permanent public record.

(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.

■ PLAIN ENGLISH

The city's lawyer has to put in writing whether a project is big enough to trigger this law. No verbal decisions — it must be official and on the record.

(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.

■ PLAIN ENGLISH

If an approved facility wants to expand significantly, the city's lawyer decides in writing whether the change is big enough to require a whole new public vote.

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

■ PLAIN ENGLISH

The hard numbers — specific decibel levels, light levels, vibration levels — that the facility is legally required to stay under. Not suggestions. Enforceable limits.

(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.

■ PLAIN ENGLISH

Who's actually running the place? This is written broadly to prevent a shell game where a company sells the facility to escape obligations. If the real owner changes, all the rules follow the new owner.

(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.

■ PLAIN ENGLISH

"When does the clock start?" — Operations officially begin the moment the building gets its first occupancy permit OR when they start drawing 10% of their max power, whichever comes first. You can't call something a "test" forever to delay your compliance obligations.

(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).

■ PLAIN ENGLISH

If voters reject a project and the developer comes back with a nearly identical one under a different company name or with tiny tweaks, this catches that. You can't repackage the same rejected project and pretend it's brand new.

SECTION [X].03 — COMMUNITY IMPACT STANDARDS

● SECTION SUMMARY

This section sets the actual hard limits — the numbers. How loud can it be? How much light spill? How much vibration? These aren't suggestions; they're legal maximums. If a facility exceeds them, they're in violation and subject to fines. It also creates a rigorous process for measuring and confirming violations so results can't be cherry-picked.

(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** — 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.

■ PLAIN ENGLISH

"A-weighted decibels" (dB(A)) are the standard unit for measuring sound the way human ears hear it. "Instantaneous maximums, not averages" means the facility can't be loud all day and point to a few quiet moments to claim compliance. The peak matters.

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

■ PLAIN ENGLISH

55 dB(A) during the day is about the level of a normal conversation or a quiet office. 45 dB(A) at night is like a quiet library or a refrigerator hum. These are measured at the nearest neighbor's property line — not out in a field.

(C) **Infrasound and Low-Frequency Noise Standards** — 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.

■ PLAIN ENGLISH

Infrasound is sound so low-pitched you feel it as a rumble or pressure rather than hearing it clearly — like standing near a massive HVAC system. The law requires measuring what the neighborhood sounds like BEFORE construction so there's a fair "before" comparison for any future "after" measurement.

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

■ PLAIN ENGLISH

"Discrete tonal components below 20 Hz" — if the facility creates ANY new low-frequency tone at a neighbor's property that wasn't there before construction, that's a violation. Zero tolerance for new infrasound pollution.

(D) **Light Standards** — In addition to the foot-candle limits below:

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

■ PLAIN ENGLISH

One foot-candle is roughly the light from a single candle one foot away — very dim. At night, only 0.1 of that — essentially darkness at your property line. These are very strict limits designed to prevent the "glow" that large industrial facilities can create for miles around.

- 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.

■ PLAIN ENGLISH

"Dark Sky compliant" is a real standard from the International Dark-Sky Association. These three rules together mean: all lights must point DOWN, none can shine toward neighbors, and you can't light up the sky above the facility. No glow on the horizon at night.

(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

■ PLAIN ENGLISH

"Peak Particle Velocity" is how geologists measure ground vibration — the same equipment used to detect earthquakes. Any new vibration felt at the foundation of the nearest home within a mile is a violation. Zero new vibration is the standard.

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:

■ PLAIN ENGLISH

Before a single shovel hits the ground, an independent company (chosen by the city, paid for by the developer) must measure what noise, light, and vibration levels are like for every neighbor within a mile. This "before picture" becomes the permanent legal standard the facility must never exceed.

- 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:

■ PLAIN ENGLISH

One bad reading doesn't automatically mean a violation — equipment can malfunction or a truck could be driving by. BUT the law also prevents gaming the system. Three additional measurements are required, and if two of those also show a problem, it's officially a violation. Repeated "one-offs" can themselves become a violation.

