



CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

Publication date: 06.02.2014

The City of North Ridgeville Legislative Bulletin contains Ordinances and Resolutions acted upon by City Council. If noted within Ordinance or Resolution text, supplemental and supporting documents, such as exhibits, are available, upon request, by contacting Tara L. Peet, CMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

ORDINANCES

(The following Ordinances were passed by City Council on June 2, 2014)

5131-2014 AN ORDINANCE AMENDING CHAPTER 874 *LEGAL GAMING REGULATIONS* AND DECLARING AN EMERGENCY.

WHEREAS, the General Assembly of the State of Ohio have revised sections of the Ohio Revised Code, which address gaming establishments and illegal gambling; thus making it necessary for the City to amend the areas of the Municipal Code, which regulate local gaming establishments; and

WHEREAS, the City believes it serves the interests of the community to continue to monitor and regulate the operation of electronic gaming establishments operating within the municipal boundaries.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Chapter 874 *Legal Gaming Regulations* of the North Ridgeville Codified Ordinances shall be amended to read as follows:

CHAPTER 874 Legal Gaming Regulations

- 874.01 Purpose.**
- 874.02 Separability.**
- 874.03 Definitions.**
- 874.04 Licensing required.**
- 874.05 License fees and renewal.**
- 874.06 Electronic gaming devices and similar legal gaming devices license conditions.**
- 874.07 Electronic gaming or similar establishment license conditions.**
- 874.08 Procedure for obtaining licenses.**
- 874.09 Additional requirements and conditions for obtaining a license.**
- 874.99 Penalty.**

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874.01 PURPOSE.

It is the purpose of this chapter to establish standards and regulations for the licensing of and regulation of electronic gaming devices and to regulate the premises upon which they are located and operated. The regulations herein are intended to apply to legal gaming conducted within the parameters of the law and do not sanction any illegal activity whether under current law or under any changes which may occur in the future to regulate illegal activity.

874.02 SEPARABILITY.

If any provision of this chapter or the application thereof to any person or circumstances, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and neither the remainder of this chapter nor the application of such provisions to other persons or circumstances shall be affected thereby.

874.03 DEFINITIONS.

As used in this chapter:

- (a) "Electronic gaming device" or similar device, means any computer, electronic or digital machine, game or apparatus which, upon the insertion of a coin, token, magnetic strip card or similar object, or upon payment or exchange of anything of value, a product or service is provided, and may be operated by the public generally for entertainment or amusement and a chance to win any prize or award.
- (b) "Safety Service Director" means the City Safety Service Director.
- (c) "Board" means the Board of Zoning and Building Appeals.
- (d) "Operator" means any person, persons, or organization that owns, controls, operates, promotes or maintains or knowingly engages in conduct that facilitates the operation of an entertainment device arcade or electronic gaming device or the entertainment devices in an entertainment device arcade or electronic gaming device business and/or having authority to control the premises wherein a electronic gaming device or other legal gaming device is located or any accessory amusement area.
- (e) "Licensee" means the person, persons or organization who signs an application for a license and to whom such license is issued.
- (f) "Owner" means any person, persons, or organization possessing a pecuniary interest, either directly or indirectly, of twenty-five percent (25%) or more in such business.
- (g) "Person" means any natural person, firm, partnership, association, corporation or any other form of business organization.

874.04 LICENSING REQUIRED.

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(a) No person shall display for purposes of use any electronic gaming device or similar legal gaming device in the City without first obtaining a license therefore as provided in this chapter. A separate license is required for the devices. The applicant for licenses must be an owner of the devices and have written authority to act for any co-owner if any co-owner is unable to be present to sign the application. Failure to obtain appropriate licensing shall be a violation of this chapter subject to the penalties provided herein.

(b) No person shall conduct or operate an electronic gaming establishment or similar legal gaming activity in the City without first obtaining a license therefore as provided in this chapter. The applicant for a license must be an owner of the business operation and have written authority to act for any co-owner, if any co-owner is unable to be present to sign the application. Failure to obtain appropriate licensing shall be a violation of this chapter subject to the penalties provided herein.

(c) No person shall conduct or operate an electronic gaming establishment or similar legal gaming activity until, in addition to any licensing requirements of the City, that person has complied with any requirements of State law enacted or to be enacted which places additional requirements upon the activity.

874.05 LICENSE FEES AND RENEWAL.

(a) Electronic Gaming Device or Similar Device. The fee for each such device shall be ten dollars (\$10.00) per month or portion of a month per device or machine. A replacement license shall be ten dollars (\$10.00) per device. Fees shall be paid in six month increments, and are due prior to commencement of gaming activity during the six month term(s) for which the device license fee applies. Fees for newly acquired devices are due prior to commencement of gaming activity with the device.

