



CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

Publication date: 08.19.2019

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, MMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

RESOLUTION(S)

1459-2019 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO BURGESS & NIPLE, INC AND DECLARING AN EMERGENCY.

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, Burgess & Niple, Inc. provided additional design for the French Creek Filter Improvement Project 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 Burgess & Niple, Inc. in the amount of \$119,000.00 for additional design for the French Creek Filter Improvement 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 §121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure in order to pay the invoice within the thirty day period. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

ORDINANCE(S)

5666-2019 AN ORDINANCE AMENDING ORDINANCE NUMBER 5595-2018 OF THE CITY OF NORTH RIDGEVILLE, OHIO, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE PERIOD COMMENCING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend the appropriations for certain funds and appropriate other amounts for the operations 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, 2019 and ending December 31, 2019, Ordinance No. 5595-2018 is hereby supplemented in the following amounts 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 Ordinance.

SECTION 2. That there be appropriated the amounts as follows:

<u>Fund Number</u>	<u>Fund</u>	<u>Personal Services</u>	<u>Other</u>	<u>Transfers and Advances</u>	<u>Total</u>
	<u>Other Funds</u>				
333	Performance Lane	0	621,000	0	621,000

SECTION 3. That the Auditor of the City of North Ridgeville 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. This Ordinance is hereby declared to be an emergency measure in order to remit the TIF revenue timely to the Trustee for the Riddell debt. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5667-2019 AN ORDINANCE IMPOSING A MORATORIUM ON THE GRANTING OF PERMITS AND ON THE SUBMISSION OF REQUESTS FOR PERMITS FOR BILLBOARDS OR SIGNS WHICH DO NOT SUBSTANTIALLY CONFORM TO THE BILLBOARDS OR SIGNS CURRENTLY ALLOWED UNDER N.R.C.O. CHAPTER 1286, SIGNS, FOR A PERIOD NOT TO EXCEED 180 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, IN ORDER TO ALLOW THE NORTH RIDGEVILLE CITY COUNCIL TO REVIEW APPLICABLE OHIO STATUTES, CASELAW, PLANNING AND ZONING CONCERNS, OTHER MUNICIPALITY ORDINANCES AND ADDITIONAL INPUT RELATIVE TO POSSIBLE CHANGES TO THE CURRENT ORDINANCE AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville endeavors to comport with constitutional guarantees by assuring that our ordinances are rationally related to a legitimate State interest; and

WHEREAS, the City of North Ridgeville wishes to ensure its ordinances also meet the constitutional requirements of substantive due process and are neither arbitrary nor unreasonable and bear a substantial relation to the public health, safety, morals or general welfare; and

WHEREAS, pursuant to the State Constitution, municipalities have the power to enact ordinances providing for and protecting the public health, safety, morals or general welfare; and

WHEREAS, currently the intent of Chapter 1286 is to provide for “reasonable and appropriate conditions for the advertising of goods and services rendered in the community” only and does not provide any guidance as to regulation of billboards or signs related to goods and services rendered outside the community; and

WHEREAS, Council requires additional time to undertake a review of applicable Federal and State statutes and case law, of planning and zoning concerns and other relevant input in order to formulate a local ordinance which adequately, responsibly and constitutionally addresses the regulation of all types of billboards or signs.

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

SECTION 1. Council hereby imposes a moratorium on the granting of permits and on the submission of requests for permits for billboards or signs which do not substantially conform to the billboards or signs currently allowed under N.R.C.O. Chapter 1286, *Signs*, for a period not to exceed 180 days from the effective date of this ordinance, in order to allow the North Ridgeville City Council to review applicable Ohio statutes, case law, planning and zoning concerns, other municipalities’ ordinances and additional input relative to possible changes to our current ordinance.

SECTION 2. During the period of the moratorium, no such permits shall be granted or requests accepted for billboards or signs not currently allowed under our existing ordinance.

5667-2019 Continued

SECTION 3. During the period of the moratorium, the North Ridgeville City Council shall work diligently to collect, review and discuss all data gathered and to recommend any changes to the existing ordinance based on their deliberations.

SECTION 4. This moratorium shall be in effect for 180 days from the effective date of this ordinance or until changes, if any, are enacted to amend the codified ordinances of the City of North Ridgeville to address any perceived issues, whichever occurs first.

