



# CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

**Publication date: 11.20.2013**

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 November 18, 2013)

**5088-2013 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4999-2013 AND ORDINANCE NO. 5044-2013 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013 AND DECLARING AN EMERGENCY.**

**WHEREAS**, it is necessary to appropriate certain unanticipated funds and amend other previously appropriated amounts, for the operating of the City of North Ridgeville, Ohio;

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

**SECTION 1.** That to provide for current and other expenditures for the City of North Ridgeville, Ohio for the period commencing January 1, 2013 and ending December 31, 2013, Ordinance No. 4999-2013 and Ordinance No. 5044-2013 be and the same are hereby amended in the following particulars so that from and after the effective date of the Ordinance, the appropriation Ordinance shall include the following, being adjusted for the similar terms in the preceding appropriation Ordinances.

**SECTION 2.** That there be appropriated from the respective funds listed below, the total sums as follows:

	Personal Services	Other Expense	Transfers	
	\$	\$	\$	\$
<u>GENERAL FUND</u>				
City Council	0.00	( 843.92)	0.00	( 843.92)
Council Clerk	0.00	( 843.93)	0.00	( 843.93)
Mayor	0.00	( 1,442.44)	0.00	( 1,442.44)
Treasurer	3,000.00	( 199.29)	0.00	2,800.71
Auditor	15,000.00	( 3,300.15)	0.00	11,699.85

**Ordinance 5088-2013 (continued)**

Law Director	0.00	( 3,039.60)	0.00	( 3,039.60)
Computer Service	0.00	( 3,815.90)	0.00	( 3,815.90)
Misc General Gov't	0.00	( 75,000.00)	( 90,000.00)	( 165,000.00)
Planning Commission	0.00	( 843.92)	0.00	( 843.92)
Civil Service	0.00	( 843.92)	0.00	( 843.92)
Bd of Zoning Appeals	0.00	( 843.92)	0.00	( 843.92)
Parks & Recreation	0.00	11,543.07	0.00	11,543.07
Police	0.00	( 5,823.14)	0.00	( 5,823.14)
Building	0.00	( 1,728.38)	0.00	( 1,728.38)

	Personal Services	Other Expenses	Transfers	Total
	\$	\$	\$	\$
<b><u>GENERAL FUND (Continued)</u></b>				
Safety Service Director	2,000.00	( 1,132.61)	0.00	867.39
Engineer	0.00	( 1,728.55)	0.00	( 1,728.55)
Senior Citizens	<u>0.00</u>	<u>( 3,302.38)</u>	<u>0.00</u>	<u>( 3,302.38)</u>
<b>TOTAL GENERAL FUND</b>	<b><u>20,000.00</u></b>	<b><u>( 93,188.98)</u></b>	<b><u>( 90,000.00)</u></b>	<b><u>( 163,188.98)</u></b>
INCOME TAX FUND	0.00	( 3,613.43)	600,000.00	596,386.57
LAW ENFORCEMENT TRUST	0.00	( 2,300.00)	0.00	( 2,300.00)
CLERK OF COURTS COMPUTER SERVICES FUND	0.00	( 2,472.85)	0.00	( 2,472.85)
AMBULANCE FUND	3,100.00	( 4,293.97)	0.00	( 1,193.97)
FEDERAL GRANTS FUND	0.00	( 42,000.00)	0.00	( 42,000.00)
SOLID WASTE MGT FUND	<u>0.00</u>	<u>( 873.38)</u>	<u>0.00</u>	<u>( 873.38)</u>
<b>TOTAL SPECIAL REVENUE</b>	<b><u>3,100.00</u></b>	<b><u>( 55,553.63)</u></b>	<b><u>600,000.00</u></b>	<b><u>547,546.37</u></b>
DEBT SERVICE	<u>0.00</u>	<u>67,279.00</u>	<u>0.00</u>	<u>67,279.00</u>
<b>TOTAL DEBT SERVICE</b>	<b><u>0.00</u></b>	<b><u>67,279.00</u></b>	<b><u>0.00</u></b>	<b><u>67,279.00</u></b>
CAPITAL PROJECTS	0.00	( 17,000.00)	0.00	( 17,000.00)
ISSUE 2	<u>0.00</u>	<u>( 684,209.20)</u>	<u>0.00</u>	<u>( 684,209.20)</u>
<b>TOTAL CAPITAL PROJECTS</b>	<b><u>0.00</u></b>	<b><u>( 701,209.20)</u></b>	<b><u>0.00</u></b>	<b><u>( 701,209.20)</u></b>