(b) Electronic Gaming or Similar Establishment. The fee for each establishment shall be five hundred dollars (\$500.00) per year or portion of a year. A replacement license shall be five hundred dollars (\$500.00). The fee is due upon filing of an application and annually upon renewal, and shall be non-refundable. If the license is suspended or revoked for any reason, or not acted upon by the applicant for a period longer than twelve (12) months, no portion of the license fee shall be returned to the applicant.

(c) Renewal. Licenses to operate a gaming establishment are valid for twelve (12) months. Individual licenses for each gaming machine device is payable in six month increments (see Section 874.06 below). Upon payment for each renewal period, the license remains valid. Licenses, both to operate (an annual renewal) and for individual gaming devices (renewable each six months) must be renewed by payment prior to expiration of the time frame for which each is valid. It is the responsibility of the owner(s)/applicant to timely renew.

Any lapse of time without a renewal payment shall result in the operation being closed until licenses are issued. Operation during such time shall be a violation of this chapter subject to the penalties provided herein.

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874.06 ELECTRONIC GAMING DEVICES AND SIMILAR LEGAL GAMING DEVICES LICENSE CONDITIONS.

- (a) Licenses shall specify the name and address of each applicant. It shall include the manufacturer, model and serial number of the devices for which it was issued. It shall include the address of the location of the business/legal gaming café for which it was issued.
- (b) Changing, mutilation, erasure, or any defacement of a license shall render it void and the device to which it is attached shall be considered unlicensed. Unlicensed legal gaming devices are violations of this chapter and subject to the penalties provided herein.
- (c) Each license shall be displayed permanently in a conspicuous place upon or immediately adjacent to the gaming device for which it is issued. Failure to so display is a violation of this chapter subject to the penalties herein.

874.07 ELECTRONIC GAMING OR SIMILAR ESTABLISHMENT LICENSE CONDITIONS.

- (a) Each gaming establishment license shall be issued in the name of the applicant(s) who shall be an owner(s) and shall be only for an individual business location, not for multiple locations.
- (b) Each license shall be required to be displayed in a conspicuous place upon the premises.
- (c) No license is assignable or transferable, either as to person or location.

874.08 PROCEDURE FOR OBTAINING LICENSES.

- (a) Authority is hereby established and vested in the Safety Service Director, or his or her designee, to consider applications for licenses under this chapter, conduct investigations, and issue or deny such licenses based on the criteria set forth in this chapter.
- (b) All applications under this chapter shall be in writing on a form approved by and filed with the Safety Service Director. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail as to each such person, including general and limited partners, or partnerships, shareholders of corporations and principals of any other type of business entity. In the event that no person owns twenty-five (25%) percent or more of this electronic gaming establishment or similar establishment, such application shall be signed by an authorized representative of the electronic gaming establishment. All applications shall contain a statement that the information contained therein is complete, accurate and truthful to the best knowledge of all applicants. Every owner and operator of the electronic gaming establishment shall be fingerprinted by the North Ridgeville Police Department and said persons shall pay for the costs associated with obtaining said fingerprints.
- (c) The application shall contain the following information as to all owners:
 - (1) True name and all names used in the past five years.

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- (2) Date of birth.
- (3) Permanent home address and all home addresses used in the past five years.
- (4) Business and home telephone numbers.
- (5) Employment history for the past five years.
- (6) A statement as to whether or not the owner has been convicted of any crime other than minor misdemeanor traffic offenses and, if so, the date, place, nature of the offense, case number, court, and penalty imposed.
- (7) A statement as to whether or not the owner has ever conducted any form of gaming establishment, and if so, when, where, and for how long.
- (8) A description of the nature and operation of the main type of business activity to be conducted upon the premises.
- (9) A description of the nature and operation of any business to be conducted in conjunction with the sweepstakes terminal café, or similar establishment, and the anticipated percentage of gross revenue to be derived from each respective business.
- (10) The address and telephone number of the premises and of the business, if different from that of the premises.
- (11) The name under which the business and premises will be operated.
- (12) A statement as to whether or not the owner will directly operate the electronic gaming establishment, or similar establishment, or whether or not an operator who is not an owner will operate it. If the latter, the application shall contain information required by this section as to owners be supplied in detail as to each such operator.
- (13) A floor plan of the premises and the immediate vicinity drawn to scale, showing the square footage and placement of the gaming devices, exits, windows, storage spaces, bicycle storage racks and off-street parking.
- (14) An acknowledgment that the owner(s) will comply with the mandatory or the health and safety requirements identified in the reports of the Building Department, the Fire Department or the Police Department.
- (15) The name, address and telephone number of the agent of the business upon whom service of process can effectively and validly be made. Such information is required to be updated when changed. Failure to update this information is a violation subject to the penalties herein.

