

March 21, 2014

A Special Meeting of the Bay Village City Council will be held on **Monday, March 24, 2014, immediately following the Committee meeting of Council at 7:30 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on the items listed below:

1. Pledge of Allegiance to the Flag/Mr. Lee
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Special Meeting of Council held March 10, 2014
Clark
5. **Motion** to approve the minutes of the Cahoon Memorial Park Trustees meeting held March 10, 2014
Clark

FIRST READING AND CONSIDERATION FOR ADOPTION:

6. **Ordinance** authorizing the Mayor to enter into an Agreement with Lafarge North America for street resurfacing material and services, and declaring an emergency
Tadych
7. **Ordinance** authorizing the Mayor to enter into an Agreement with Allied Corporation, Inc., for Street Resurfacing Material and Services, and declaring an emergency
Tadych
8. **Ordinance** authorizing the Mayor to enter into an Agreement with Westview Concrete, Inc. for the furnishing of Ready Mix Concrete, and declaring an emergency
Tadych
9. **Ordinance** authorizing the Mayor to enter into an Agreement with Dura Mark, Inc. for the 2014 Pavement Marking and Striping program, and declaring an emergency
Tadych
10. **Resolution** authorizing the filing of an application and authorizing the Mayor to enter into an agreement with the Ohio Environmental Protection Agency- Division of Surface Water for the purpose of acquiring funds through the Surface Water Improvement Fund Grant, and declaring an emergency
Tadych
11. **Resolution** authorizing the participation in the Ohio Department of Transportation's Contract for Sodium Chloride for the 2014-2015 Winter Season, and declaring an emergency
Vincent
12. **Ordinance** amending Section 1 Of Ordinance 14-29 regarding Rates of Compensation for the Officers and Employees of the General Administration Department and those employees of the city not covered by Separate Labor Contract for the Calendar Year 2014 and thereafter, and declaring an emergency
Clark

SECOND READING:

13. **Ordinance No. 14-28** amending Codified Ordinance No. 921.02(a) Sewer Rental Rates, and Declaring an Emergency
Clark (First Reading 3-10-14)

THIRD READING:

- 14. Ordinance No. 14-11** Authorizing The Adoption Of New Codified Ordinance Chapter No. 377 Concerning Bicycles For Increased Safety For Motor Vehicles And Bicyclists In The City Of Bay Village, And Declaring An Emergency*Lee*.(Amended) (First Reading March 3, 2014) (Second Reading March 10, 2014)
- 15. Ordinance No. 14-12** Amending Codified Ordinance 331.03 Regarding Vehicles Overtaking, Passing To Left; Drivers Duties, and Declaring an Emergency.*Lee* (First Reading March 3, 2014) (Second Reading March 10, 2014)
- 16. Ordinance No. 14-13** Amending Codified Ordinance 331.10 Regarding Vehicles Turning at Intersections, and Declaring an Emergency*Lee* (First Reading March 3, 2014) (Second Reading March 10, 2014)
- 17. Ordinance No. 14-14** Amending Codified Ordinance 301.04 Regarding “Bicycle; Motorized Bicycle” of the Traffic Code of the City of Bay Village, and Declaring an Emergency*Lee*. (Amended) (First Reading March 3, 2014) (Second Reading March 10, 2014)
- 18. Ordinance No. 14-15** Amending Codified Ordinance 301.51” “Vehicle” of the Traffic Code of the City of Bay Village, and Declaring an Emergency.*Lee* (First Reading March 3, 2014) (Second Reading March 10, 2014)
- 19. Ordinance No. 14-16** Amending Codified Ordinance 351.08 “Opening Vehicle Door on Traffic Side” of the Traffic Code of the City of Bay Village, and Declaring an Emergency.*Lee* (First Reading March 3, 2014) (Second Reading March 10, 2014)
- 20. Ordinance No. 14-20** Providing For The Issuance And Sale Of \$1,000,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of (I) Improving Streets By Resurfacing, Paving And Making Other Improvements As Designated In The Plans Approved Or To Be Approved By Council, (Ii) Improving The City’s Parks And Recreational Facilities By Improving Basketball And Tennis Courts, Aquatic And Related Facilities And Their Sites, (Iii) Renovating And Otherwise Improving City Hall, (Iv) Renovating And Otherwise Improving The City’s Service Garage And (V) Improving The City’s Community House By Installing A New Fire Alarm System, And Declaring An Emergency.*Clark*(First Reading March 3, 2014) (Second Reading March 10, 2014)
- 21. Ordinance No. 14-21** Providing For The Issuance And Sale Of \$525,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Improving Streets By Resurfacing, Paving And Making Other Improvements As Designated In The Plans Approved Or To Be Approved By Council, And Declaring An Emergency.*Clark*(First Reading March 3, 2014) (Second Reading March 10, 2014)
- 22. Ordinance No. 14-22** Providing For The Issuance And Sale Of \$340,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Motor Vehicles And Equipment And Acquiring And Installing A Work Order System For Use In Performing The Functions Of The City’s Department Of Public Services And Properties, And

