

DATE:	<u>September 18, 2023</u>	1 ST READING:	<u>September 18, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 95-2023</u>	ADOPTED:	<u>September 18, 2023</u>
		EMERGENCY:	<u>September 18, 2023</u>
		EFFECTIVE:	<u>September 18, 2023</u>

ORDINANCE NO. 6101-2023

AN ORDINANCE AMENDING ORDINANCE 6089-2023 AUTHORIZING THE MAYOR 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 2023 TRAFFIC PAINT STRIPING AND OTHER APPURTENANCES, BY INCREASING THE NOT TO EXCEED AMOUNT TO \$140,000.00, AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville Service Department has identified the need to restripe with traffic paint various streets throughout the City that are no longer meeting the appropriate standards for vehicle and pedestrian safety; and

WHEREAS, the City of North Ridgeville will award the project to the lowest and best bidder; and

WHEREAS, the City of North Ridgeville would like to increase the not to exceed amount of Ordinance 6089-2023 from \$130,000.00 to \$140,000.00, which will cover the cost of the lowest qualified bidder and give the City a small contingency for unforeseen conditions on the project.

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

SECTION 1. Ordinance 6089-2023 is hereby amended by increasing the not to exceed amount from \$130,000.00 to \$140,000.00.

SECTION 2. The cost for said project shall be paid from the appropriate fund.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to initiate the project before the onset of cold weather. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: September 18, 2023



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: Sep 22, 2023



Kevin Corcoran
MAYOR

DATE:	<u>September 18, 2023</u>	1 ST READING:	<u>September 18, 2023</u>
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TEMPORARY NO:	<u>T 96-2023</u>	ADOPTED:	<u>September 18, 2023</u>
		EMERGENCY:	<u>September 18, 2023</u>
		EFFECTIVE:	<u>September 18, 2023</u>

ORDINANCE NO. 6102-2023

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH
GO2IT GROUP FOR BACKUP AND DISASTER RECOVERY SERVICES
AT A MONTHLY COST OF \$2,227.50 AND DECLARING AN
EMERGENCY.**

WHEREAS, the City wishes to enter into a thirty-six (36) month agreement with Go2IT Group for backup and disaster recovery services by and through Datto Data Backup; and

WHEREAS, this thirty-six (36) month agreement will go into effect on the date that the product is installed.

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

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to enter into an agreement with Go2IT Group for backup and disaster recovery services by and through Datto Data Backup at a cost of \$2,227.50 per month.

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

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §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 provide secured services to the City immediately. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: September 18, 2023



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: Sep 22, 2023



Kevin Corcoran
MAYOR

PRICING AND SUPPORT ADDENDUM TO SERVICE ATTACHMENT FOR ADDED SERVICES

This Pricing and Support Addendum ("Addendum") is by and between Go2IT GROUP, ("Provider") and City of North Ridgeville ("Client"), pursuant to the terms of the Service Attachment for Managed Services (the "Service Attachment") signed by the parties on August 24, 2023. This Addendum is a part of, is subject to, and is governed by the terms of the Service Attachment.

Service Start Date and Term

The Service will begin on the date that the product is installed and will remain in force for a minimum of 3 years. Upon completion of the initial term, the service will automatically move to a month-to-month agreement, unless cancelled by client. Client may terminate the agreement at any time by paying a termination fee equal to the monthly service payments remaining on the initial term.

SUPPORT SERVICES

Datto Back and Disaster Recovery Plan

Hardware: Datto S4-E48 48 TB backup appliance. Hardware to be provided free of charge in exchange for a 3-year service agreement for the backup service.