SECTION 5. 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 §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared to be an emergency measure in order to address portions of City Ordinances that may be unconstitutional. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5668-2019 AN ORDINANCE AUTHORIZING THE DISPOSAL OF VEHICLES AND EQUIPMENT NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville has a number of vehicles and equipment which are obsolete, and/or not needed, and/or unfit for public use; and

WHEREAS, the sale of such property is one of the powers of local self-government, conferred by Section 3, Article XVIII of the Ohio Constitution when exercised in conjunction with the general law; and

WHEREAS, O.R.C. §721.15(A) provides that such sale be authorized by the passage of an authorizing ordinance when the estimated value of the property is more than \$1,000.00, that the vehicle goes to the highest and best bidder, and that the sale be advertised as required under the statute; and

WHEREAS, the North Ridgeville City Council finds that the value of each vehicle is more than \$1,000.00; and further finds that due to the large number of vehicles, the sale will better be accomplished through trade-in or the services of the Greater Cleveland Auto Auction, and that such sale is also required to comply with O.R.C. §721.15(A).

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

5668-2019 Continued

SECTION 1. City Council finds the following equipment and vehicles no longer serve a municipal purpose and hereby approves the sale or trade-in of the obsolete/unneeded/unfit vehicles in the manner authorized by law and the proceeds be deposited into the appropriate account:

<u>Description</u>	<u>Serial No.</u>
2011 Ford Crown Victoria	2FABP78V0BX181813
2011 Ford Crown Victoria	2FABP7BV6BX181816
2011 Ford Crown Victoria	2FABP7BV8BX181817

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 §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure in order to get the vehicles sold at the highest value possible. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5669-2019 AN ORDINANCE AMENDING ORDINANCE NO. 5461-2017, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A CONTRACT WITH BURGESS & NIPLE, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPLACEMENT OF THE EFFLUENT FILTRATION SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, BY INCREASING THE “NOT TO EXCEED” AMOUNT FROM \$450,000.00 TO \$536,000.00 AND DECLARING AN EMERGENCY.

WHEREAS, Burgess & Niple, Inc., provided additional engineering services for design and construction oversight for the French Creek Filter Improvement Project and has subsequently incurred additional costs.

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

SECTION 1. Ordinance No. 5461-2017, which authorized the Mayor to enter into a contract with Burgess & Niple, Inc. for professional engineering services for the replacement of the effluent filtration system at the French Creek Wastewater Treatment Plant, is hereby amended by increasing the “not to exceed” amount from \$450,000.00 to \$536,000.00.

SECTION 2. All other sections, terms and provisions of Ordinance No. 5461-2017 not specifically modified or affected by this amending Ordinance shall remain in full force and effect.

5669-2019 Continued

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 §121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure in order to pay the invoice with Burgess and Niple by increasing the “not to exceed” amount. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5670-2019 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, the Walter H. Drane Company has completed the 2019 updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council since the date of publication of the Codified Ordinances (December 31, 2005) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law.

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

SECTION 1. The editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances.

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
5590-2018	12-17-18	1058.01 to 1058.12
5601-2019	1-22-19	1444.01
5615-2019	3-4-19	1640.01
5616-2019	3-4-19	1610.01
5633-2019	4-15-19	1444.03, 1444.05
5657-2019	6-17-19	1024.06
5658-2019	6-17-19	440.09, 440.14, 440.165, 440.20, 440.28

5670-2019 Continued

SECTION 2. The following sections and subsections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

