

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 15, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 59-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**RESOLUTION NO. 1596-2023**

**A RESOLUTION AUTHORIZING THE EXECUTION OF THEN AND NOW CERTIFICATES BY THE CITY FISCAL OFFICER AND THE PAYMENT OF AMOUNTS DUE FOR VARIOUS PURCHASE ORDERS AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Ohio Revised Code Section 5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City’s Fiscal Officer that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

**WHEREAS**, Ohio Revised Code Section 5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for \$3,000.00 or more, the City’s Council, as the City’s taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the City’s Fiscal Officer that there was at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

**WHEREAS**, on May 16, 2022, City Council adopted Ordinance 5951-2022 deeming it to be in the best interest of the health, safety, and welfare of the City to approve the execution by the City Fiscal Officer of Then and Now Certifications, and to authorize payment of amounts due under the contracts or orders requiring the expenditure of \$3,000.00 up to \$20,000.00;

**WHEREAS**, on May 16, 2022, City Council adopted Ordinance 5951-2022 City Council also deemed it necessary to review and approve the execution by the City Fiscal Officer of Then and Now Certifications and authorize payments of amounts due under contracts or order which exceeds \$20,000.00;

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

**SECTION 1.** City Council, pursuant to Ordinance 5951-2022 adopted May 16, 2022, hereby approves the execution of Then and Now Certificates by the Fiscal Officer and authorizes payment due and owing as shown in Exhibit A attached and incorporated herein.

**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, the emergency being in order to provide the Department of Finance with the resources necessary to meet its obligations. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

**EXHIBIT A**

City of North Ridgeville  
Then and Now Certification Summary

	<u>Certification Date</u>	<u>Invoice Date</u>	<u>Amount</u>	<u>Purpose</u>
AECOM	4/28/2023	3/29/2023	38,790.00	Interceptor sewer inspection

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 15, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 54-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**ORDINANCE NO. 6069-2023**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH LORAIN COUNTY FOR THE PY2023 COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) PROGRAM AND DECLARING AN EMERGENCY.**

**WHEREAS**, Lorain County proposes to apply to the Ohio Department of Development for Community Housing Impact and Preservation (CHIP) Program funds in partnership with the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake for the purposes of maximizing their grant request; and

**WHEREAS**, Lorain County has agreed to be the Grantee and fiscal agent for the CHIP Program and be responsible for administration of the grant; and

**WHEREAS**, if awarded, the City of North Ridgeville would be allocated \$350,000 in CHIP Program funds for eligible projects; and

**WHEREAS**, the CHIP Program is intended to benefit low and moderate-income residents through activities including but not limited to homebuyer assistance, emergency home repairs, and home rehabilitation.

**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, on behalf of the City of North Ridgeville, to enter into a partnership agreement with Lorain County for the PY2023 Community Housing Impact and Preservation Program, a copy of which is attached hereto and marked as Exhibit A and incorporated as if rewritten herein.

**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, the emergency being in order to participate in the program before the program deadline date of June 21, 2023. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

**EXHIBIT A**

**State of Ohio  
PY2023 Community Housing Impact and Preservation (CHIP) Program  
Partnership Agreement  
Between  
Lorain County, Ohio and the Cities of Amherst,  
North Ridgeville, Oberlin, and Sheffield Lake, Ohio.**

**WHEREAS**, Lorain County (Grantee) will be submitting a PY2023 CHIP Grant Application to the Ohio Department of Development (ODOD) due June 21, 2023; and

**WHEREAS**, ODOD has determined that the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake are eligible CHIP Program “Partner” participants within Lorain County for the PY2023 funding round (Lorain County, \$400,000; Amherst, \$300,000; North Ridgeville, \$350,000; Oberlin, \$300,000; and Sheffield Lake, \$300,000); enabling Lorain County to apply for a maximum total grant of \$1,600,000 for housing assistance to income eligible households (ODOD maximum grant request is capped at \$1.6 million regardless of the number of partners); and

**WHEREAS**, without this partnership agreement, Lorain County would have been eligible for only \$400,000 of CHIP Grant Funds; and

**WHEREAS**, Lorain County and Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake support the continuation of a partnership arrangement between Lorain County and said cities for the PY2023 CHIP Grant Application; and

**WHEREAS**, Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake reviewed and approved the PY2023 CHIP Partnership arrangement; and

**WHEREAS**, Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake agree to form a partnership for the purpose of applying for a PY2023 CHIP Grant Application; and

**WHEREAS**, Lorain County has agreed to be the Grantee and fiscal agent for the entire PY2023 CHIP Grant and be responsible for the preparation of the PY2023 CHIP Application and for the administration of the grant in accordance with the CHIP rules and regulations as required by ODOD; and with the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake as its Partners.