Declaring An Emergency.*Clark* (First Reading March 3, 2014) (Second Reading March 10, 2014)

23. Ordinance No. 14-23 Providing For The Issuance And Sale Of \$133,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Motor Vehicles And Equipment For Use In Performing The Functions Of The City's Police Department, And Declaring An Emergency.*Clark* (First Reading March 3, 2014)

24. Ordinance No. 14-24 Providing For The Issuance And Sale Of \$129,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Improving The City's Parks And Recreational Facilities By Constructing And Improving Lighting Facilities At Hartman Field, And Declaring An Emergency.*Clark* (First Reading March 3, 2014) (Second Reading March 10, 2014)

25. Ordinance No. 14-25 Providing For The Issuance And Sale Of \$90,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Office Equipment For Use In Performing The Administrative Functions Of The City, And Declaring An Emergency.*Clark* (First Reading March 3, 2014) (Second Reading March 10, 2014)

26. Ordinance No. 14-26 Providing For the Issuance and Sale Of \$60,000 Of Notes, In Anticipation of the Issuance of Bonds, For The Purpose Of Paying Costs of Acquiring a Bus for Use in Performing the Functions of the City's Department Of Community Services, And Declaring An Emergency. *Clark* (First Reading March 3, 2014) (Second Reading March 10, 2014)

27. Ordinance No. 14-27 Providing For The Issuance And Sale Of \$43,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring A Motor Vehicle And Equipment For Use In Performing The Functions Of The City's Fire Department, And Declaring An Emergency.*Clark*(First Reading March 3, 2014) (Second Reading March 10, 2014)

28. MISCELLANEOUS

Town Hall Meeting, March 31, 2014, 7:30 p.m. Dwyer Memorial Center

29. Adjournment

Paul A. Koomar
President of Council

Charter Reference 2.11

Agenda
Special Meeting of Council
March 24, 2014

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:28 p.m.

March 10, 2014

Paul A. Koomar, President of Council, Presiding

Present: Clark, Henderson, Koomar, Lee, Vincent, Mayor Sutherland

Absent: Mr. Tadych, due to illness; Mrs. Lieske, vacation

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Community Services Director Bock, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Russell Thompson, Denny and Tara Wendell, Conda Boyd, Marty Mace, Ted Vovos, Carl Gonzalez, Ernie Minichello, Lawrence Kuh, Patrick McGannon, Peg Ludwig, Jerrie Barnett, Liese Nainiger, Kent Silverberg, Mike O'Boyle, Warren Remein, Susan Murnane

President of Council Koomar called the meeting to order at 8:28 p.m. with a roll call and Pledge of Allegiance led by Councilman-at-large Dwight Clark.