Traffic Code

- 402.05 Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended)
- 402.20 Motor Vehicle. (Amended)
- 402.275 Predicate Motor Vehicle Offense. (Amended)
- 402.381 Shared-Use Path. (Amended)
- 402.53 Vehicle. (Amended)
- 402.54 Waste Collection Vehicle. (Added)
- 404.991 Committing an Offense While Distracted Penalty. (Added)
- 414.01 Obedience to Traffic Control Devices. (Amended)
- 414.11 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
- 416.01 Right of Way in Crosswalk. (Amended)
- 416.02 Right of Way of Blind Person. (Amended)
- 416.09 Right of Way on Sidewalk. (Amended)
- 432.01 Driving Upon Right Side of Roadway; Exceptions. (Amended)
- 432.02 Passing to Right When Proceeding in Opposite Directions. (Amended)
- 432.03 Overtaking, Passing to Left; Driver's Duties. (Amended)
- 432.04 Overtaking and Passing Upon Right. (Amended)
- 432.05 Overtaking, Passing to Left of Center. (Amended)
- 432.06 Additional Restrictions on Driving upon Left Side of Roadway. (Amended)
- 432.07 Hazardous or No Passing Zones. (Amended)
- 432.08 Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
- 432.09 Following Too Closely. (Amended)
- 432.10 Turning at Intersections. (Amended)
- 432.11 "U" Turns Restricted. (Amended)
- 432.12 Starting and Backing Vehicles. (Amended)
- 432.13 Signals Before Changing Course, Turning or Stopping. (Amended)
- 432.14 Hand and Arm Signals. (Amended)
- 432.15 Right of Way at Intersections. (Amended)
- 432.16 Right of Way When Turning Left. (Amended)
- 432.17 Operation of Vehicle at Stop and Yield Signs. (Amended)
- 432.18 Emergency or Public Safety Vehicles at Stop Signals or Signs. (Amended)
- 432.20 Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Amended)
- 432.235 Driving Onto Roadway From Place Other Than Roadway: Stopping at Sidewalk. (Amended)
- 432.21 Right of Way of Funeral Procession. (Amended)
- 432.24 Driving Upon Street Posted as Closed for Repair. (Amended)
- 432.25 Following and Parking Near Emergency or Safety Vehicles. (Amended)
- 432.26 Driving Over Fire Hose. (Amended)
- 432.27 Driving Through Safety Zone. (Amended)
- 432.28 One-Way Streets and Rotary Traffic Islands. (Amended)
- 432.29 Driving Upon Divided Roadways. (Amended)
- 432.34 Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
- 432.22 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
- 432.32 Stopping at Grade Crossing. (Amended)
- 434.03 Maximum Speed Limits. (Amended)

5670-2019 Continued

Traffic Code (Cont.)

- 432.195 Approaching a Public Safety Vehicle. (Amended)
- 434.04 Stopping Vehicle. (Amended)
- 434.05 Speed Limitations Over Bridges. (Amended)
- 438.16 Number of Lights. (Amended)
- 438.29 Use of Occupant Restraining Devices. (Amended)
- 474.01 Code Application to Bicycles. (Amended)
- 474.02 Riding Upon Seats. (Amended)
- 474.03 Attaching Bicycle to Vehicle. (Amended)
- 474.04 Riding Bicycles and Motorcycles Abreast. (Amended)
- 474.05 Signal Device on Bicycle. (Amended)
- 474.11 Operation of Motorized Bicycles. (Amended)
- 474.12 Electric Bicycles. (Added)

General Offenses Code

- 648.04 Disorderly Conduct. (Amended)
- 624.01 Drug Abuse Control Definitions. (Amended)
- 624.03 Drug Abuse; Controlled Substance Use. (Amended)
- 624.05 Permitting Drug Abuse. (Amended)
- 612.07 Open Container Prohibited. (Amended)
- 666.03 Sexual Imposition. (Amended)
- 666.06 Public Indecency. (Amended)
- 666.21 Dissemination of Private Sexual Images. (Added)
- 642.15 Misuse of Credit Cards. (Amended)
- 672.01 Weapons Definitions. (Amended)
- 672.04 Improperly Handling a Firearm in a Motor Vehicle. (Amended)
- 672.07 Unlawful Transactions in Weapons. (Amended)

SECTION 3. All ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and enacted by Section 2 hereof are hereby repealed, except as follows:

- (a) The enactment of such new matter shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to July 1, 2019.

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 §121.22 of the Ohio Revised Code.

SECTION 5. This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

CITY COUNCIL MEETING DATES FOR 2019

January 7, 2019	January 22, 2019	February 4, 2019
February 19, 2019	March 4, 2019	March 18, 2019
April 1, 2019	April 15, 2019	May 6, 2019
May 20, 2019	June 3, 2019	June 17, 2019
July 1, 2019	July 15, 2019	August 5, 2019
August 19, 2019	September 3, 2019	September 16, 2019
October 7, 2019	October 21, 2019	November 4, 2019
November 18, 2019	December 2, 2019	December 16, 2019

www.nridgeville.org