**NOW, THEREFORE**, Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake do hereby agree to the following terms of this PY2023 CHIP Partnership Agreement:

1. That Lorain County will be responsible for the preparation of the PY2023 CHIP Grant Application due June 21, 2023, that will include the partnership arrangement between the County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake as stipulated herein.
2. That Lorain County will be the Grantee (recipient of the PY2023 CHIP Grant) with responsibility for and authority over the overall administration and implementation of the entire CHIP Program grant award and solely responsible for regulatory compliance and with terms of the grant agreement.
3. That this agreement will be in full force and effect for the duration of the PY2023 CHIP Grant Period which will be from December 1, 2023, until April 30, 2026 (due to recent ODOD-OCD grant period extension).
4. That this agreement cannot be withdrawn or terminated by any parties while it remains in effect.
5. That Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake agree that Lorain County is the Grantee and may not transfer its liability. Subrecipient agreements are prohibited.
6. That through this partnership agreement, Lorain County is eligible to apply for \$1,600,000 of CHIP Grant Funds that may include Federal Community Development Block Grant (CDBG), HOME Investment Partnership Program Funds (HOME), and State of Ohio Housing Trust Fund (OHTF) monies to fund CHIP activities, including private owner rehabilitation loans and home repair grants (see attached planned budget - final numbers to be determined by ODOD based on available funding).
7. That for the PY2023 CHIP Grant, the Lorain County CHIP Program Policies and Procedures Manual will be utilized for the administration of the grant.
8. As required by ODOD, that Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake will use respective CHIP Program Income as leverage in conjunction with the PY2023 Lorain County CHIP Grant Application and program, if funded.
9. That Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake agree and will endeavor to use each partners' CHIP Program Income within the respective jurisdictions; however, available CHIP Program Income may be expended outside each partners' jurisdictions if/as required to meet applicable ODOD grant requirements (program income to be expended prior to ODOD allowing CHIP Grant funds to be drawn).

10. That Lorain County agrees to retain and track the use of CHIP Program Income deriving from said PY2023 CHIP Grant and use it to fund CHIP eligible housing activities in the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake and throughout the Lorain County CHIP Service Area.
11. That Lorain County will provide copies of the ODOD CHIP status reports to the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake and provide updates on program status throughout the grant period.
12. That Lorain County will be the repository of all applicable PY2023 CHIP program records for monitoring purposes and agrees to retain all applicable records for the required time period from the date of grant completion, currently three years from the date of the ODOD Final Grant Closeout Letter.
13. That Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake agree to take actions necessary to assure compliance with the certifications required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights of 1964, the Fair Housing Act, Section 109 of the Housing and Community Development Act of 1974 and other applicable laws.
14. That Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake agree that CHIP funds are prohibited for activities that do not affirmatively further fair housing within their own jurisdiction or that impedes the Grantee's actions to comply with its fair housing certification. Noncompliance can, in turn, provide cause for funding sanctions or other remedial actions by the State of Ohio or U.S. Department of Housing and Urban Development (HUD).
15. That Lorain County and the Cities of Amherst, North Ridgeville, Oberlin, and Sheffield Lake do designate Kleinfelder, Inc. and its CHIP staff to be Representatives of the Local Public Agency (LPA) and that staff may be responsible for executing certain necessary CHIP contract documentation used for Private Rehabilitation and Home Repair; including, but not limited to, the HOME Written Agreement.

**THE UNDERSIGNED REPRESENTATIVES OF THIS PY2023 CHIP PARTNERSHIP AGREEMENT HEREBY AGREE TO THE ABOVE STATED TERMS AND CONDITIONS ON RESPECTIVE DATES SET FORTH ON SIGNATORY PAGES.**

**SEE SIGNATORY PAGES.**



**SIGNATORY: PY2023 CHIP PARTNERSHIP AGREEMENT  
LORAIN COUNTY BOARD OF COMMISSIONERS  
LORAIN COUNTY, OHIO**

\_\_\_\_\_  
**David J. Moore**  
**President, Lorain County**  
**Board of Commissioners**

\_\_\_\_\_  
**Witness**

**Date:** \_\_\_\_\_

**Legal Form and Sufficiency**

This PY2023 CHIP Partnership Agreement has been reviewed by the legal counsel of Lorain County. The terms and provisions of said Agreement are fully authorized under State of Ohio and local law. This Agreement provides full legal authority for Lorain County, as the PY2023 CHIP Grantee, through the Lorain County Board of Commissioners, its governing body.

**Approved as to Form and Sufficiency:** \_\_\_\_\_  
**Lorain County Prosecutor**

**Date:** \_\_\_\_\_

**SIGNATORY: PY2023 CHIP PARTNERSHIP AGREEMENT  
CITY OF AMHERST, OHIO**

\_\_\_\_\_  
**Mark Costilow**  
**Mayor, City of Amherst**

\_\_\_\_\_  
**Witness**

**Date:** \_\_\_\_\_

**Legal Form and Sufficiency**

This PY2023 CHIP Partnership Agreement has been reviewed by the legal counsel of the City of Amherst. The terms and provisions of said Agreement are fully authorized under State of Ohio and local law.