SERVICE FEES

Customer will be billed monthly for this Service in conjunction with the Managed Services agreement. The following chart details the setup (non-recurring) and monthly (recurring) fees associated with the Service to be delivered as of the Service Start Date:

Description	Qty	Cost	Totals
Service setup (one-time, non-recurring)	1	\$0.00	\$0.00
Datto S4-E48 48 TB Backup Appliance	1	\$0.00	\$0.00
Monthly cost for Datto Backup and Disaster Recovery Service	1	\$2,227.50	\$2,227.50
Subtotal			\$2,227.50
Total			\$2,227.50

The parties, acting through their authorized officers, hereby acknowledge and accept the terms of this Addendum.

FOR
Go2IT GROUP

Signature: _____

Printed Name: _____

Title: _____

Signature Date: _____

FOR
City of North Ridgeville

Signature: _____

Printed Name: _____

Title: _____

Signature Date: _____



DATE:	<u>August 21, 2023</u>	1 ST READING:	<u>August 21, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>September 5, 2023</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>September 18, 2023</u>
TEMPORARY NO:	<u>T 84-2023</u>	ADOPTED:	<u>September 18, 2023</u>
		EMERGENCY:	<u>September 18, 2023</u>
		EFFECTIVE:	<u>September 18, 2023</u>

ORDINANCE NO. 6103-2023

AN ORDINANCE CREATING A NEW *CHAPTER 867 MASSAGE ESTABLISHMENTS* OF THE NORTH RIDGEVILLE BUSINESS REGULATION AND TAXATION CODE, AND DECLARING AN EMERGENCY.

WHEREAS, Council periodically reviews and amends the North Ridgeville Codified Ordinances to update and improve the City’s regulation of certain businesses and uses; and

WHEREAS, Council has determined that where unregulated massage establishments and similar types of businesses currently exist in the State of Ohio, there have been incidents of increased crime, prostitution, human trafficking, and related public safety violations; and

WHEREAS, Council finds that enactment of this ordinance to regulate massage establishments is a substantial government interest for the City in preserving the quality of life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of North Ridgeville; and

WHEREAS, it is the desire of Council to amend these Codified Ordinances.

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

SECTION 1. A new *Chapter 867 Massage Establishments* of the Business Regulation and Taxation Code be adopted which reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A**.

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 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: September 18, 2023



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: Sep 22, 2023



Kevin Corcoran
MAYOR

EXHIBIT A

CHAPTER 867

Massage Establishments

- 867.01 DEFINITIONS
- 867.02 LICENSE AND REGISTRATION REQUIRED
- 867.03 REGISTRATION PROCESS AND FEE
- 867.04 REGISTRATION EXPIRATION, RENEWAL AND DUTY TO UPDATE
- 867.05 REQUIREMENTS FOR MASSAGE ESTABLISHMENT
- 867.06 PROHIBITIONS
- 867.07 INSPECTIONS
- 867.08 ADMINISTRATIVE APPEAL
- 867.99 PENALTY

CROSS REFERENCES

Regulation of sexually oriented businesses – see B.R. & T. Ch. 868

Certificate of zoning compliance required – see P. & Z. 1243.02

Powers and duties of Board of Zoning and Building Appeals – see P. & Z. Ch. 1244

867.01 DEFINITIONS

For the purposes of this chapter, the words and phrases shall have the following meanings ascribed to them unless a different meaning is clearly indicated by the context:

- (a) “Client” means a person who receives a massage treatment for a fee or any consideration whatsoever.
- (b) “Director” means the North Ridgeville Director of Planning and Development or designee.
- (c) “Employee” means any person who is employed by, or renders any service at, a massage establishment for compensation. “Employee” includes a contract employee, freelance employee, temporary employee or an independent contractor.
- (d) “Exempt” means a person who provides a massage as a portion of and incidental to services in accordance with a license issued by any of the following:
 - (1) The Ohio State Cosmetology and Barber Board or its predecessors pursuant to R.C. Chapter 4709 or 4713;
 - (2) The State of Ohio Board of Nursing pursuant to R.C. Chapter 4723;
 - (3) The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board pursuant to R.C. Chapter 4755;
 - (4) The Ohio State Chiropractic Board pursuant to R.C. Chapter 4734;
 - (5) The State Medical Board of Ohio pursuant to R.C. Chapters 4730 or 4762;
 - (6) The State Medical Board of Ohio pursuant to R.C. Chapter 4731 except those licensed pursuant to R.C. § 4731.15 to practice “massage therapy.”
- (e) “Licensed” means a person who holds a current license issued by the State Medical Board of Ohio to practice “massage therapy” pursuant to and in accordance with R.C. § 4731.15.
- (f) “Massage” means the use of any method on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, pressing, compressing, percussing, stretching, rotating, heating, cooling or stimulating of, the external soft parts of a living human body, which may be performed with direct or indirect human contact, or with the aid of an apparatus, appliance or other tool or object.
- (g) “Massage establishment” means any establishment having a fixed place of business where a person or entity advertises the availability of, offers, provides or permits to be carried on, any activity related to or including the provision of a massage treatment. A “massage establishment” does not include an establishment where all persons who provide a massage are either exempt, or licensed and operating under the authority of a person who is exempt.

- (h) "Massage treatment" means providing for a fee or any consideration whatsoever any of the following services:
 - (1) Massage;
 - (2) The application of liniments, antiseptics, oils, powders, creams, lotions, ointments, hot or cold liquids or solid objects or other similar types of treatments.
- (i) "Registration certificate" means a certificate of registration issued by the City of North Ridgeville to a massage establishment.
- (j) "Specified anatomical area," "nudity" and "semi-nudity" shall have the meaning ascribed to them in Chapter 868 of the Codified Ordinances.
- (k) "Therapist" means a person who is licensed to provide a massage treatment.

867.02 LICENSE AND REGISTRATION REQUIRED

- (a) No person shall operate a massage establishment:
 - (1) Without a registration certificate for a massage establishment;
 - (2) Where a massage treatment is offered or performed by a person who is not exempt or licensed;
 - (3) Without a zoning certificate and certificate of occupancy for the massage establishment.
- (b) No person shall offer or perform a massage treatment:
 - (1) Unless such person is either exempt or licensed;
 - (2) In a massage establishment that does not have a registration certificate.

867.03 REGISTRATION PROCESS AND FEE

- (a) A person who wishes to obtain a registration certificate for a massage establishment shall submit a registration application to the Director and pay a \$75 registration fee.
- (b) The registration application shall be in a form designated by the Director and shall include all the following:
 - (1) Full legal name and current residential address of the applicant;
 - (2) The address of the proposed massage establishment;
 - (3) A list of services to be offered at the massage establishment;
 - (4) The full name of any person who will provide massage treatments at the massage establishment; and
 - (5) Sufficient information to identify the license for each therapist.
- (c) The Director shall issue a registration certificate unless the Director finds any of the following:
 - (1) The registration application is incomplete or contains inaccurate or fraudulent information.
 - (2) The license of a therapist cannot be verified.
 - (3) Within two years before the date the application is submitted, the applicant, or any therapist listed on the registration application, was the applicant for a registration certificate that was revoked or denied. Nothing herein prohibits the Director from issuing a registration certificate for a previously-denied application that has been substantially modified.
 - (4) A zoning certificate has not been issued for the massage establishment.
- (d) The Director shall send, by first class U.S. Mail addressed to the applicant, either a registration certificate or a written statement that the application was denied and the reason therefor.
- (e) Any person who has been denied a registration certificate may appeal such denial in accordance with Section 867.08.

867.04 REGISTRATION EXPIRATION, RENEWAL AND DUTY TO UPDATE

- (a) Each registration certificate shall be signed by the Director and shall contain the following information:
 - (1) The name of the applicant to whom the registration certificate is issued;
 - (2) The name and address of the massage establishment;
 - (3) The full name of each therapist identified in the application; and
 - (4) The effective date of the registration certificate.
- (b) Each registration certificate shall be valid for two years from the date it is issued.