Mr. Patrick McGannon expressed appreciation to and acknowledged all those who came in support of the amendments to the bicycle legislation. Mr. McGannon stated that he will again address single-file riding, pointing out that the State of Ohio and the Northeast Ohio Areawide Coordinating Agency (NOACO) create educational material that is used at the Village Bicycle Cooperative and also used around the county and the state. This material talks about the uniform rules of the road for bikes. Mr. McGannon would like to stress the importance of keeping things uniform and along those lines riding two-abreast is permitted in the state guidelines. Mr. McGannon read into the record the following letter from Mr. Jacob VanSickle, Executive Director of Bike Cleveland dated March 10, 2014.

“TO: Bay Village City Council

March 10, 2014

RE: Bay Village Bike Ordinance Revisions

Dear Bay Village City Council Members

Enclosed you will find a petition signed by over 222 area cyclists urging you to remove the provision requiring people on bikes to ride single-file on Lake Road in Bay Village's updated bike ordinances. The lanes on Lake Road are too narrow to share with a motor vehicle. Riding two abreast is allowed by state law and increases visibility of and communication among riders who choose to do so. Furthermore, having non-uniform road rules makes it confusing for road

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users. Local laws for operating a vehicle should not conflict with state laws.

A pedestrian and bicycle-friendly community provides people-to-people connections, instills in its citizens a sense of pride, belonging, and socialization, and has been shown to increase the overall residential health and economic vitality of the area.

Let's get these laws right, the safety of people who ride bikes in the community is at stake.

Sincerely,

Jacob VanSickle, Executive Director”

Mr. Warren Remein asked permission to read the following statement:

“I believe it is increasingly important to promote awareness of gasoline consumption in Bay Village. Bikes do not emit carbon dioxide. They are a healthier alternative for our air and lungs and go way beyond recreation, although they certainly contribute to well-being. Twenty years ago I saw Share the Road with Bike signs in Golden, Colorado. I am glad to finally see some signs in Bay Village. When I see the Share the Road signs it is a good reminder that bikes are welcome. Many cities in Ohio have bike friendly status that adds to the attractiveness of the city and attracts younger families and increases property values. As a resident I would like to see our city become a Bike Friendly City, but to do that we must recognize and be in conformity to common accepted standards. Bay is a special place but I am not sure it is so special if everything we have to do has to be different with special, additional regulations. I ask you to accept the changes that have been proposed without special regulations. I believe bikes must have full access to the road, and as I understand it that has been written into the regulations, and I appreciate that. Thank you. I hope that Bay can find the money to install Share Arrows at regular intervals for the entire length of Wolf and Lake Roads as a continuous reminder that we all share the roads. I believe this will improve safety much more than helmets or mirrors. I cannot use mirror on a helmet due to multiple lenses that will not focus on a mirror that's up here. I tried mirrors on my bike and to be honest they keep breaking. I always wear a helmet and wish everybody would, but you are going to have people that ride in from other cities that are not going to be wearing helmets. It would just be causing conflict asking for an ordinance which really should be enforced. We should all be on the same playing field because there are safe driving standards and bikes are equally as important as motor vehicles. I hope we clearly communicate this in our laws, enforcement and signage. I do want to thank the city legal staff and their consultants, the City Council members, Clerk, and also the Bike and Skate Group and the Village Bicycle Cooperative for the meetings and hours in making Bay a much better place to live.”

Lawrence Kuh stated the importance of the Bike Friendly City Designation. Mr. Kuh wants everyone to be aware that they will certainly support whatever decision Council makes 100%, but it has been brought to their attention by the American League of Cyclists that if we don't have uniformity on the two-abreast on Lake Road we will not get the designation as a Bike Friendly Community. Mr. Kuh's concern as one of the primary leaders and one of the sponsor groups is that he is one that would really give a significant effort to pursue grant money for the

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city for the bicycling cause. Without that designation he is not certain but thinks we would decrease our chances for grant money. If we did open it to two-abreast on Lake Road it would add uniformity and potentially open us for potential grant money.

Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held March 3, 2014. It was **MOVED** by **Mr. Clark** to approve the minutes of March 3, 2014 as prepared and distributed. Motion carried 5-0.

Mr. Clark introduced **Ordinance No. 14-28** amending Codified Ordinance No. 921.02(a) Sewer Rental Rates, and Declaring an Emergency, amending by reading that the Single Family User Class will read \$335.00 rather than \$325.00.

Mr. Koomar announced that Ordinance No. 14-28 is placed on First Reading.

Mr. Clark introduced **Ordinance No. 14-29** Amending Section 1 Of Ordinance 14-06 Regarding Rates Of Compensation For The Officers And Employees Of The General Administration Department And Those Employees Of The City Not Covered By Separate Labor Contract For The Calendar Year 2014 And Thereafter, And Declaring An Emergency, and moved for adoption.

Mr. Koomar expressed appreciation to Service Director Thomas for reorganizing his team so that we are proactively focusing more on some of these issues, and that this will be a benefit to the city.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-29.

Roll Call on Suspension of Charter Rules:
Yeas- Clark, Henderson, Koomar, Lee, Vincent
Nays-None

Roll Call on Suspension of Council Rules:
Yeas –Clark, Henderson, Koomar, Lee, Vincent
Nays–None

Roll Call on Use of the Emergency Clause:
Yeas –Clark, Henderson, Koomar, Lee, Vincent
Nays -None

Roll Call on Adoption:
Yeas–Clark, Henderson, Koomar, Lee, Vincent
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-29, an emergency measure, by a vote of 5-0.

Mr. Lee introduced **Ordinance No. 14-30** Authorizing the Mayor to Enter into an Agreement with Cuyahoga County Department of Public Works for Bridge Inspections, and declaring an emergency, and moved for adoption.

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There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-30.

Roll Call on Suspension of Charter Rules:
Yeas- Henderson, Koomar, Lee, Vincent, Clark
Nays-None
Roll Call on Suspension of Council Rules:
Yeas –Henderson, Koomar, Lee, Vincent, Clark
Nays–None
Roll Call on Use of the Emergency Clause:
Yeas –Henderson, Koomar, Lee, Vincent, Clark
Nays -None
Roll Call on Adoption:
Yeas–Henderson, Koomar, Lee, Vincent, Clark
Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-30, an emergency measure, by a vote of 5-0.

Mr. Lee read by title only **Ordinance No. 14-11** Authorizing The Adoption Of New Codified Ordinance Chapter No. 377 Concerning Bicycles For Increased Safety For Motor Vehicles And Bicyclists In The City Of Bay Village, And Declaring An Emergency***Lee***. (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-11 is placed on Second Reading.

Mr. Lee read by title only **Ordinance No. 14-12** Amending Codified Ordinance 331.03 Regarding Vehicles Overtaking, Passing To Left; Drivers Duties, and Declaring an Emergency.***Lee*** (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-12 is placed on Second Reading.

Mr. Lee read by title only **Ordinance No. 14-13** Amending Codified Ordinance 331.10 Regarding Vehicles Turning at Intersections, and Declaring an Emergency***Lee*** (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-13 is placed on Second Reading.

Mr. Lee read by title only **Ordinance No. 14-14** Amending Codified Ordinance 301.04 Regarding “Bicycle; Motorized Bicycle” of the Traffic Code of the City of Bay Village, and Declaring an Emergency***Lee***. (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-14 is placed on Second Reading.

Mr. Lee read by title only **Ordinance No. 14-15** Amending Codified Ordinance 301.51” “Vehicle” of the Traffic Code of the City of Bay Village, and Declaring an Emergency.***Lee***

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(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-15 is placed on Second Reading.

Mr. Lee read by title only **Ordinance No. 14-16** Amending Codified Ordinance 351.08 “Opening Vehicle Door on Traffic Side” of the Traffic Code of the City of Bay Village, and Declaring an Emergency.*Lee* (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-16 is placed on Second Reading.