**Approved as to Form and Sufficiency:** \_\_\_\_\_  
**City Law Director**

**Date:** \_\_\_\_\_

**SIGNATORY: PY2023 CHIP PARTNERSHIP AGREEMENT  
CITY OF NORTH RIDGEVILLE, OHIO**

\_\_\_\_\_  
**Kevin Corcoran**  
**Mayor, City of North Ridgeville**

\_\_\_\_\_  
**Witness**

**Date:** \_\_\_\_\_

**Legal Form and Sufficiency**

This PY2023 CHIP Partnership Agreement has been reviewed by the legal counsel of the City of North Ridgeville. The terms and provisions of said Agreement are fully authorized under State of Ohio and local law.

**Approved as to Form and Sufficiency:** \_\_\_\_\_  
**City Law Director**

**Date:** \_\_\_\_\_

**SIGNATORY: PY2023 CHIP PARTNERSHIP AGREEMENT  
CITY OF OBERLIN, OHIO**

\_\_\_\_\_  
**Robert Hillard**  
**City Manager, City of Oberlin**

\_\_\_\_\_  
**Witness**

**Date:** \_\_\_\_\_

**Legal Form and Sufficiency**

This PY2023 CHIP Partnership Agreement has been reviewed by the legal counsel of the City of Oberlin. The terms and provisions of said Agreement are fully authorized under State of Ohio and local law.

**Approved as to Form and Sufficiency:** \_\_\_\_\_  
**City Law Director**

**Date:** \_\_\_\_\_

**SIGNATORY: PY2023 CHIP PARTNERSHIP AGREEMENT  
CITY OF SHEFFIELD LAKE, OHIO**

\_\_\_\_\_  
**Dennis Bring**  
**Mayor, City of Sheffield Lake**

\_\_\_\_\_  
**Witness**

**Date:** \_\_\_\_\_

**Legal Form and Sufficiency**

This PY2023 CHIP Partnership Agreement has been reviewed by the legal counsel of the City of Sheffield Lake. The terms and provisions of said Agreement are fully authorized under State of Ohio and local law.

**Approved as to Form and Sufficiency:** \_\_\_\_\_  
**City Law Director**

**Date:** \_\_\_\_\_

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 15, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 55-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**ORDINANCE NO. 6070-2023**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE 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 CITY SIGNAGE PROJECT, NOT TO EXCEED \$467,500.00 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of North Ridgeville proposes to install new City gateway signs, park facility, and identification signs consistent with the City’s recent branding initiative; and

**WHEREAS**, the City of North Ridgeville has appropriated the necessary funds in the 2023 budget for this project; and

**WHEREAS**, the bidding documents and specifications for this project will be available through the Engineering Department.

**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 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 City Signage Project in an amount not to exceed \$467,500.00.

**SECTION 2.** The cost of the City Signage Project shall be charged to and paid from the appropriate City funds.

**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, the emergency being in order to start the bidding process for the project that was appropriated, and to avoid the cost of materials increasing. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 15, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 58-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**ORDINANCE NO. 6071-2023**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A NEW AMBULANCE (MEDIC UNIT) IN THE AMOUNT OF \$319,989.00, AND FOR AUXILIARY EQUIPMENT IN THE AMOUNT OF \$58,734.00, FOR A TOTAL OF \$378,723.00 FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

**WHEREAS**, City Council has appropriated funds for the purchase of an ambulance and auxiliary equipment for the Fire Department; and

**WHEREAS**, the Fire Department is requesting to purchase a new ambulance (Medic Unit) which will replace a 2015 ambulance (Medic Unit) that will be sold due to age and use.

**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 contract(s) for the purchase of a new ambulance (Medic Unit) in the amount of \$319,989.00, and for auxiliary equipment in the amount of \$58,734.00 from the State of Ohio Term Schedule for the total amount of \$378,723.00. Said equipment is for the Fire Department.

**SECTION 2.** The cost of this equipment 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 §121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure, the emergency being in order to purchase a new ambulance and the necessary equipment for the health, safety, and welfare of the public. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.



PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 15, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 61-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**ORDINANCE NO. 6072-2023**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EVALUATE BIDS PREVIOUSLY ADVERTISED AND NEGOTIATE AND ENTER INTO CONTRACT(S) FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDERS, FOR THE PURCHASE OF ROADWAY MATERIALS TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO AND DECLARING AN EMERGENCY.**

**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 evaluate bids submitted in response to public advertisement(s) and to negotiate and enter into contracts according to law and in a manner prescribed by law with the lowest and best bidders for the purchase of roadway materials such as asphalt concrete, sand, limestone, concrete, including application charges and delivery charges.

**SECTION 2.** Said contracts are retroactive from May 1, 2023, through April 30, 2024.

**SECTION 3.** The cost of said roadway materials shall be charged to and paid from the appropriate City funds in accordance with use consumption.

**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.** This Ordinance is hereby declared to be an emergency measure, the emergency being in order to purchase the necessary materials for the health, safety, and welfare of the Citizens of the City of North Ridgeville. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 15, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 62-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**ORDINANCE NO. 6073-2023**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT(S) ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the rental of equipment and services for road repair and maintenance is needed for the City of North Ridgeville Service Department’s street paving program, retroactive to April 2023, and will end in November 2023.

**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 advertise for bids and negotiate a contract according to law and in the manner prescribed by law for the rental of equipment and related services, as listed in Exhibit A attached hereto and incorporated as if rewritten herein, for road repair and maintenance to be used by the Service Department.