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- (16) The number, type, name, model and manufacturer's serial number of each computerized sweepstakes device, or similar equipment, requested to be licensed. Such information is required to be updated when changed. Failure to update this information is a violation subject to the penalties herein.
- (17) The name and address of the owner, distributor and manufacturer of each computerized or freestanding sweepstakes device or similar device requested to be licensed.
- (18) A signed acknowledgment that the owners understand that if the license is revoked for any reason, that part of the penalty may be forfeiture of the equipment on the premises and that the owners have the authority to agree to such forfeiture.
- (19) A description as to the nature and type of property or services which will be sold or supplied upon the premises.
- (20) A copy of the title or lease to the premises.
- (21) A copy of the Articles of Incorporation, Operating Agreement, or Partnership Agreement as applicable to the type of business under which the premises operates.
- (22) A description of the days of the week, and operating hours during which the licensed activity will be conducted.
- (23) A copy of employer's identification number, business registration form and other evidence that the owner is or will become compliant with the City Tax Department and any other relevant taxing authority.
- (24) Confirmation that real property tax collections are current, not delinquent, or are otherwise subject to a payment plan in accordance with law.
- (25) Certificate of Insurance for general and premises liability in the amount of not less than one million dollars (\$1,000,000).
- (26) Any other information the Safety Service Director may deem reasonably necessary for the proper evaluation of the application and in the public interest.
- (d) Reports of City Officials. Upon receipt of an application for a license under this chapter, the Safety Service Director, or his or her designee, shall request the following reports, which shall be rendered to him within thirty days of the filing date of the application.
- (1) A written report from the Fire Chief as to whether the premises and proposed devices and location and arrangement of the devices thereon will create a fire hazard and whether it presents sufficient evacuation routes, fire suppression and floor space; and
- (2) A written report from the Police Chief specifying, with regard to owners and operators, any convictions for any felony involving or for any misdemeanor involving the operation of any similar

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(3) establishment, physical violence, gambling activity, controlled substances, alcoholic beverages, minors, thefts, or any other crime involving moral turpitude; and whether the proposed security plan is adequate for the safety of the patrons; and

(3) A written reporting from the Chief Building Official (CBO) as to whether all building and zoning laws, including requirements of this chapter, have been satisfied as of the date of the application.

(e) Determination Process.

(1) All applications for licenses under this chapter shall be considered by the Safety Service Director within ten (10) days of receipt of the written reports from other City officials and shall either issue such licenses or deny the application in writing as set forth herein.

(2) Denials shall be communicated to the applicant in writing and the specific reasons therefore. Such notice shall be mailed or delivered to the address specified in the application and to the applicant or the applicant's designee. Either way, a signed receipt or certified mail receipt shall be obtained and filed with the application. The applicant shall have fifteen (15) days after receipt of such notice to file a written appeal with the Board of Zoning and Building Appeals. The appeal shall be heard by the Board of Zoning and Building Appeals at the next regularly scheduled meeting, provided the meeting is at least twenty (20) days from the date of the filing of the appeal. If the next regularly scheduled meeting is less than twenty (20) days from the date of the filing of the appeal, it will be heard at the following subsequent regularly scheduled meeting of the Board of Zoning and Building Appeals. The Board of Zoning and Building Appeals shall review the appeal and consider the same factors as considered by the Safety Service Director in making the decision to issue or deny a license. The Board of Zoning and Building Appeals shall determine whether the applicant has or has not substantially or materially complied with all requirements to receive a license under this chapter.

(3) Suspension or revocation of any license under this chapter shall be handled in the same manner as a denial regarding the right to notice and a hearing.

874.09 ADDITIONAL REQUIREMENTS AND CONDITIONS FOR OBTAINING A LICENSE.

No license shall be issued or renewed under the following conditions. Nor shall any license remain valid where the owners or operators are found guilty of any violation of this chapter more than twice in any six month period.

(a) Where any of the owners or the operators has been convicted of any felony involving or of any misdemeanor involving the operation of a similar establishment, or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors, thefts or any other crime involving moral turpitude;

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(b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 4803-2011, passed January 18, 2011.)

(c) Where, pursuant to the North Ridgeville Codified Ordinances and as calculated by the Chief Building Official (CBO), there is not sufficient parking for the establishment or one parking space per gaming device, whichever is the more appropriate measure as determined by the Chief Building Official (CBO) taking into account that additionally there must be sufficient parking for any other uses at the same location as well.