- (c) A person who operates a massage establishment shall notify the Director when a new therapist begins working at the massage establishment. The notice shall be received by the Director no more than 15 days after the first day the therapist provides a massage treatment in the massage establishment.
- (d) No more than 90 days nor less than seven days before expiration of the registration certificate, the applicant shall submit a new registration application and pay the fee in accordance with Section 867.03.
- (e) A registration certificate shall not be transferrable. If ownership or operation of massage establishment transfers, the registration certificate shall automatically expire.

867.05 REQUIREMENTS FOR MASSAGE ESTABLISHMENT

Every person who owns, operates, manages or supervises a massage establishment, or who otherwise causes a massage establishment to be operated, shall assure all the following:

- (a) The registration certificate is displayed in a conspicuous location readily visible to a person entering the massage establishment through a public entrance;
- (b) Compliance with all the following:
 - (1) Applicable regulations issued by Lorain County Public Health;
 - (2) Applicable provisions of R.C. §§ 4713.08, 4731.15, and 4734.10;
 - (3) The Codified Ordinances of the City of North Ridgeville;
- (c) All tables and surfaces in the massage establishment are clean and disinfected;
- (d) Clean linen, towels and other materials are provided in connection with any massage treatment;
- (e) Massage treatments provided in the massage establishment are provided only by therapists;
- (f) Employees permit and cooperate in any inspections provided for in this chapter.

867.06 PROHIBITIONS

- (a) No person who owns, operates, manages or supervises the operation of a massage establishment shall do any of the following:
 - (1) Allow any employee or any therapist to appear in any state of undress, to wear transparent clothing or clothing that otherwise reveals a specified anatomical area;
 - (2) Allow any employee or therapist to provide a massage treatment to a client who is in a state of nudity, a state of semi-nudity or who reveals a specified anatomical area.
- (b) No person shall do any of the following:
 - (1) Advertise or offer massage treatments or a related service unless they are exempt or are licensed to provide such massage treatments;
 - (2) Appear in a massage establishment in any state of undress, transparent clothing or clothing that otherwise reveals a specified anatomical area;
 - (3) Provide a massage treatment to a client who is in a state of nudity, a state of semi-nudity or who reveals a specified anatomical area.
- (c) No person shall place, publish, distribute or cause to be placed, published or distributed any advertising material using sexual or provocative words or images.
- (d) No person shall advertise massage treatment services with the suggestion or promise of a sexual service or activity.
- (e) Nothing in this section shall prohibit a massage therapist from providing a massage treatment to a client who is in a state of undress or who reveals a specified anatomical area provided that the massage therapist shall not engage in sexual misconduct as defined in Ohio Administrative Code 4731-26-01(H).

867.07 INSPECTIONS

- (a) Any city building inspector or police officer (hereinafter "code enforcement officer") may enter the public entrance of a massage establishment without notice during all hours of operation for the purpose of verifying that a valid registration certificate is displayed in accordance with this chapter.

- (b) In accordance with constitutional provisions governing searches, any code enforcement officer shall have the authority to enter all massage establishments within the City during all hours of operation to conduct an inspection, to investigate or to perform the duties imposed upon the code enforcement officer by this chapter. The code enforcement officer shall present credentials and request entry. If entry is refused, the code enforcement officer may obtain a search warrant in accordance with R.C. § 2933.21.

867.08 ADMINISTRATIVE APPEAL

867.99 PENALTY

- (a) Whoever violates any provision of Section 867.02 or Section 867.04 shall be guilty of a minor misdemeanor.
- (b) Except as otherwise provided in division (a) of this section, whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.
- (c) If the offender previously was convicted of any provision of this chapter within the past three years, the offense is a misdemeanor of the first degree.
- (d) In addition to any penalty set forth in divisions (a) through (c) above, the Director may revoke a registration certificate of a massage establishment for a violation of any provision of this chapter.