(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.

■ PLAIN ENGLISH

Step (2) is important: fines start from the DATE OF THE FIRST reading, not when the violation is officially confirmed. This prevents a company from delaying the confirmation process to avoid days of fines accumulating.

(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).

■ PLAIN ENGLISH

The developer can't hire, pick, or have any financial relationship with the measuring company. This eliminates conflicts of interest where a company's own consultants produce favorable readings.

(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.

■ PLAIN ENGLISH

Measurements must happen at MAXIMUM operating capacity — the facility can't power down during testing. And they must be repeated across seasons because a facility might be louder in summer (more cooling needed) than winter.

(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.

■ PLAIN ENGLISH

One-way ratchet: Council can make the standards STRICTER on their own. But to make them LOOSER (allow more noise, more light, etc.), voters have to approve it at an election. The default direction is toward better protection, not less.

SECTION [X].04 — THRESHOLD DETERMINATION

● SECTION SUMMARY

This section establishes the gate-keeping process. When a developer submits any permit application, the City's attorney must quickly decide in writing: does this project meet the size thresholds? If yes, the whole law applies. Inaction defaults to protecting residents, not developers.

(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).

■ PLAIN ENGLISH

The city attorney has 15 business days (about 3 weeks) to decide in writing. It applies to ANY kind of application — rezoning, annexation, conditional use permit — the developer can't use a different permit type to sneak past this check.

(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.

■ PLAIN ENGLISH

Anyone — not just the developer — can appeal. So if the city attorney says a project DOESN'T trigger the law and residents think it should, residents can appeal to City Council.

(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.

■ PLAIN ENGLISH

Critical protection: if the city attorney does nothing, the law automatically treats the project as a Heavy Industrial Development. Inaction can't be used to let a project slide through. The clock runs against the city, not against residents.

SECTION [X].05 — MANDATORY REFERENDUM REQUIREMENT

● SECTION SUMMARY

The heart of the whole law. NO permit, NO rezoning, NO approval of any kind can be granted until voters say yes. No exceptions, no waivers, no Council override. This section also extends protections to neighboring townships whose residents would be affected even if they can't vote in the Grove City election.

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:

- The Applicant has complied with all requirements of this Article; and
- A majority of voters casting ballots in the Public Referendum have voted to approve the proposed development; and

• The Public Referendum was conducted in accordance with the procedures set forth in this Article.

■ PLAIN ENGLISH

Every single type of city approval is blocked until voters approve. The list covers every possible permit type so a developer can't find a backdoor route that isn't listed here.

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.

■ PLAIN ENGLISH

Even if a future Council tried to waive the referendum for a specific developer, that waiver would be legally worthless. Any approval given without the required vote has no legal standing. This bullet-proofs the law against future political deals.

(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.

■ PLAIN ENGLISH

Jackson Township residents — or residents of any adjacent township — could be directly impacted by a facility even though they can't vote in a Grove City election. This requires Grove City to try to set up a joint or coordinated vote process so those neighbors have a meaningful say too.

(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.

■ PLAIN ENGLISH

If the township can't get a formal joint agreement, at minimum there's an advisory vote on the same ballot. If the township votes NO and Grove City votes YES, Council must officially respond in writing to that result before issuing permits. Political accountability even without legal power.

(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.

■ PLAIN ENGLISH

A developer can't put 40 acres in Grove City and 40 acres in the neighboring township to claim neither piece hits the 50-acre threshold. The total project acreage counts regardless of which side of the city line it sits on.

SECTION [X].06 — APPLICANT OBLIGATIONS

● SECTION SUMMARY

Before a developer can even get their application considered, they have to do four things: put money in escrow to pay for the election, hold public meetings, file a complete application, and commit to paying annual oversight fees forever. This section front-loads the developer's obligations so the city and residents aren't stuck footing the bill.

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.