(d) Where the physical structure of the gaming establishment is located within one hundred (100) feet of the property line of any occupied school, commercial daycare establishment, playground, public park, public library, place of worship or other similar legal gaming establishment. This measurement will be made in a straight line "as the crow flies;

(e) Where the premises or the operation therein violate any provision of the Building Code, the Zoning Code or the Fire Code of the City or any other pertinent provisions of local, state or federal law and such violation either remains unabated after notice of the violation or cannot be abated by the owners or operators;

(f) Where the applicant is found to have made a false statement as to a material matter on the application;

(g) Where the application failed to provide all the required information;

(h) Where not every portion of the premises is open for inspection by the Police Department and other City departments during business hours for the premises for the purposes of enforcing any provisions of this chapter.

(i) Where at all times the premises are open to the public there is not an adult operator twenty-one (21) years of age or older, without any criminal history as described in (a) above, who is present on the premises the entire time.

(j) Where the premises operate outside the prescribed hours of: Sunday through Thursday, 9:00 a.m. to 11:00 p.m. and Friday and Saturday, 9:00 a.m. to midnight.

(k) Where the devices are operated outside the prescribed hours of operation even though the premises also have an alcohol permit which allows them to be open additional hours. A violation of this section is grounds for immediate revocation of all licenses.

(l) Where persons under the age of eighteen (18) years of age are allowed to be present. Where the premises also have an alcohol permit, no person under the age of twenty-one (21) years of age shall be allowed to be present.

874.99 PENALTY.

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(a) A violation of any provision of this chapter is punishable by a fine of no less than two hundred fifty dollars (\$250.00) and no more than one thousand dollars (\$1000.00) for a first offense and punishable by a fine of no less than five hundred dollars (\$500.00) and no more than one thousand five hundred dollars (\$1500.00) for any subsequent offense.

(b) If the license is revoked in addition to the penalty listed above, the equipment is subject to forfeiture.

(c) A violation of Section 874.09(k) is grounds for immediate revocation of all licenses.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure, the emergency being due to the nature of the gaming activity and gaming establishments and due to the state of flux which the State of Ohio's gambling laws are currently in; it would serve the health, safety and welfare of the City to enable the Police and other City officials to have the capacity to regulate and provide oversight. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5132-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE BAINBRIDGE ROAD WATER MAIN PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED \$306,500.00 AND DECLARING AN EMERGENCY.

WHEREAS, the new Bainbridge Road water line will reinforce the City's water distribution system grid and improve flow through the grid.

WHEREAS, the City has passed previous legislation authorizing the engineering for this project in an amount of \$28,720.00; and

WHEREAS, plans and bidding documents will be available for review in the City of North Ridgeville Engineering Department for construction of the Bainbridge Road Water Main.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to advertise for bids and enter into a contract according to law and in a manner prescribed by law with the lowest and

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best bidder for the Bainbridge Road Water Main Project and other appurtenances in an amount not to exceed \$306,500.00.

SECTION 2. The cost of this project shall be charged to and paid from the appropriate fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to move the project forward in a timely manner due to it being an important water main. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5133-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE ROOT ROAD WATER MAIN REPLACEMENT FROM BAINBRIDGE ROAD TO CENTER RIDGE ROAD AND OTHER APPURTENANCES, NOT TO EXCEED \$390,800.00 AND DECLARING AN EMERGENCY.

WHEREAS, there are frequent and numerous water main breaks on Root Road from Bainbridge Road to Center Ridge Road, and the existing eight-inch water main is in need of replacement with a new eight-inch water main.

WHEREAS, the City has already passed legislation authorizing the engineering for this project in an amount of \$29,200.00; and

WHEREAS, plans and bidding documents will be available for review in the City of North Ridgeville Engineering Department for construction of the Root Road Water Main Replacement.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to advertise for bids and enter into a contract according to law and in a manner prescribed by law with the lowest and best bidder for the Root Road Water Main Replacement Project and other appurtenances in an amount not to exceed \$390,800.00.

SECTION 2. The cost of this project shall be charged to and paid from the appropriate fund.

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SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity of the expediency of the project. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5134-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE MANCHESTER CIRCLE WATER MAIN REPLACEMENT AND OTHER APPURTENANCES, NOT TO EXCEED \$217,100.00 AND DECLARING AN EMERGENCY.

WHEREAS, there are frequent and numerous water main breaks on Manchester Circle, and the existing eight-inch water main is in need of replacement with a new eight-inch water main.

WHEREAS, the City has passed previous legislation authorizing the engineering for this project in an amount of \$20,828.00; and

WHEREAS, plans and bidding documents will be available for review in the City of North Ridgeville Engineering Department for construction of the Manchester Circle Water Main Replacement.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to advertise for bids and enter into a contract according to law and in a manner prescribed by law with the lowest and best bidder for the Manchester Circle Water Main Replacement Project and other appurtenances in an amount not to exceed \$217,100.00.