**SECTION 2.** The rental costs are not to exceed the amount appropriated and shall be charged to and paid from the appropriate City funds.

**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 is hereby declared to be an emergency measure, the emergency being in order to rent the necessary equipment for the health, safety, and welfare of the Citizens of the City of North Ridgeville. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 17, 2023



---

Kevin Corcoran  
MAYOR

**Exhibit A**

**TRUCK RENTAL & EQUIPMENT RENTAL SPECIFICATIONS/BID FORM**  
**INCLUDING OPERATOR WHERE STATED**

The following is a list of possible equipment needed for the City of North Ridgeville Service Department’s Street paving program, which is scheduled to begin April 2023, and should be completed by November 2023, weather permitting. For each listed item, state whether the equipment is available during that time period. If availability is limited, state the dates that the equipment is available.

All prices shall include mobilization.

**A. TRUCKS**

1) TANDEM AXLE

Driver included for excavation and material handling .....\$ \_\_\_\_\_/hour

Availability: \_\_\_\_\_

2) TRI-AXLE

Driver included for excavation and material handling .....\$ \_\_\_\_\_/hour

Availability: \_\_\_\_\_

3) TACK COAT DISTRIBUTOR W/ OPERATOR.....\$ \_\_\_\_\_/hour

Availability: \_\_\_\_\_

Terms: \_\_\_\_\_

4) RENTAL OF 250 GALLON TAG-ALONG TACK

KETTLE.....\$ \_\_\_\_\_/week

**B. EQUIPMENT RENTAL**

1) CAT PR105, or equivalent..... \$ \_\_\_\_\_/hour  
\$ \_\_\_\_\_/week

Availability: \_\_\_\_\_

2) WIRTGEN 1000, or equivalent

Capable of milling asphalt or concrete from 12" to 40" wide  
In a single pass at depths of 1" to 7" w/self-loading capabilities  
with operator .....  
Availability: \_\_\_\_\_

\$ \_\_\_\_\_/hour

NAME OF BIDDER \_\_\_\_\_

3) DOZER

CAT D-6 or equivalent

Model \_\_\_\_\_

\$ \_\_\_\_\_/hour

Make \_\_\_\_\_

\$ \_\_\_\_\_/week

Availability: \_\_\_\_\_

4) CAT D-8 or equivalent

Model \_\_\_\_\_

\$ \_\_\_\_\_/hour

Make \_\_\_\_\_

\$ \_\_\_\_\_/week

Availability: \_\_\_\_\_

5) ROAD WIDENER

Model \_\_\_\_\_

\$ \_\_\_\_\_/hour

Make \_\_\_\_\_

\$ \_\_\_\_\_/week

Availability: \_\_\_\_\_

COST OF OPERATOR..... \$ \_\_\_\_\_/week

Terms: \_\_\_\_\_

NAME OF BIDDER \_\_\_\_\_

- 6) TYMCO, or equivalent, REGENERATED AIR SWEEPER,  
WITH SELF LOADING CAPABILITIES, W/OPERATOR

Model \_\_\_\_\_ \$ \_\_\_\_\_/hour

Make \_\_\_\_\_ \$ \_\_\_\_\_/week

Availability: \_\_\_\_\_

Minimum Hours Required: \_\_\_\_\_

- 7) SELF-PROPELLED VAC-ALL, or equivalent, W/OPERATOR

Model \_\_\_\_\_ \$ \_\_\_\_\_/hour

Make \_\_\_\_\_ \$ \_\_\_\_\_/week

Availability: \_\_\_\_\_

NAME OF  
BIDDER \_\_\_\_\_



DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 5, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>May 15, 2023</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 47-2023</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

**ORDINANCE NO. 6074-2023**

**AN ORDINANCE AMENDING CHAPTER 854 *PEDDLERS, CANVASSERS, AND SOLICITORS* AND DECLARING AN EMERGENCY.**

**WHEREAS**, City Council finds that the City’s legislation regulating door-to-door commercial and non-commercial activity requires revision 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.

**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* of the North Ridgeville Codified Ordinance be amended as set forth in the document attached to this Ordinance as Exhibit A.

**SECTION 2.** That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**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, the emergency being the immediate necessity to provide for the health, safety, and welfare of the Citizens of the City of North Ridgeville. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

## Exhibit A

## CHAPTER 854 PEDDLERS, CANVASSERS, AND SOLICITORS

## 854.01 DEFINITIONS

## 854.02 SOLICITATION ON PUBLIC STREETS OR SIDEWALKS PROHIBITED

854.03 SOLICITATION WITHOUT INVITATION ON PRIVATE PROPERTY DECLARED  
A NUISANCE

## 854.04 PERMIT APPLICATION AND REQUIREMENTS

## 854.05 PERMIT APPLICATION FEE AND TERMS 854.99 PENALTY

## CROSS REFERENCES

Home solicitation sales - see Ohio R.C. 1345.21 et seq.