Mr. Lee stated that since these ordinances were placed on first reading there has been feedback about requiring helmet usage as well as mandating the use of mirrors, on Lake Road in particular. At this point those items will not be incorporated but are suggestions that are valuable for discussion. Mr. Lee appreciates those suggestions coming forward.

Mr. Clark read **Ordinance No. 14-17** To Authorize the Mayor to enter Into An Extension Of The Lease Agreement With Kiddie Kollege, Inc., For The Real Estate Located At 27400 Wolf Road Referred To As “Bayway Cabin”, And declaring an emergency, and moved for adoption.

Mayor Sutherland stated that Kiddie Kollege has been very good tenants and it still is a win-win-win for the kids, for the city, and for the Kiddie Kollege.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-17.

Roll Call on Suspension of Charter Rules:

Yeas- Koomar, Lee, Vincent, Clark, Henderson

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Koomar, Lee, Vincent, Clark, Henderson

Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Koomar, Lee, Vincent, Clark, Henderson

Nays -None

Roll Call on Adoption:

Yeas–Koomar, Lee, Vincent, Clark, Henderson

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 14-17, an emergency measure, by a vote of 5-0.

Mr. Clark read by title only **Ordinance No. 14-20** Providing For The Issuance And Sale Of \$1,000,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of (I) Improving Streets By Resurfacing, Paving And Making Other Improvements As Designated In The Plans Approved Or To Be Approved By Council, (Ii) Improving The City’s Parks And Recreational Facilities By Improving Basketball And Tennis Courts, Aquatic And

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Related Facilities And Their Sites, (Iii) Renovating And Otherwise Improving City Hall, (Iv) Renovating And Otherwise Improving The City's Service Garage And (V) Improving The City's Community House By Installing A New Fire Alarm System, And Declaring An Emergency.***Clark***(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-20 is placed on Second Reading.

Mr. Clark read by title only **Ordinance No. 14-21** Providing For The Issuance And Sale Of \$525,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Improving Streets By Resurfacing, Paving And Making Other Improvements As Designated In The Plans Approved Or To Be Approved By Council, And Declaring An Emergency.***Clark***(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-21 is placed on Second Reading.

Mr. Clark read by title only **Ordinance No. 14-22** Providing For The Issuance And Sale Of \$340,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Motor Vehicles And Equipment And Acquiring And Installing A Work Order System For Use In Performing The Functions Of The City's Department Of Public Services And Properties, And Declaring An Emergency.***Clark*** (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-22 is placed on Second Reading.

Mr. Clark read by title only **Ordinance No. 14-23** Providing For The Issuance And Sale Of \$133,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Motor Vehicles And Equipment For Use In Performing The Functions Of The City's Police Department, And Declaring An Emergency.***Clark*** (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-23 is placed on Second Reading.

Mr. Clark read by title only **Ordinance No. 14-24** Providing For The Issuance And Sale Of \$129,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Improving The City's Parks And Recreational Facilities By Constructing And Improving Lighting Facilities At Hartman Field, And Declaring An Emergency.***Clark*** (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-24 is placed on Second Reading.

Mr. Clark read by title only **Ordinance No. 14-25** Providing For The Issuance And Sale Of \$90,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring Office Equipment For Use In Performing The Administrative Functions Of The City, And Declaring An Emergency.***Clark*** (First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-25 is placed on Second Reading.

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Mr. Clark read by title only **Ordinance No. 14-26** Providing For the Issuance and Sale Of \$60,000 Of Notes, In Anticipation of the Issuance of Bonds, For The Purpose Of Paying Costs of Acquiring a Bus for Use in Performing the Functions of the City's Department Of Community Services, And Declaring An Emergency. *Clark* (First Reading March 3, 2014)
Mr. Koomar announced that Ordinance No. 14-26 is placed on Second Reading.