SECTION 2. The cost of this project shall be charged to and paid from the appropriate fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being due to the importance of this project and its expediency. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5135-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH URS CORPORATION, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE ABBE ROAD SANITARY SEWER DESIGN AND REPAIR PROJECT NEAR THE FRENCH CREEK WASTEWATER TREATMENT PLANT DRIVEWAY, NOT TO EXCEED \$75,000.00 AND DECLARING AN EMERGENCY.

WHEREAS, due to severe erosion of the interior concrete wall of a 60-inch sewer pipe going to the French Creek Wastewater Treatment Plant from the bulkhead on Abbe Road, the 60-inch sewer interior wall needs to be repaired and a 42-inch sewer pipe bypass needs to be installed from south of the bulkhead to prevent future erosion; and

WHEREAS, in 2013, the City authorized URS Corporation, a professional engineering, design and construction company, to perform a geotechnical study for this project and to provide design and bidding services in the approximate amount of \$48,520.00; and

WHEREAS, in order to complete this project, the City is requesting that URS Corporation also provide construction administration services in the approximate amount of \$23,956.80; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to enter into a contract according to law and in a manner prescribed by law with URS Corporation, a professional engineering, design and construction company, for the Abbe Road sanitary sewer design and repair project near the French Creek Wastewater Treatment Plant driveway, in an amount not to exceed \$75,000.00.

SECTION 2. The cost of this project shall be charged to and paid from the appropriate fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to expedite the project due to the sanitary sewer issue this will help resolve at the plant. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5136-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH JONES AND HENRY ENGINEERS, LTD. FOR PROFESSIONAL ENGINEERING SERVICES NOT TO EXCEED \$195,000.00 FOR REPLACING THE UV DISINFECTION SYSTEM TO INCLUDE A SUPPORT BUILDING AND A NEW PAVED DRIVEWAY TO ACCESS THE UV SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

WHEREAS, the existing first generation Trojan UV disinfection system is near the end of its service life and requires expensive repairs; and

WHEREAS, there is a need to replace the UV disinfection system with a system that has greater hydraulic capacity and greater energy efficiency; and

WHEREAS, Jones and Henry Engineers, Ltd. will provide plans, bidding documents and construction management for an upgraded replacement UV disinfection system.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to negotiate and enter into a contract according to law and in a manner prescribed by law with Jones and Henry Engineers, Ltd. not to exceed \$195,000.00 for professional engineering consulting services for the French Creek Wastewater Treatment Plant upgraded replacement UV disinfection system.

SECTION 2. The cost of this project shall be charged to and paid from the appropriate City fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5137-2014 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A NEW FIRE ENGINE (PUMPER) AND AUXILIARY EQUIPMENT FOR THE FIRE DEPARTMENT FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$375,000.00 AND DECLARING AN EMERGENCY.

WHEREAS, the Fire Department is requesting to purchase a new fire engine (pumper) and auxiliary equipment which will replace a 1998 Ladder Truck that was sold due to age and use; and

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WHEREAS, the City has received the proceeds of the 1998 Ladder Truck sale in the amount of \$144,150.00 to offset the cost of the new fire engine (pumper).

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized to enter into a contract for the purchase of a new fire engine (pumper) and auxiliary equipment for the Fire Department from the State Co-Op, or to advertise for bids according to law and in a manner prescribed by law and enter into a contract with the lowest and best bidder, not to exceed \$375,000.00.

SECTION 2. The City received proceeds in the amount of \$144,150.00 which was returned to the City's General Fund to offset the \$375,000.00 cost of the new fire engine (pumper).

SECTION 3. The cost of this equipment shall be charged to and paid from the appropriate City fund.

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to purchase a fire engine as quickly as possible for the health, safety and welfare of the community. **WHEREFORE**, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5138-2014 AN ORDINANCE AMENDING CHAPTER 854 *PEDDLERS, CANVASSERS AND SOLICITORS.*

WHEREAS, City Council finds that the City's legislation regulating door to door commercial and non-commercial activity requires revision so as to protect and ensure the safety and quiet enjoyment of the members of the community, and to provide for reasonable free expression without undue restraint.

WHEREAS, Chapter 854, Peddlers, Canvassers and Solicitors currently reads as follows:

Chapter 854
Peddlers, Canvassers and Solicitors

854.01 PEDDLER, CANVASSER AND SOLICITOR DEFINED.

As used in this chapter, the terms "peddler", "canvasser" and "solicitor" mean any person who sells or offers for sale within the City any goods or chattels of any kind or description by going from house to

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house or from place to place through the streets of the City, taking such goods or chattels with him or her, or any person who sells such goods or chattels by subscription or by taking orders for future delivery of the same. This definition shall not apply to any minor under the age of eighteen years.