■ PLAIN ENGLISH

The developer pays for the whole referendum process upfront — including the independent study, the baseline measurements, and the actual election costs. The 15% reserve covers unexpected costs. If the vote fails, leftover money goes back to the developer. If it passes, the money was well-spent to get approval.

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.

■ PLAIN ENGLISH

The developer must hold at least two town hall-style meetings — at least a month apart — and explain the project in plain language to residents. They can't just show up once with a slick presentation and leave. Residents can ask questions in writing or out loud.

(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.

■ PLAIN ENGLISH

Every year the facility operates, it pays a fee to cover the city's cost of monitoring this law. Bigger facility = bigger fee (scaled to peak electrical capacity). If they don't pay, it's a violation. The city's oversight program self-funds through the very facilities it regulates.

SECTION [X].07 — INDEPENDENT IMPACT STUDY

● SECTION SUMMARY

Voters can't make an informed decision without real information. This section requires a thorough independent study — paid for by the developer but controlled entirely by the city — covering water, electricity, noise, traffic, jobs, taxes, and the environment. The developer funds it but can't influence it or pick who does it.

(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.

■ PLAIN ENGLISH

The developer pays for the study but cannot pick the company, cannot set the scope, and cannot talk to the study firm directly. Every email or call between the developer and the study firm must go through the City Administrator's office and becomes a public record. Very tight firewall.

(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.

■ PLAIN ENGLISH

"Heat island effects" — large data centers generate enormous amounts of heat, potentially raising local temperatures. "Wage level analysis" means the study doesn't just count jobs — it examines whether they're actually good-paying jobs for local residents.

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

■ PLAIN ENGLISH

Voters get at least 60 days to read and understand the full impact study before they vote. Not 60 days to request it — 60 days where it's already posted publicly on the city's website.

SECTION [X].08 — REFERENDUM ELECTION

● SECTION SUMMARY

The mechanics of the actual vote. This section sets the timeline, the exact ballot language, who gets to vote, and what the threshold is for passing. It's designed to give voters clear, simple information and ensure the election runs through normal, trusted channels.

(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.

■ PLAIN ENGLISH

The vote happens at a regular general election (not a special election), which saves money and gets higher voter turnout. At least 90 days of runway after all paperwork is done. The Franklin County Board of Elections runs it — handled by the same trusted officials who run every other election.

(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.

■ PLAIN ENGLISH

The ballot must use plain language — the specific project name, type, location, and size right on the ballot. Voters aren't voting on a vague concept; they're voting on a specific named project at a specific address.

(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.

■ PLAIN ENGLISH

Simple majority — more than half the votes cast. Not a supermajority (like 60% or 2/3). If 1,000 people vote, the project needs 501 yes votes.

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

SECTION [X].09 — EFFECT OF VOTE

● SECTION SUMMARY

What happens after the vote. A YES vote is a green light to start the normal permitting process — but it's not a blank check. A NO vote locks the developer out for two years. Winning the referendum is the beginning of city oversight, not the end.

(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.

■ PLAIN ENGLISH

A YES vote doesn't automatically build the facility. It just unlocks the normal permit process. The developer still has to comply with all regular zoning codes, building codes, and city standards. The referendum is the key to the door, not the building itself.

(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.

■ PLAIN ENGLISH

A NO vote creates a 24-month lockout. The developer can't just come back next month with the same project under a new name. And "Substantially Similar" (defined in §.02(L)) is broad enough to catch obvious repackaging attempts.

SECTION [X].10 — MATERIAL CHANGE REVIEW

● SECTION SUMMARY

Approval isn't forever and unlimited. If an approved facility wants to grow significantly beyond what voters approved, it needs a new vote. This section defines exactly what counts as "significant" and creates a strict paper trail so expansions can't happen quietly.

(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.

■ PLAIN ENGLISH

Before making any significant change, the developer must give 30 days' written notice. If they make a change without notice and don't file paperwork within 14 days of doing it, their entire approval is automatically void. The cure window is narrow and the penalty for missing it is severe.

(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.