Charitable solicitations - see Ohio R.C. Ch. 1716

Frozen desserts - see Ohio R.C. 3717.51 et seq.; B.R. & T. Ch. 856

Sales of goods and services within right of way of interstate and other State highways - see Ohio R.C. 5515.07

Soliciting business from motorists - see TRAF. 416.06

Vending from vehicles prohibited - see TRAF. 432.42

Littering - see GEN. OFF. 660.14, 660.15

## 854.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) “Canvasser” means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door, or from street to street who obtains or seeks to obtain or influences the opinions of the residents of the City, upon the private residences including any house, apartment, or other dwellings in the City, who also may or may not obtain or seek to obtain funds for any cause whatsoever.
- (b) “Peddler” means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door, or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate delivery.
- (c) “Solicitor” means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door, or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for future delivery or for the services to be furnished or performed in the future.

- (d) Neither "Canvasser", "Peddler" nor "Solicitor" as defined above apply to political or religious solicitation or canvassing, nor does it apply to non-profit solicitation conducted by minors in connection with fundraising.

#### 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 dessert sales and mobile food vendors operating in strict compliance with the applicable provisions of these Codified Ordinances.

#### 854.03 SOLICITATION WITHOUT INVITATION ON PRIVATE PROPERTY DECLARED A NUISANCE

- (a) No 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 commercial purpose shall go in or upon such private property or residence without first registering in the office of the Mayor and obtaining a solicitor/peddler permit.
- (b) Each registrant who complies with this division shall be furnished a Solicitor/Peddler 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 or canvassing" (or words of similar import) sign.
- (c) 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.
- (d) Permits may be denied or revoked by the Mayor or designee for any one or more of the following reasons, or substantially similar reasons:
  - (1) Incomplete information provided by the registrant in the solicitor/peddler application form;
  - (2) Fraud or misrepresentation contained in the solicitor/peddler application 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 application;
  - (8) Any violation of any subsection of this section.

- (e) 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, peddler, or canvasser shall leave immediately upon becoming aware of the sign or being made aware of the sign.
- (f) 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.
- (g) No person shall go upon any residential premises and ring the doorbell, rap or knock on the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in soliciting, canvassing or peddling before 10:00 a.m. or after 7:00 p.m. on Monday through Saturday, before Noon or after 5:00 p.m. on Sunday, and is prohibited in total on any state or federal holiday.
- (h) Subsection (g) hereof shall not apply to a visit to the premises as a result of a request or an appointment made by the occupant.
- (i) No person shall solicit or peddle on City property without the approval of the Mayor or designee.
- (j) The Mayor or designee may provide additional tracking methods, at their discretion, in any particular instance, or generally, may deem desirable.
- (k) 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 the name and address of participants, the identity of any organization represented, and the intended location and dates of canvassing activity. No fee shall be charged for such notification.

#### 854.04 PERMIT APPLICATION AND REQUIREMENTS

- (a) The application required by Section 854.03 of this chapter shall be made by filing a solicitor/peddler application form to the Mayor or designee, on a form furnished for such purpose. The form shall be completed by the registrant and it shall then contain the following information:
  - (1) The name of the applicant and the applicant's physical description.
  - (2) Business and Registrant Information.
  - (3) Vehicle information, if any.

- (4) The name and address of the person by whom the applicant is employed or for whom they are soliciting; a copy of conditionals from the employer or organization showing the exact relationship and authority of the applicant which shall be attached to the permit application.
- (5) The nature and the character of the goods to be sold or services to be furnished by the applicant or the purpose for which the funds are being collected.
- (6) The Applicant shall furnish a copy of an unexpired Driver's License, State Identification, or Passport.
- (7) If the applicant is a juvenile, in addition to providing 1. through 6. above, the applicant must also list the name(s) of his or her parent(s) and/or legal guardian(s), an emergency contact telephone number for same and provide written proof of their consent to the activity. These requirements are waived upon written proof of emancipation.
- (8) Such other information as the Mayor or designee may by rule require in order to protect the public health, safety, and/or general welfare.
- (9) BCI and FBI background checks must be completed within 30 days of application and provided with the original application. The City shall accept background checks from locations listed on the Ohio Attorney General WebCheck directory. No person shall solicit or peddle within the City who has been convicted of or pled guilty to any of the following criminal offenses:
  - (1) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any, or whether the applicant has ever had a license issued by any authority revoked and the reason for said revocation;
  - (2) Any felony violation or misdemeanor violation involving fraud or moral turpitude within the past ten (10) years;
  - (3) Any offense involving a minor;
  - (4) Any sexually-oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually-oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
  - (5) Unlawful possession of weapons within ten (10) years after conviction or guilty plea;
  - (6) Any felony drug abuse or trafficking in drugs within ten (10) years after conviction or guilty plea;
  - (7) Any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law; and
  - (8) Any other felony within ten (10) years after conviction or guilty plea.

#### 854.05 PERMIT APPLICATION FEE AND TERMS

Each registrant shall pay a non-refundable permit application fee. The fee for peddlers and solicitors shall be two hundred fifty dollars (\$250.00), payable at the time the application form is submitted to the City. The application fee shall be payable by cash, money order, or business checks. Personal checks will not be accepted.