854.02 SOLICITATION ON PUBLIC STREETS OR SIDEWALKS PROHIBITED.

No person shall solicit the sale of any merchandise or wares, goods, foods, periodicals or other articles of value, for present or future delivery, on any public street or sidewalk, except for mobile frozen desserts sales as is provided for in these Codified Ordinances.

854.03 SOLICITATION WITHOUT INVITATION ON PRIVATE PROPERTY DECLARED A NUISANCE.

(a) The practice of going in and upon private property and/or the private residence of City citizens by canvassers, solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services (solicitors), not having been invited to do so by the owners or occupants of such private property or residences, and not having first obtained a permit pursuant to this section, for the purpose of advertising, promoting, selling and/or explaining any product or service, or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services, is hereby declared to be a nuisance and is prohibited.

(b) No canvasser, solicitor, peddler hawker, itinerant merchant or transient vendor or merchandise or services (solicitor) who intends to go in or upon private property or a private residence for any of the purposes described in division (a) of this section, shall go in or upon such private property or residence without first registering in the office of the Mayor and obtaining a solicitation permit. A copy of all permits issued shall be retained by the office of the Mayor.

(c) (1) The registration required by division (b) of this section shall be made by filing a solicitor's registration form, at the office of the Mayor, on a form furnished for such purpose. The form shall be completed by the registrant and it shall then contain the following information:

A. The name, home address, and phone number of the registrant;

B. A brief description of the nature and purpose of the business, promotion, solicitation, and/or the goods or services offered;

C. The name and address of the employee or affiliated organization with credentials from the employer or organization showing the exact relationship and authority of the applicant; a copy of which shall be attached to the copy retained by the administration.

D. The length of time for which the privilege to canvass or solicit is desired, but in no case shall a permit be issued for more than one year at a time.

5138-2014 Continued

- (2) Each registrant who complies with this division shall be furnished a solicitation permit. The permit shall indicate that the applicant has registered as required by this chapter. However, no permittee shall go in or upon any premises containing a “no solicitation” sign.
- (d) Each person shall at all times, while exercising the privilege incident to such permit, carry upon his or her person his or her permit and the same shall be exhibited by such person whenever he or she is requested to do so by any police officer or by any person who is solicited. A copy of this section shall be attached to each permit.
- (e) A permit shall be valid for one year from the date issued, or for the length of time indicated on the registration form, whichever is less.
- (f) Permits may be denied or revoked by the Mayor or Safety Service Director for any one or more of the following reasons, or for substantially similar reasons:
- (1) Incomplete information provided by the registrant in the solicitor’s registration form;
 - (2) Fraud or misrepresentation contained in the solicitor’s registration form;
 - (3) Any alteration of the required form;
 - (4) Fraud, misrepresentation or false statements made in the course of conducting the activity;
 - (5) Violation of any of the provisions of this chapter or of other Codified Ordinances or of any state or federal law;
 - (6) Conducting canvassing, soliciting or business in such a manner as to constitute a trespass upon private property;
 - (7) The permittee ceases to possess the qualifications required in this chapter for the original registration;
 - (8) Any violation of any subsection of this section.
- (g) A “no solicitation” sign posted in a visible and prominent location or locations at the residence, in legible lettering, shall be sufficient to notify any unwanted canvassers, solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise or services that the permittee may not come upon the premises of the resident for the purposes of commercial transactions, or if upon the premises the solicitor shall leave immediately upon becoming aware of the sign or being made aware of the sign.
- (h) Any resident not posting a “no solicitation” sign is free to turn away or to refuse to respond to any type of solicitation. In such instances, the solicitor shall leave immediately without comment.

5138-2014 Continued

(i) A “no solicitation” sign shall exclude from a resident’s property all commercial transactions of for-profit organizations as indicated in division (a) of this section. It shall not exclude parcel deliveries, trick or treaters, newspaper carriers, emergency services, City personnel on valid City business, scout, school, or other similar not-for-profit or official organizations or activities.

(j) This section does not prohibit constitutionally protected speech and pamphleteering such as religious speech or political speech, and does not require a permit for such activity where the activity is limited to speech or pamphleteering.

(k) All door-to-door activity, of any nature, shall be restricted to the hours of 10:00 a.m. to 8:00 p.m.

(l) A violation by the registrant or any agent thereof of any requirement of this section is punishable by a fine of up to two hundred and fifty dollars (\$250.00) per violation. In addition, the permit shall be revoked for any violation for the remainder of the permit period. Upon a second violation, no further permits shall be issued the registrant and/or the organization or business represented by the registrant.

854.04 PERMIT APPLICATION FEE.

Each registrant shall pay a non-refundable permit application fee of fifty dollars (\$50.00), payable at the time the solicitor’s registration form is submitted to the City. The application fee shall be payable by cash or money order. Personal checks will not be accepted.