Mr. Clark read by title only **Ordinance No. 14-27** Providing For The Issuance And Sale Of \$43,000 Of Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Paying Costs Of Acquiring A Motor Vehicle And Equipment For Use In Performing The Functions Of The City's Fire Department, And Declaring An Emergency. *Clark*(First Reading March 3, 2014)

Mr. Koomar announced that Ordinance No. 14-27 is placed on Second Reading.

Mr. Koomar noted that Ordinance No. 14-20 is the only item that is a reissuance of funding from 2013. Mr. Clark affirmed Mr. Koomar's statement, noting that the original financing was \$1,250,000. We will use available resources to pay down \$250,000 down to \$1,000,000. It will be treated as though it were a five-year financing for those capital assets. Both will be rolled into one new note and a good interest rate should be received based on the fine work that the administration is doing with the city finances.

Mr. Vincent read by title only **Ordinance No. 13-131** amending Codified Ordinance Chapter 1322 regarding Residential Code of Ohio for One-, Two- and Three-Family Dwellings (Second Reading March 3, 2014) (First Reading December 16, 2013), and declaring an emergency and moved for adoption.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 13-131.

Roll Call on Use of the Emergency Clause:

Yeas –Lee, Vincent, Clark, Henderson, Koomar

Nays -None

Roll Call on Adoption:

Yeas–Lee, Vincent, Clark, Henderson, Koomar

Nays–None.

Mr. Koomar announced adoption of Ordinance No. 13-131, an emergency measure, by a vote of 5-0.

Motion by **Vincent** to authorize the Service Director to advertise for bids for a Decanting Station at the Service Garage.

Motion carried 5-0.

Motion by **Vincent** to remove the Fence Regulations for Lakefront Yards from Matters Pending before Council Committee.

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Motion carried 5-0.

There being no further business to discuss, the meeting adjourned at 8:48 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

CITY OF BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

March 10, 2014

President of Council Paul Koomar called the meeting to order at 8:48 p.m. in the Council Chambers of Bay Village City Hall.

Present: Clark, Henderson, Koomar, Lee, Vincent, Mayor Sutherland

Absent: Mr. Tadych, illness; Mrs. Lieske, vacation

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Community Services Director Bock, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Russell Thompson, Denny and Tara Wendell, Conda Boyd, Marty Mace, Ted Vovos, Carl Gonzalez, Ernie Minichello, Lawrence Kuh, Patrick McGannon, Peg Ludwig, Jerrie Barnett, Liese Nainiger, Kent Silverberg, Mike O'Boyle, Warren Remein, Susan Murnane

Motion by **Henderson** to approve the extension of the lease of the Bayway Cabin to Kiddie Kollege, Inc.

Motion passed 6-0.

Motion by **Henderson** to approve the use of Cahoon Memorial Park for Memorial Day Services on May 26, 2014 by the American Legion Post No. 385. Proof of insurance has been received.

Motion passed 6-0.

There being no further business to come before the Cahoon Memorial Park Trustees, the meeting adjourned at 8:50 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LAFARGE
NORTH AMERICA FOR STREET RESURFACING MATERIAL AND SERVICES,
AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor be and she is hereby authorized to enter into an agreement with LaFarge North America, 10325 State Route #43, Unit F, Streetsboro Ohio, 44241, for the purchasing of street resurfacing materials and services for the period of one year. The prices are as follows:

AGGREGATE AND OTHER GRANULAR MATERIAL FOR ROAD MAINTENANCE

		<u>Delivery to Locations Within City Limits</u>
#1 Limestone	Per Ton	\$18.00
#57 Limestone	Per Ton	18.25
#8 Limestone	Per Ton	18.80
#10 Limestone	Per Ton	14.90
#304 Limestone	Per Ton	14.50
Fill Sand	Per Ton	18.05

Deliveries to be made in 15 ton minimum loads and 25 ton maximum loads.

The bid of said Company is hereby determined to be the lowest and best bid received after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

Ordinance No.