A permit shall be valid for one year from the date issued and in no case shall a permit be issued for more than one year at a time.

#### 854.99 PENALTY

A violation by the registrant or any agent thereof of any requirement of Section 854.03 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 to the registrant and/or the organization or business represented by the registrant.

DATE:	<u>May 15, 2023</u>	1 <sup>ST</sup> READING:	<u>May 5, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>May 15, 2023</u>
REFERRED BY:	<u></u>	3 <sup>RD</sup> READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 48-2023 Amended</u>	ADOPTED:	<u>May 15, 2023</u>
		EMERGENCY:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>May 15, 2023</u>

Amended on the floor on 5-15-2023

**ORDINANCE NO. 6075-2023**

**AN ORDINANCE AMENDING CHAPTER 856 MOBILE  
FROZEN DESSERTS SALES AND DECLARING AN  
EMERGENCY.**

**WHEREAS**, City Council finds that the City’s legislation regulating Mobile Frozen Desserts Sales activity requires revision to protect and ensure the safety and quiet enjoyment of the community members, and to provide for reasonable free expression without undue restraint.

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

**SECTION 1.** Chapter 856 Mobile Frozen Desserts Sales of the North Ridgeville Codified Ordinance be amended as set forth in the document attached to this Ordinance as Exhibit A.

**SECTION 2.** That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**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, the emergency being the immediate necessity to provide for the health, safety, and welfare of the Citizens of the City of North Ridgeville. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.



PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR

## CHAPTER 856 MOBILE FROZEN DESSERTS SALES

### 856.01 DEFINITIONS

### 856.02 ENFORCEMENT

### 856.03 REQUIREMENTS FOR MOBILE FROZEN DESSERTS SALES

### 856.04 PERMIT APPLICATION AND REQUIREMENTS

### 856.05 VEHICLE REQUIREMENTS

### 856.06 PROHIBITED PLACES OF SALE

### 856.07 VIOLATIONS

### 856.08 NOISE CONTROLS

### 856.99 PENALTY

## CROSS REFERENCES

Vending from vehicles prohibited - see TRAF. 432.42

Solicitation on public streets or sidewalks prohibited - see B.R. & T. 854.02

### 856.01 DEFINITIONS

As used in this chapter:

- (a) "Frozen dessert" includes ice cream, frozen custard, water ices, sherbet, imitation ice cream, and any and all other similar frozen desserts.
- (b) "Mobile Frozen Desserts Sales" means the sale by a person moving from place to place while making, or attempting to make, the sale of frozen desserts from a vehicle or container.

### 856.02 ENFORCEMENT

The enforcement of any of the provisions of this chapter shall be the responsibility of the Mayor or designee.

- (a) Permits may be denied or revoked by the Mayor or designee for any one or more of the following reasons, or for substantially similar reasons:
  - (1) Incomplete information provided by the registrant;
  - (2) Fraud or misrepresentation contained in the 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.
- (b) A violation by the registrant or any agent thereof of any requirement of this section is punishable under Section 856.99. 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 to the registrant and/or the organization or business represented by the registrant.

#### 856.03 REQUIREMENTS FOR MOBILE FROZEN DESSERTS SALES.

- (a) All individuals employed and/or entities operating as frozen dessert vehicles for sales shall:
- (1) Be at least twenty-one (21) years of age driving the vehicle and possess a valid driver's license;
  - (2) Be at least one individual eighteen (18) years of age accompanying the driver of the vehicle to assist in the selling of the frozen desserts and the watching of pedestrian and vehicular traffic;
  - (3) Shall wear clean, washable outer garments or uniforms disclosing the name of their business thereon;
  - (4) Maintain all necessary food services licenses as required by law;
  - (5) Comply with all food service and/or health guidelines as required by law;
  - (6) Keep and maintain a valid permit from the Mayor or designee and display an approved permit in each vehicle.

#### 856.04 PERMIT APPLICATION AND REQUIREMENTS.

- (a) To obtain a permit one must file an application for Mobile Frozen Desserts Sales on a form furnished for such purpose, list all individuals operating the frozen dessert vehicle and obtain a valid permit from the Mayor or designee.
- (b) An annual fifty dollars (\$50.00) permit fee per vehicle on a calendar year basis.
- (c) One must carry a minimum of three hundred thousand dollars (\$300,000) in bodily injury and property damage insurance. Proof of such insurance shall be exhibited to the City to show that such insurance is in effect.
- (d) An inspection of the vehicle shall be made to show compliance with the vehicle requirements of this chapter.
- (e) One must possess a valid food establishment permit issued through a health district authority and proof of such permit must be provided.
- (f) The registrant shall furnish a copy of an unexpired Driver's License, State Identification, or Passport for all individuals employed and/or entities operating as frozen dessert vehicles.
- (g) BCI and FBI background checks must be completed within 30 days of application and provided with the original application for all individuals operating the frozen dessert vehicle. The City shall accept background checks from locations listed on the Ohio Attorney General WebCheck directory. No person shall operate under a mobile frozen dessert permit within the City who has been convicted of or pled guilty to any of the following criminal offenses:

- (1) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any, or whether the applicant has ever had a license issued by any authority revoked and the reason for said revocation;
- (2) Any felony violation or misdemeanor violation involving fraud or moral turpitude within the past ten (10) years;
- (3) Any offense involving a minor;
- (4) Any sexually-oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually-oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
- (5) Unlawful possession of weapons within ten (10) years after conviction or guilty plea;
- (6) Any felony drug abuse or trafficking in drugs within ten (10) years after conviction or guilty plea;
- (7) Any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law; and
- (8) Any other felony within ten (10) years after conviction or guilty plea.