854.99 PENALTY.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Chapter 854 *Peddlers, Canvassers and Solicitors* shall be amended as follows:

Chapter 854
Peddlers, Canvassers and Solicitors

854.01 PEDDLER, CANVASSER AND SOLICITOR DEFINED.

(a) As used in this chapter, the terms “peddler” and “solicitor” mean any person who sells or offers for sale within the City any goods or chattels of any kind or description by going from house to house or from place to place through the streets of the City, taking such goods or chattels with him or her, or any person who sells such goods or chattels by subscription or by taking orders for future delivery of the same. This definition shall not apply to any minor under the age of eighteen years.

(b) The term “canvasser” means any person physically present within the City who seeks to obtain or provide information or to influence the opinions of residents of the City, who may or may not seek to obtain financial contributions relative to any cause whatsoever.

5138-2014 Continued

854.02 SOLICITATION ON PUBLIC STREETS OR SIDEWALKS PROHIBITED.

No person shall solicit the sale of any merchandise or wares, goods, foods, periodicals or other articles of value, for present or future delivery, on any public street or sidewalk, except for mobile frozen desserts sales as is provided for in these Codified Ordinances.

854.03 SOLICITATION WITHOUT INVITATION ON PRIVATE PROPERTY DECLARED A NUISANCE.

(a) DELETED.

(b) No solicitor, peddler hawkler, itinerant merchant or transient vendor or merchandise or services (solicitor) who intends to go in or upon private property or a private residence for any commercial purpose shall go in or upon such private property or residence without first registering in the office of the Mayor and obtaining a solicitation permit. A copy of all permits issued shall be retained by the office of the Mayor.

(c) (1) The registration required by division (b) of this section shall be made by filing a solicitor's registration form, at the office of the Mayor, on a form furnished for such purpose. The form shall be completed by the registrant and it shall then contain the following information:

A. The name, home address, and phone number of the registrant;

B. A brief description of the nature and purpose of the business, promotion, solicitation, and/or the goods or services offered;

C. The name and address of the employee or affiliated organization with credentials from the employer or organization showing the exact relationship and authority of the applicant; a copy of which shall be attached to the copy retained by the administration.

D. The length of time for which the privilege to solicit is desired, but in no case shall a permit be issued for more than one year at a time.

(2) Each registrant who complies with this division shall be furnished a solicitation permit. The permit shall indicate that the applicant has registered as required by this chapter. However, no permittee shall go in or upon any premises containing a "no solicitation" sign.

(d) Each person shall at all times, while exercising the privilege incident to such permit, carry upon his or her person his or her permit and the same shall be exhibited by such person whenever he or she is requested to do so by any police officer or by any person who is solicited. A copy of this section shall be attached to each permit.

(e) A permit shall be valid for one year from the date issued, or for the length of time indicated on the registration form, whichever is less.

5138-2014 Continued

- (f) Permits may be denied or revoked by the Mayor or Safety Service Director for any one or more of the following reasons, or for substantially similar reasons:
- (1) Incomplete information provided by the registrant in the solicitor's registration form;
 - (2) Fraud or misrepresentation contained in the solicitor's registration form;
 - (3) Any alteration of the required form;
 - (4) Fraud, misrepresentation or false statements made in the course of conducting the activity;
 - (5) Violation of any of the provisions of this chapter or of other Codified Ordinances or of any state or federal law;
 - (6) Conducting soliciting or business in such a manner as to constitute a trespass upon private property;
 - (7) The permittee ceases to possess the qualifications required in this chapter for the original registration;
 - (8) Any violation of any subsection of this section.
- (g) A "no solicitation or canvassing" (or words of similar import) sign posted in a visible and prominent location or locations at the residence, in legible lettering, shall be sufficient to notify any unwanted canvassers, solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise or services that the permittee may not come upon the premises of the resident for the purposes of commercial transactions or canvassing, or if upon the premises the solicitor or canvasser shall leave immediately upon becoming aware of the sign or being made aware of the sign.
- (h) Any resident not posting a "no solicitation or canvassing" sign is free to turn away or to refuse to respond to any type of solicitation. In such instances, the solicitor shall leave immediately without comment.
- (i) DELETED.
- (j) DELETED.
- (k) All door-to-door activity, of any nature, shall be restricted to the hours of 10:00 a.m. to 8:00 p.m. on Monday through Saturday, Noon to 5:00 p.m. on Sunday, and is prohibited in total on any state or federal holiday.