LaFarge - Aggregate

-2

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

3/20/14 II

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ALLIED CORPORATION, INC., FOR STREET RESURFACING MATERIAL AND SERVICES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor be and she is hereby authorized to enter into an agreement with Allied Corporation, 8920 Canyon Falls Boulevard, Suite 120, Twinsburg, Ohio, 44087, for the purchasing of street resurfacing materials and services for the period of one year. The prices are as follows:

PATCHING MATERIALS FOR ROAD MAINTENANCE

	<u>Plant #76 - W. 3rd St</u>	<u>Plant #77 -W. 150th</u>
Type 301 - Called for at plant. F.O.B.	\$49.50/Ton	\$49.50/Ton
Type 448 - Called for at plant. F.O.B.	\$60.50/Ton	\$60.50/Ton

The bid of said Company being hereby determined to be the lowest and best bid received after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR
3/20/14 ll

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
WESTVIEW CONCRETE FOR THE FURNISHING OF READY MIX CONCRETE,
AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor be and she is hereby authorized to enter into an agreement with Westview Concrete 26000 Sprague Rd., Olmsted Falls, Ohio 44138, for the furnishing of ready mix concrete for various streets within the City of Bay Village for the period of one year. The prices are as follows:

1-3-5 mixture (4.5 sacks cement)	\$75.00 Cu. Yd.
Class C (O.D.O.T. specs)	\$81.00 Cu. Yd.
Added cost for residential fiber (1 lb. per yard)	\$6.00 Yard
Added cost for commercial fiber (1.5 lb. per yard)	\$8.50 Yard
Added cost for Hi Early strength concrete	\$6.00 Cu. Yd.
Added cost for loads below minimum	1-2.75 yards \$110.00 3-3.75 yards \$75.00 4-4.75 yards \$55.00 5-5.75 yards \$45.00 6-7.75 yards \$35.00

Additional stop charges and/or demurrage time - \$15.00/stop, \$1.25/minute after 10 minutes per yard. Maximum 60 minutes per load.

Normal delivery hours 7:00 A.M. to 3:30 P.M.

Additional cost for delivery other than regular business hours - \$45.00 per load

Additional cost for delivery on Saturday - \$45.00/load (7:00 a.m.-12:00 p.m.)

Dry Clean Up: \$60.00 per load

Winter Heat November 1-April 30: \$6.00 per yard

the bid of said Company being hereby determined to be the lowest and best bid received after advertising according to law. The agreement shall be in a form approved by the Director of Law, and the Director of Finance is hereby authorized and directed to pay said contract price from funds appropriated for the purpose.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide ready mix concrete for road surface treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
DURA MARK, INC., FOR THE 2014 PAVEMENT MARKING & STRIPING
PROGRAM, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor be and she is hereby authorized to enter into an agreement Dura Mark, Inc., 11384 Chamberlain Road, Aurora, Ohio 44202, for the 2014 Pavement Marking & Striping Program in accordance with plans and specifications, it being hereby determined that the bid of said company is the best bid received after advertising according to law. Total bid price for said improvement is Twenty Thousand, One Hundred Nineteen and 90/100 (\$20,119.90) and payment shall be made from the Street Maintenance and Repair Fund/Road Striping (270.310.54750).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason to provide road striping treatments, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11 03-21-14

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE FILING OF AN APPLICATION AND AUTHORIZING
THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO
ENVIRONMENTAL PROTECTION AGENCY-DIVISION OF SURFACE WATER
FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE SURFACE WATER
IMPROVEMENT FUND GRANT,
AND DECLARING AN EMERGENCY.**

WHEREAS, the purpose of the 2014 Surface Water Improvement Fund Grant (SWIF) is to address nonpoint source pollution and/or storm water runoff and improve water quality in Ohio's streams, rivers and lakes; and

WHEREAS, the funds from this Grant will be used for a Green Parking Lot project at City Hall; and

WHEREAS, the Green Parking Lot project at City hall will help to reduce storm water runoff and non-point pollution, reduce aquatic life impacts in Lake Erie, and educate citizens and visitors to Bay Village about viable, sustainable storm water management alternatives; and