■ PLAIN ENGLISH

Anti-salami-slicing rule: A developer can't make nine 9% expansions and avoid a new vote each time because each one is just under the 10% trigger. All changes since the original approval are added together. The total cumulative change is what matters, not each individual change.

(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).

■ PLAIN ENGLISH

10% is the magic number for size, power, and water. Any of those growing more than 10% cumulatively = new vote required. Changing what the facility does, moving it more than 500 feet, or selling to a new owner also triggers a new vote. The new owner can't inherit approval without going back to voters.

(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.

■ PLAIN ENGLISH

Same default-to-residents rule as §.04(E): if the city attorney misses the 20-day deadline, the change is automatically deemed material and a new vote is required. Bureaucratic delay can't be used to quietly let a major expansion happen without review.

(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.

■ PLAIN ENGLISH

A facility waiting for a new vote can keep running at its CURRENT approved level. But they can't use the waiting period to grow. And they must file for the new referendum within 30 days or they lose even their current operating approval.

(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.

■ PLAIN ENGLISH

An appeal of a material change determination requires five Council votes to overturn — not just a simple majority of four. This higher bar makes it harder for a developer to appeal their way out of the referendum requirement.

SECTION [X].11 — QUARTERLY REPORTING AND COMPLIANCE

● SECTION SUMMARY

Once a facility is operating, oversight doesn't stop. Every three months the developer must file a detailed public report on how the facility is actually operating. The city checks the numbers and either certifies compliance, issues an early warning, or escalates to enforcement. If the city drops the ball, any resident can trigger a review themselves.

(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.

■ PLAIN ENGLISH

A responsible officer must personally certify each report is accurate. This means a real human being at the company is putting their name on it and is personally on the hook if it's false. This is not just a box to check — it's a sworn statement with legal consequences.

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.

■ PLAIN ENGLISH

"Early Warning Notice" at 80% of a threshold is like a yellow light before the red. It's not a penalty — it's a heads-up. The facility is getting close to the limit and needs to course-correct before it becomes a violation. A fair-warning system before fines kick in.

(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.

■ PLAIN ENGLISH

If the City Administrator is asleep at the wheel, ANY Grove City resident can directly petition the city attorney to conduct the review instead. Residents have independent enforcement power — they don't have to wait for city staff to act before triggering a compliance review.

SECTION [X].12 — PENALTIES FOR VIOLATION

● SECTION SUMMARY

The teeth of the law. Escalating daily fines that can reach $500,000/day, immediate operational cap orders, multipliers for willful violations, suspension of approvals, and even criminal referrals for knowingly false reports. The fines are deliberately scaled to a large facility's revenue so they actually hurt.

(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.

■ PLAIN ENGLISH

The moment a violation is found, the city attorney issues an order immediately capping the facility at its approved Baseline. The order takes effect the moment it's served — not after a hearing, not after an appeal. The facility cannot operate above approved levels while the violation is being resolved.

(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:

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

■ PLAIN ENGLISH

The fines escalate dramatically the longer a violation continues. After 3 months: $500K/day — that's $15 million a month. The escalating structure gives a company a few days to fix things, but punishes dragging it out. A company making $500M/year will feel these numbers.

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.

■ PLAIN ENGLISH

Lying on a quarterly report is its own separate $50,000 fine per report — on top of everything else. Two false reports in a year is automatically considered willful. And willful false reporting gets referred to the Franklin County Prosecutor for potential criminal charges.

(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.

■ PLAIN ENGLISH

Half the fines go directly to neighborhoods closest to the facility for improvements and remediation. People actually harmed by a violation benefit directly from it being punished — not just the city's general budget.

(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.

■ PLAIN ENGLISH

If the company KNEW they were in violation and chose to ignore it, every single daily fine gets tripled. Knew about it but submitted late quarterly reports? That counts as evidence of willful violation. This makes deliberate non-compliance extremely expensive.

(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.

■ PLAIN ENGLISH

Selling the facility to escape obligations doesn't work. A secret ownership transfer immediately suspends all city approvals. The new owner inherits ALL the original obligations. The obligations follow the land, not just the company that built it.