5138-2014 Continued

(l) All canvassers are encouraged to notify the police department before engaging in canvassing activity. In order to protect the safety and welfare of the residents as well as the canvasser, the City encourages all canvassers to provide name and address of participants, identity of any organization represented, and the intended location and dates of canvassing activity. No fee shall be charged for such notification.

(m) A violation by the registrant or any agent thereof of any requirement of this section is punishable by a fine of up to two hundred and fifty dollars (\$250.00) per violation. In addition, the permit shall be revoked for any violation for the remainder of the permit period. Upon a second violation, no further permits shall be issued the registrant and/or the organization or business represented by the registrant.

854.04 PERMIT APPLICATION FEE.

Each registrant shall pay a non-refundable permit application fee of fifty dollars (\$50.00), payable at the time the solicitor’s registration form is submitted to the City. The application fee shall be payable by cash or money order. Personal checks will not be accepted.

854.99 PENALTY.

(EDITOR’S NOTE: See Section 802.99 for general Business Regulation Code penalty if no specific penalty is provided.)

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

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5139-2014 AN ORDINANCE AMENDING ORDINANCE NO. 5090-2013 TO CORRECT A TYPOGRAPHICAL ERROR REGARDING THE ESTABLISHMENT OF REGULATIONS FOR UNATTENDED COLLECTION BINS.

WHEREAS, Ordinance number 5090-2013 adopted November 18, 2013 had a typographical error under the index section of the Ordinance which included “____.05 Appeals to City Council” and was not a section within the Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

5139-2014 Continued

SECTION 1. “____.05 Appeals to City Council” shall be removed from the index portion of Ordinance number 5090-2013.

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

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5140-2014 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE/LEASE THREE NEW POLICE VEHICLES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$95,481.00 AND DECLARING AN EMERGENCY.

WHEREAS, City Council has approved funds for three replacement vehicles for the Police Department.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized to enter into a contract for the purchase/ lease of three new vehicles for the Police Department from the State Co-Op, or to advertise for bids according to law and in a manner prescribed by law and enter into a contract with the lowest and best bidder, not to exceed \$95,481.00.

SECTION 2. The cost of the police vehicles shall be charged to and paid from the appropriate City fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to purchase the vehicles as soon as possible for the health, safety and welfare of the community. **WHEREFORE,** this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5141-2014 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A S650 BOBCAT SKID-STEER LOADER AND APPURTENANCES FOR THE SERVICE DEPARTMENT FROM THE STATE BID LIST OR STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$58,000.00 AND DECLARING AN EMERGENCY.

WHEREAS, City Council has approved funds for the purchase of a Bobcat Skid-Steer Loader and appurtenances for the Service Department which will be used for grinding, sweeping and collecting ground up asphalt that will then be used for patching potholes.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized to enter into a contract for the purchase of a S650 Bobcat Skid-Steer Loader and appurtenances for the Service Department from the State Bid List or State Co-Op, or to advertise for bids according to law and in a manner prescribed by law and enter into a contract with the lowest and best bidder, not to exceed \$58,000.00.

SECTION 2. The cost of said S650 Bobcat Skid-Steer Loader and appurtenances shall be charged to and paid from the appropriate City fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to begin using the apparatus as quickly as possible to patch potholes for the health, safety and welfare of the residents. **WHEREFORE**, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5142-2014 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A 4-TON FALCON ASPHALT RECYCLER AND HOT BOX TRAILER AND APPURTENANCES FOR THE SERVICE DEPARTMENT FROM THE STATE BID LIST OR STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$40,000.00 AND DECLARING AN EMERGENCY.

WHEREAS, City Council has approved funds for the purchase of a 4-ton Falcon Asphalt Recycler and Hot Box Trailer and appurtenances for the Service Department; and

WHEREAS, the Falcon Asphalt Recycler recycles the asphalt grindings which can then be used for patching potholes year round, and will save money on purchasing cold patch mix.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

5142-2014 Continued

SECTION 1. The Mayor is hereby authorized to enter into a contract for the purchase of a 4-ton Falcon Asphalt Recycler and Hot Box Trailer and appurtenances for the Service Department from the State Bid List or State Co-Op, or to advertise for bids according to law and in a manner prescribed by law and enter into a contract with the lowest and best bidder, not to exceed \$40,000.00.

SECTION 2. The cost of said Falcon Asphalt recycler and Hot Box Trailer shall be charged to and paid from the appropriate City fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to begin using the apparatus as quickly as possible to patch potholes for the health, safety and welfare of the residents. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

REMAINING CITY COUNCIL MEETING DATES FOR 2014

June 16, 2014
August 4, 2014
September 15, 2014
November 3, 2014

July 7, 2014
August 18, 2014
October 6, 2014
November 17, 2014
December 15, 2014

July 21, 2014
September 2, 2014
October 20, 2014
December 1, 2014

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