#### 856.05 VEHICLE REQUIREMENTS.

- (a) All vehicles used to transport or to contain frozen desserts shall display on the vehicle thereof, in letters not less than two inches high, the name of the product or products, the manufacturer thereof, and the name of the employer.
- (b) Such vehicles shall be of commercial metal construction, properly insulated, and at all times kept and maintained in good repair and well painted, and in a clean and sanitary condition within and out.

#### 856.06 PROHIBITED PLACES OF SALE.

No sale of frozen desserts products shall occur under the following conditions:

- (a) Within 100 feet of any street intersection;
- (b) Within 500 feet of any schoolyard or play school ground during the hours when a regular or summer or play school is in session or for a period of one-half hour after the closing hour of such regular, summer, or play school;
- (c) Within 500 feet of any church or place of worship during the period when any weekend religious service is being held therein;
- (d) Before 1:00 p.m. or after sunset on Saturdays and Sundays and before 5:00 p.m. or after sunset on all other days, Mondays thru Fridays;

- (e) On any streets where the posted speed limit is in excess of 25 mph or on major thoroughfare streets.

#### 856.07 VIOLATIONS.

The following actions by a vendor of frozen desserts in the City are hereby declared to be violations and are prohibited, but this enumeration shall not be deemed to be exclusive:

- (a) Excessive canvassing or soliciting for the sale of frozen desserts in any area or upon any street by representatives of the same organization;
- (b) Failure to keep and maintain the vehicles and the containers used for the sale of frozen desserts in this City in a clean and sanitary condition at all times;
- (c) The sale of frozen desserts by a person who has a communicable disease;
- (d) The failure to maintain and satisfy the insurance requirements;
- (e) The failure to maintain and satisfy the vehicle requirements;
- (f) Any violation of the prohibitions of places of sale;
- (g) Any violation of the noise controls;
- (h) The failure to satisfy any of the requirements for mobile frozen dessert sales.

#### 856.08 NOISE CONTROLS.

No one shall engage in the business of mobile frozen dessert sales in such a manner as to create a loud voice or use any noise-producing device other than a soft chime or commit any breach of peace in soliciting the sale of the frozen desserts products.

#### 856.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor. 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 to the registrant and/or the organization or business represented by the registrant.

DATE:	<u>January 17, 2023</u>	1 <sup>ST</sup> READING:	<u>January 17, 2023</u>
INTRODUCED BY:	<u>Councilwoman Swenk</u>	2 <sup>ND</sup> READING:	<u>May 1, 2023</u>
REFERRED BY:	<u>Safety Committee Meeting</u>	3 <sup>RD</sup> READING:	<u>May 15, 2023</u>
TEMPORARY NO:	<u>T 4-2023 Amended</u>	ADOPTED:	<u>May 15, 2023</u>
		EFFECTIVE:	<u>June 14, 2023</u>

Committee meeting on 2-21-2023  
 Committee meeting on 4-17-2023  
 Committee Report to Council on 5-1-2023  
 Amended on the Floor on 5-1-2023

**ORDINANCE NO.**

**AN ORDINANCE CREATING N.R.C.O. CHAPTER 478,  
 REGULATING THE OPERATION OF LOW-SPEED AND  
 UNDER-SPEED VEHICLES AND DECLARING AN  
 EMERGENCY.**

**WHEREAS**, Ohio Revised Code Section 4511.214, Operation of low-speed, under-speed, or utility vehicles, or a mini-truck was passed January 1, 2017, regulating these types of vehicles; and

**WHEREAS**, O.R.C. Section 4511.214(C) states: “Nothing in this section shall prevent a local authority from adopting more stringent local ordinances, resolutions, or regulations governing the operation of a low-speed vehicle, or a mini-truck, or a motor-driven cycle or motor scooter; and

**WHEREAS**, it is the intent of the City Council to create a new N.R.C.O. Chapter 478, regulating the operation of low-speed and under-speed vehicles, and to be in compliance with State regulations except to permit the crossing of intersections only at such intersections in which the posted speed limit is **twenty-five miles per hour or less** and not thirty-five miles per hour or less as set forth in ORC 4511.214.

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

**SECTION 1.** N.R.C.O. Chapter 478 is hereby created for the regulation the operation of low-speed and under-speed vehicles, as follows:

**CHAPTER 478 - LOW-SPEED AND UNDER-SPEED VEHICLES.**

**478.01 Definitions.**

Low-Speed Vehicle (LSV) or under-speed vehicle means a vehicle:

- (a) that is 4-wheeled,

- (b) whose speed attainable in one mile is more than 20mph and not more than 25mph on a paved surface;
- (c) whose gross vehicle weight rating is not more than 3,000 pounds.