(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.

■ PLAIN ENGLISH

The city can also go to court to get a judge's order forcing the facility to reduce operations immediately. A court can order it on an emergency basis — this is faster than waiting through the fines process.

(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.

■ PLAIN ENGLISH

The developer can appeal a cap order, but it stays in effect during the appeal. They can't use the appeal process to keep violating while the case is heard.

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

● SECTION SUMMARY

What happens when the facility eventually closes? This section makes the developer set aside money NOW to pay for cleanup and site restoration LATER — before the city or taxpayers are ever on the hook. The fund is structured so the city can access it even if the company goes bankrupt.

(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.

■ PLAIN ENGLISH

A performance bond is like a security deposit — but for an industrial facility. Before they can break ground, the developer must post a bond large enough to cover the full cost of tearing the place down and restoring everything to pre-development condition, plus 25% extra. If they skip town, the bond covers it.

(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.

■ PLAIN ENGLISH

On top of the bond, there's a separate dedicated bank account (escrow) that must always have enough money to fully decommission the facility. It gets reviewed every five years because decommissioning costs change over time. The developer can't underfund it and hope for the best.

(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.

■ PLAIN ENGLISH

"Run with the land" is a legal phrase meaning the obligations attach to the property itself, not just the current owner. Every deed transfer must mention this Article. Buy the property? You bought the obligations. There's no way to sell or transfer your way out of them.

(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.

■ PLAIN ENGLISH

The city is named directly on the bank account as a beneficiary. If the company goes bankrupt, gets dissolved, or disappears, the city can still access the decommissioning money without going through bankruptcy court. The fund is bankruptcy-proof.

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

● SECTION SUMMARY

You don't have to wait for the city to act. Any Grove City resident can personally sue to enforce this law if the city has been sitting on a documented violation for 30 days. And if you win, the developer pays your legal fees.

(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.

■ PLAIN ENGLISH

"Standing" means the legal right to bring a lawsuit. Normally only the government can enforce a city ordinance. This gives every individual resident that power too. You just need to be a Grove City resident and show there's a documented violation the city ignored.

(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.

■ PLAIN ENGLISH

If a resident sues and wins, the developer pays their lawyer. This is called a "fee-shifting" provision — it's crucial. Without it, residents couldn't afford to sue a billion-dollar corporation even if they were clearly right. Fee-shifting levels the playing field.

(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

● SECTION SUMMARY

If any city official has a financial connection to a developer, they must disclose it and step aside from all decisions. Failure to do so makes their decision legally void. If most of Council has conflicts, a judge appoints a neutral decision-maker instead.

(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.

■ PLAIN ENGLISH

Financial relationship is defined broadly: your spouse works there, you own stock in the company, you have a contract with them — all require disclosure. The 5-day clock starts the moment you LEARN of the application, not when you decide it might be a problem.

(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.

■ PLAIN ENGLISH

Recusal means completely out — no votes, no decisions, and no private conversations with other council members about it outside of public meetings. You can't lobby your colleagues behind the scenes.

(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.

■ PLAIN ENGLISH

What if the developer has gotten so cozy with the city that most of Council has conflicts? A judge appoints an independent hearing officer to make the call instead — and the developer pays for it. A compromised council can't be used to paralyze enforcement.

SECTION [X].16 — ANTI-CIRCUMVENTION

● SECTION SUMMARY

Directly addresses creative ways a well-funded developer might try to evade this law. No zoning tricks, no splitting the project up, no using township approvals as a backdoor. The city attorney must look at the substance of what's happening, not just the paperwork.

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.

■ PLAIN ENGLISH

A developer can't create a special zoning overlay to sidestep the referendum requirement. And land being annexed INTO the city for the project is treated as if it were already in the city — it can't be used as an end-run around the threshold calculations.

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.