**Ordinance 5088-2013 (continued)**

WATER FUND	0.00	( 873.38)	0.00	( 873.38)
SANITARY SEWER FUND	0.00	399,126.62	0.00	399,126.62
FRENCH CREEK OPERATING FUND	30,000.00	5,040.74	0.00	35,040.74
FRENCH CREEK R & I FUND	0.00	217,345.00	0.00	217,345.00
	Personal Services	Other Expenses	Transfers	Total
	\$	\$	\$	\$
SANITARY SEWER IMP FUND	<u>0.00</u>	<u>( 27,714.00)</u>	<u>0.00</u>	<u>( 27,714.00)</u>
<b>TOTAL ENTERPRISE</b>	<b><u>30,000.00</u></b>	<b><u>592,924.98</u></b>	<b><u>0.00</u></b>	<b><u>622,924.98</u></b>
BOARD OF BLDG STANDARDS	0.00	( 1,000.00)	0.00	( 1,000.00)
SENIOR CITIZENS MULTI TRUST	0.00	10,000.00	0.00	10,000.00
MAYOR'S COURT BAIL TRUST	<u>0.00</u>	<u>( 6,600.00)</u>	<u>0.00</u>	<u>( 6,600.00)</u>
<b>TRUST &amp; AGENCY</b>	<b><u>0.00</u></b>	<b><u>2,400.00</u></b>	<b><u>0.00</u></b>	<b><u>2,400.00</u></b>
<b>TOTAL ALL FUNDS</b>	<b><u>\$ 53,100.00</u></b>	<b><u>\$ ( 187,347.83)</u></b>	<b><u>\$ 510,000.00</u></b>	<b><u>\$ 375,752.17</u></b>

**SECTION 3.** That the Auditor of the City of North Ridgeville be and he is hereby authorized to draw warrants on the Treasury of the City of North Ridgeville for payments on any of the foregoing appropriations, upon receiving proper certification and vouchers therefore, approved by officers authorized by law to approve the same or by an Ordinance or Resolution of Council to make the expenditure and provide that no warrants may be drawn or paid for salaries or wages, except to persons employed by authority of or in accordance with law or Ordinance.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were 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.

**SECTION 5.** That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for appropriations for the financial expenditures of the City. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**5089-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2129, AFL-CIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Council and Administration of the City of North Ridgeville, Ohio, have conducted extensive negotiations with Local 2129 of the International Association of Fire Fighters, AFL-CIO as the bargaining representative for its members, and such negotiations have resulted in an agreement between the parties concerning the terms of the collective bargaining agreement.

**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 an agreement with the International Association of Fire Fighters, AFL-CIO, upon terms and conditions as substantially set forth in the collective bargaining agreement attached hereto and marked **Exhibit A** and made a part hereof as though fully rewritten herein.

**SECTION 2.** Said contract shall be effective January 1, 2013, through December 31, 2014.

**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 implement the contract terms as soon as possible and so as to aid the City in continuing negotiations with the other bargaining units.  
**WHEREFORE**, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**5090-2013 AN ORDINANCE AMENDING THE NORTH RIDGEVILLE CODIFIED ORDINANCES BY ADDING A CHAPTER ESTABLISHING REGULATIONS FOR UNATTENDED COLLECTION BINS.**

**WHEREAS**, the City of North Ridgeville is a charter city charged with the regulation of all matters of local self-government and the exercise of regulations not in conflict with the general laws; and

**WHEREAS**, the City of North Ridgeville may provide for regulations designed to encourage the orderly development of the City and of appropriate zoning considerations; and

**WHEREAS**, the City of North Ridgeville desires to provide for uniform regulation concerning the placement of unattended collection bins.

Ordinance 5090-2013 (continued)

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

**SECTION 1.** The North Ridgeville Codified Ordinances are hereby amended by adding the following regulations for unattended collection bins.

**CHAPTER \_\_\_\_**

**REGULATION OF UNATTENDED COLLECTION BINS**

**SECTION:**

- \_\_\_\_.01 Definitions.
- \_\_\_\_.02 Permits.
- \_\_\_\_.03 Revocation of Permit, Removal of Unattended Collection Bins and Liability.
- \_\_\_\_.04 Violation Penalty.
- \_\_\_\_.05 Appeals to City Council.
- \_\_\_\_.06 Violations, Enforcement, Actions and Remedies.
- \_\_\_\_.07 Existing Conditions.