All LSVs must meet all U.S. federal safety standards and state/local laws

478.02 Equipment.

Low-speed and under-speed vehicles operated on the streets, highways, and public property within the corporate limits of the City of North Ridgeville, Ohio, shall have a minimum of the following functional equipment thereon:

- (a) Speedometer
- (b) At least one working rear red-colored tail light;
- (c) License plates in the front and rear of the low-speed or under-speed vehicle bracketed to the vehicle;
- (d) A light to illuminate the rear license plate and make the plate legible from a distance of 50 feet;
- (e) At least one working brake light;
- (f) Two headlights, white or clear in color;
- (g) A horn;
- (h) A rearview mirror;
- (i) A windshield;
- (j) A windshield wiper;
- (k) Turn signals;
- (l) Brakes sufficient to stop within 40 feet;
- (m) An emergency brake sufficient to hold the vehicle on any grade;
- (n) Working exhaust system if the unit has an internal combustion system;
- (o) One seat belt per occupant of the vehicle;
- (p) A child safety seat installed to manufacturer specifications for any occupant under the age of four or under 40-pounds in weight;
- (q) A child booster safety seat installed to manufacturer specifications for any occupant between the ages of four and eight or under 4'9" in height.

478.03 Licensing Requirements of Operator.

- (a) The operator of a low-speed or under-speed vehicle on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, shall have a valid driver's license.

- (b) The operator of a low-speed or under-speed vehicle on public roadways or public property in the City of North Ridgeville shall be no less than 16 years of age.

478.04 Insurance Requirement of Owner and Operator.

- (a) The owner of a low-speed or under-speed vehicle that is driven on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, shall maintain proof of financial responsibility thereon as required by the Ohio Revised Code.
- (b) The operator of a low-speed or under-speed vehicle that is driven on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, shall have in his/her possession proof of insurance while operating the low-speed or under-speed vehicle.

478.05 Inspection and Title Requirements.

- (a) No person shall operate a low-speed or under-speed vehicle on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, without first obtaining an inspection by the Chief of Police of the City of North Ridgeville, Ohio, the Lorain County Sheriff, or the law enforcement official of another jurisdiction within the State of Ohio.
- (b) No person shall operate a low-speed or under-speed vehicle on the public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, without permanently displaying a reflective triangular-shaped sticker/decals issued by the inspecting authority on the low-speed or under-speed vehicle.
- (c) No person shall operate a low-speed or under-speed vehicle on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, without first obtaining a Certificate of Title from the Clerk of Courts.
- (d) If the Chief of Police of the City of North Ridgeville, Ohio, or his/her designee, or another agent designated and approved by the State of Ohio, determines that the low-speed or under-speed vehicle complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police of the City of North Ridgeville, Ohio, shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the low-speed or under-speed vehicle on the streets within the corporate limits of the City of North Ridgeville. The owner or operator shall also show the Chief of Police of the City of North Ridgeville, Ohio, or his/her designee, proof of



liability insurance for the low-speed or under-speed vehicle before a certificate of compliance is issued. The owner or operator of any low-speed or under-speed vehicle shall be required to pay a fee in the amount of \$20.00 to the City of North Ridgeville through the Police Department of the City of North Ridgeville, Ohio, before the low-speed or under-speed vehicle may be operated on the streets of the corporate limits of the City of North Ridgeville, Ohio. Any certificate issued pursuant to this section by the Chief of Police of the City of North Ridgeville, Ohio, shall expire upon the transfer or sale of the low-speed or the under-speed vehicle. The Chief of Police of the City of North Ridgeville, Ohio, shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any low-speed or under-speed vehicle shall keep a copy of any certificate issued pursuant to this section inside the low-speed or under-speed vehicle to which it pertains. The Chief of Police of the City of North Ridgeville, Ohio, shall issue a sticker or other similar device to the owner of each low-speed or under-speed vehicle once it is inspected. The sticker shall signify compliance with this section. The owner of each low-speed or under-speed vehicle shall display the sticker in a conspicuous place on the rear of the low-speed or under-speed vehicle.

#### 478.06 Operation.

- (a) No person shall operate a low-speed or under-speed vehicle upon any street within the corporate limits of the City of North Ridgeville, Ohio, where the posted speed limit exceeds twenty-five miles per hour. An operator of a low-speed or under-speed vehicle may cross intersections only at such intersections in which the posted speed limit is twenty-five miles per hour or less. The operator of a low-speed or under-speed vehicle shall comply with all other applicable laws.

#### 478.07 Penalty.

- (a) Except as otherwise provided, whoever violates any provision of this Section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates his section is guilty of a misdemeanor of the third degree.

**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 is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the health, safety, and welfare of the Citizens of the City of North Ridgeville. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 15, 2023



---

Jason R. Jacobs  
PRESIDENT OF COUNCIL

ATTEST :



---

Nicholas Ciofani  
CLERK OF COUNCIL

APPROVED: May 18, 2023



---

Kevin Corcoran  
MAYOR