■ PLAIN ENGLISH

"Look through the form to its substance" is a legal principle meaning: we don't care how cleverly the paperwork is structured. If it looks like one big project, walks like one big project, and quacks like one big project, the city attorney will treat it as one big project.

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.

■ PLAIN ENGLISH

A developer can't get township approval first and then bring it into Grove City as a "done deal." Township permits obtained while planning to annex into Grove City are worthless for this Article. You can't build your approvals in the county and then walk them into the city.

SECTION [X].17 — AMENDMENT

● SECTION SUMMARY

This law can only be changed by the voters themselves — not by City Council. Council cannot weaken, suspend, or waive any part of it. The same people who passed it have to be the ones to change it.

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.

■ PLAIN ENGLISH

This is a "lock" on the law. Because this amendment would be passed directly by voters (not just Council), only voters can undo it. Council can't quietly gut the law with a late-night ordinance vote. The people who made it are the only ones who can unmake it.

SECTION [X].18 — SEVERABILITY

● SECTION SUMMARY

Standard legal protection: if a court strikes down one part of this law, the rest survives. The whole Article doesn't fall apart because one section is challenged successfully.

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.

■ PLAIN ENGLISH

Think of it like a chain with a weak link: if that link breaks, the rest of the chain stays intact. Every major law includes this provision because court challenges are common and you don't want one successful challenge to wipe out the entire law.

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

● SECTION SUMMARY

What about facilities that are already operating when this law passes? This is the "grandfathering" provision. Existing large facilities can keep running without a retroactive vote — but they must register, accept ongoing monitoring, and get a new vote if they want to expand. Grandfathered status is a shield, not a blank check.

(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.

■ PLAIN ENGLISH

It would be legally problematic (and arguably unfair) to require an existing operational facility to hold a retroactive public vote just because a new law passed. This section threads that needle: existing facilities are protected for what they're doing NOW, but anything NEW they want to do requires the full community process.

(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.

■ PLAIN ENGLISH

Six months (180 days) to register. If you don't register in time, you lose the protection entirely and you're treated like a brand-new applicant for everything going forward — including potentially needing a retroactive referendum for your existing operations.

(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).

■ PLAIN ENGLISH

The registration is a sworn, certified snapshot of what the facility is doing right now. This becomes the permanent Baseline everything gets measured against going forward. If you lie on this declaration, you lose your grandfathered status and face the same false reporting penalties from §.12(D).

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.

■ PLAIN ENGLISH

Grandfathered doesn't mean exempt from everything — it only means exempt from the referendum for existing operations. Grandfathered facilities still have to comply with noise, light, and vibration limits; file quarterly reports; face penalties for violations; and can't evade the law's requirements.

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.

■ PLAIN ENGLISH

Even if a facility decides NOT to register and gives up grandfathered protection, quarterly reporting is still mandatory from day one. You can't opt out of transparency by choosing not to register. Reporting obligations attach to the SIZE of the operation, not to whether you filed paperwork.

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.

■ PLAIN ENGLISH

Since there's no "before" measurement for an existing facility, the law creates a practical substitute: measure what the neighborhood is like RIGHT NOW, and that becomes the permanent compliance standard. The facility pays for it. If they refuse to cooperate, they lose their grandfathered status entirely.

(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.

■ PLAIN ENGLISH

The illustration makes it concrete: 30 megawatts now = you can run at 30 megawatts. But if you want to grow to 34 megawatts (more than 10% above your 30MW baseline), you need a public vote first. Grandfathered status is a snapshot in time, not permission to keep growing forever.

(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.

■ PLAIN ENGLISH

Not registering isn't a crime — you just lose the protection. The penalty for missing the window isn't a fine; it's losing the grandfather shield entirely. From that point on, you're treated exactly like a brand-new applicant.

(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).

■ PLAIN ENGLISH

Filing a false Baseline Declaration — like claiming you use less water or power than you actually do to keep your baseline artificially low — is treated as if you filed nothing. You lose grandfathered status retroactively, plus face the false reporting fines from §.12(D). There's no advantage to lying; it only makes things worse.