\_\_\_\_.01 **DEFINITIONS.**

**SSD** - means the Safety Service Director of the City of North Ridgeville or his designee.

**Operator** - means a natural person or legally recognizable person who utilizes or maintains unattended collection bins to hold donations of salvageable personal property.

**Permittee** - means the operator who applies for and/or is issued a permit authorizing the placement of unattended collection bins and the legal owner of the parcel of real property upon which a collection bin is or shall be placed.

**Property Owner** - means the person who owns the real property on which unattended collections bins are to be located or are located.

**Unattended Collection Bins** - means any unattended container or receptacle located in the City that is used for collecting and containing donations of clothing, shoes, books or other salvageable personal property. This term does not include trash or recycle bins for the collection of waste material governed or otherwise-regulated by ordinance.

**Exempt Charitable Organization** - This chapter shall not apply to any donation bin that is located on premises that is operated by any religious, charitable or eleemosynary organization.

\_\_\_\_.02 **PERMITS.**

- a. It is unlawful and a public nuisance for any person to place, operate, maintain or allow unattended collection bins on real property unless:

**Ordinance 5090-2013 (continued)**

1. The operator applicant is a legal representative or official agent of an exempt charitable organization.
  2. The operator and the property owner first obtains a permit pursuant to this chapter.
  3. The unattended collection bin is placed and maintained in accordance with all provisions of this chapter, other Ordinances, zoning and building codes and laws of the City of North Ridgeville and State of Ohio.
- b. The permit application shall be made on a form provided by the SSD and shall include the following information:
1. The name, address, e-mail, website (if available) and telephone number of the operator applicant.
  2. The name, address, e-mail, and telephone number of the property owner applicant.
  3. The physical address of the property owner's real property and a drawing sufficient to indicate the proposed location of the unattended donation box on the property owner's real property and the size of the proposed unattended donation box.
  4. The written consent of the property owner on which the box will be placed.
- c. Applications shall be filed with the SSD.
- d. Within sixty (60) days of receiving a completed application, the SSD shall issue a permit or deny the issuance of a permit.
- e. If the SSD denies an application, the SSD shall state, in writing, the specific reasons for denial. Failure of the applicant to comply with any requirement of this chapter or any related ordinance or code shall be cause for denial.
- f. The term of the permit shall expire two (2) years from the date of issuance.
- g. No person or organization to which a permit has been issued shall transfer, assign, or convey such permit to another person.
- h. A permittee may apply for permit renewal by submitting to the SSD before the expiration of the permit, a new application and new nonrefundable fee. Any changes shall be noted on the application.
- i. A permit application shall require payment of an administrative fee in the amount of twenty-five dollars (\$25.00).

\_\_\_\_.03

**REVOCATION OF PERMIT, REMOVAL OF UNATTENDED COLLECTION BINS AND LIABILITY.**

The SSD shall have the right for cause to revoke any permit issued hereunder. Any of the grounds upon which he or she may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of a permittee to comply with the provisions of this chapter or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The SSD shall provide a

**Ordinance 5090-2013 (continued)**

written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation bin shall be removed from the permittee's real property within thirty (30) days and if not removed within this time period, the City may remove, store and dispose of the unattended collection bin at the expense of the permittee. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one (1) year at this location. Any violation of the provisions of this chapter is a public nuisance subject to abatement.

a. A permittee shall locate all unattended collection bins as follows:

1. An unattended collection bin may not be placed within the required front setback.
2. An unattended collection bin may not be placed within twenty (20) feet of the side property line.
3. An unattended collection bin may not be placed on a vacant lot.

b. A permittee shall operate and maintain or cause to be operated and maintained all unattended collection bins located in the City as follows:

1. Unattended collection bins shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.
2. Unattended collection bins shall be locked or otherwise secured.
3. Unattended collection bins shall contain the following contact information visible from the front of each unattended collection bin: the name, address, e-mail, and phone number of both the permittee and operator.
4. Unattended collection bins shall be serviced and emptied as needed, but at least every thirty (30) days.

c. The permittee shall maintain or cause to be maintained the area surrounding the unattended collection bin(s) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

d. Notwithstanding any other provision of this code, it is unlawful for any person to place an unattended collection bin in any residential district or any residential use property except on educational or religious organizational property.

e. Notwithstanding any other provision of this code, it is unlawful to locate any unattended collection bin less than four hundred (400' 0") feet from any other unattended collection bin.

f. Notwithstanding any other provision of this code, it is unlawful to locate more than one (1) unattended collection bin on a parcel of real property an acre or less. No more than 1 unattended collection bin shall be permitted per acre of real property.

g. Notwithstanding any other provision of this code, it is unlawful to locate any unattended collection bin on required parking spaces.

