

STATE OF OHIO                     )  
  )ss:  
COUNTY OF SANDUSKY    )

IN THE COURT OF APPEALS  
SIXTH JUDICIAL DISTRICT

DENNIS HASSELBACH, et al.

C.A. No.       S-20-017  
(Accelerated Calendar)

Appellants

v.

CITY OF FREMONT, et al.

APPEAL FROM JUDGMENT  
ENTERED IN THE  
COURT OF COMMON PLEAS  
COUNTY OF SANDUSKY, OHIO  
CASE No.     19CV1089

Appellees

DECISION AND JOURNAL ENTRY

Dated: October 23, 2020

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CALLAHAN, Presiding Judge.

{¶1} Appellants, Dennis Hasselbach, Joseph Ridley, and Jack Moore, appeal an order of the Sandusky County Court of Common Pleas that granted judgment on the pleadings and dismissed their action for declaratory judgment. This matter is placed on the accelerated calendar upon request of the Appellants.

{¶2} The Appellants’ assignment of error is overruled because the trial court did not err by concluding that R.C. 713.12 controlled the adoption of the zoning amendment at issue. A noncharter municipality cannot adopt a zoning ordinance that is directly in conflict with R.C. 713.12. *See Rispo Realty & Dev. Co. v. Parma*, 55 Ohio St.3d 101 (1990), syllabus. Section 1161.05 of the Codified Ordinances of Fremont, Ohio, 1992, conflicts with R.C. 713.12.

{¶3} The judgment of the Sandusky County Court of Common Pleas is affirmed.

Judgment affirmed.

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There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Sandusky, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellants.

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LYNNE S. CALLAHAN  
FOR THE COURT

CARR, J.  
TEODOSIO, J.  
CONCUR.

(Callahan, P. J., Carr, J., and Teodosio, J., of the Ninth District Court of Appeals, sitting by assignment.)

APPEARANCES:

JOHN A. COBLE, JOSEPH F. ALBRECHTA, and JORDAN A. TREECE, Attorneys at Law, for Appellants.

JAMES F. MELLE, Law Director, for Appellee.

ANDREW R. MAYLE, Attorney at Law, for Appellee.