\_\_\_\_.04

**VIOLATION PENALTY.**

**Ordinance 5090-2013 (continued)**

Any person violating any provision of this chapter is guilty of an unclassified misdemeanor with a fine of no less than fifty dollars (\$50.00) and no more than two hundred and fifty dollars (\$250.00). Each failure to comply with any provision of this chapter is a violation.

**\_\_\_\_.05 VIOLATIONS, ENFORCEMENT, ACTIONS AND REMEDIES.**

Each failure to comply with any provision of this chapter or any regulation promulgated under this chapter is unlawful and constitutes a public nuisance. All potential penalties provided for in this chapter are independent of each other and a permittee may be subject to all or to one depending on the circumstances of the violation.

**\_\_\_\_.06 EXISTING CONDITIONS.**

The provisions of this Ordinance shall apply to all unattended collection bins located within the City as of the effective date of this Ordinance. All persons who have one or more unattended collection bins located on their real property as of the effective date of this Ordinance shall have sixty (60) days from that date to file an application for a permit as provided for in this chapter. Any such person who has filed a timely application for a permit shall not be subject to the provisions of this chapter relating to unattended collection bins until a permit is issued or denied to the applicant.

**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.

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**RESOLUTIONS**

(The following Resolutions were passed by City Council on November 18, 2013)

**1289-2013 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION TO OBTAIN A LOAN IN AN AMOUNT OF \$125,000.00 FROM THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING FOR THE DESIGN AND CONSTRUCTION OF THE CHESTNUT RIDGE ROAD PHASE 3 ROADWAY RECONSTRUCTION PROJECT.**

**WHEREAS,** Resolution 1285-2013 was adopted by City Council on September 3, 2013; and



**Resolution 1289-2013 (continued)**

**WHEREAS**, the City of North Ridgeville has applied for a grant in an amount of up to \$199,499.00 and a loan in an amount of up to \$50,000.00 from the Ohio Public Works Commission for the Chestnut Ridge Road Reconstruction Phase 3 project, which has a total estimated cost of \$453,634.00; and

**WHEREAS**, the Ohio Public Works Commission, through the District 9 Integrating Committee, has offered a grant in a revised amount of up to \$124,499.00 and a loan in a revised amount of up to \$125,000.00 for the Chestnut Ridge Road Reconstruction Phase 3 project, which has a total estimated cost of \$453,634.00; and

**WHEREAS**, the original and revised total OPWC project funding requests have not changed and are shown in **Exhibit A** attached; and

**WHEREAS**, the City's non-loan share of the \$453,634.00 total estimated engineering and construction cost is \$204,135.00.

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

**SECTION 1.** Council does hereby give its support for the revised grant and loan request from Ohio Public Works Commission, Round No. 28, 2013 - 2014 for the Chestnut Ridge Road Reconstruction Phase 3 project.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution shall take effect and be in full force from and after the earliest period allowed by law.

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**1290-2013      A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO ADVANTECH SERVICE AND PARTS, LLC IN THE AMOUNT OF \$3,933.40.**

**WHEREAS**, O.R.C. § 5705.41 provides that City Council may authorize the payment of amounts due, wherein legislation shall be passed within thirty (30) days from receipt of a certificate of the fiscal officer in accordance with O.R.C. § 5705.41 (D)(1); and

**WHEREAS**, the fiscal officer does certify that the expenditure was and is properly appropriated and otherwise lawful, sufficient funds were and are available or in the process of collection to the credit of the proper fund, and the funds were and are free from any previous encumbrance; and

**Resolution 1290-2013 (continued)**

**WHEREAS**, Advantech Service and Parts LLC has provided equipment maintenance for Ladder Truck 22 to the Fire Department, and serves a necessary public purpose.

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

**SECTION 1.** Council hereby authorizes payment to Advantech Service and Parts LLC in the amount of \$3,933.40.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution shall take effect and be in full force from and after the earliest period allowed by law.

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**REMAINING CITY COUNCIL MEETING DATES FOR 2013**

December 2, 2013

December 16, 2013

[www.nridgeville.org](http://www.nridgeville.org)