WHEREAS, the deadline for the 2014 application for said Grant is April 11, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1: That Council hereby authorizes the filing of an application for an amount not to exceed One Hundred and Twenty Thousand Dollars (\$120,000.00), and if awarded, to enter into an Agreement with the Ohio Environmental Protection Agency-Division of Surface Water to administer the 2014 Surface Water Improvement Fund Grant, and that the Mayor is authorized to sign said Agreement.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

3/21/14 II

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE PARTICIPATION IN THE OHIO DEPARTMENT OF
TRANSPORTATION'S CONTRACT FOR SODIUM CHLORIDE FOR THE
2014-2015 WINTER SEASON, AND DECLARING AN EMERGENCY.**

WHEREAS, Section 5513.01 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles; and

WHEREAS, the completed Participation Agreement and Resolution is due on Tuesday, April 8, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village Ohio:

SECTION 1. That the Director of Public Service and Properties is hereby authorized in the name of the City of Bay Village to participate in the Ohio Department of Transportation's contract for Sodium Chloride and agrees:

- (1) To purchase a minimum of 80 percent up to 120 percent of the estimated salt tonnage requirements indicated below, exclusively from the vendor awarded the sodium chloride contract for Cuyahoga County.
- (2) To be bound by the terms and conditions of the contract.
- (3) To be responsible for payment directly to the vendor for the quantities purchased under the contract.
- (4) To hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01 (b).

Minimum Order = 1 truckload/22 tons without piler or 200 tons with piler

<u>Stockpile Location</u>	<u>Stockpile Capacity</u>	<u>Tons Required (estimated)</u>
Bay Village Service Center	2400 tons	1500 tons

SECTION 2. That the City of Bay Village is an intended beneficiary under this contract and is a real party in interest with the capacity to sue and be sued in their own name without joining the State of Ohio, Ohio Department of Transportation.

By signing and returning this agreement, the City will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. The City of Bay Village cannot change its position during this contract period.

Termination of participation is effective upon the expiration date of the contract. Failure of the City of Bay Village to purchase its requirements from the awarded vendor shall invalidate participation for the following winter season.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any committee that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to submit the participating agreement prior to the May cutoff date, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11 3-21-14

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 1 OF ORDINANCE 14-29 REGARDING RATES OF
COMPENSATION FOR THE OFFICERS
AND EMPLOYEES OF THE GENERAL ADMINISTRATION DEPARTMENT AND
THOSE EMPLOYEES OF THE
CITY NOT COVERED BY SEPARATE LABOR CONTRACT FOR THE CALENDAR
YEAR 2014 AND THEREAFTER,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That March 17, 2014 the compensation to be paid to the officers and employees of the GENERAL ADMINISTRATION DEPARTMENT and those employees not covered by separate labor contract shall be:

	January 1, 2014 and thereafter	March 17, 2014 and thereafter
1. Director of Finance	\$91,555	\$91,555
2. Assistant Finance Director	66,385	66,385
3. Accounts Payable Coordinator	17.23 – 19.73 per hour	17.23 – 19.73 per hour
4. Part-time Clerical	11.45 – 15.60 per hour	11.45 – 15.60 per hour
5. Director of Law	70,878	70,878
6. Assistant to Law Director	20.89 per hour	20.89 per hour
7. Prosecutor	33,257	33,257
8. Dir. Public Service & Properties	88,740	88,740
9. Assistant Service Director	81,151	0
10. General Foreman	71,985	71,985
11. Supervisor	74,005	74,005
11. Sewer Collections Foreman		\$58,000

12. Infrastructure Manager	56,265	\$63,000
13. Projects Coordinator		\$30/hr
14. Part-time	7.95 – 16.88 per hour	7.95 – 16.88 per hour
15. Seasonal	7.95 – 16.31 per hour	7.95 – 16.31 per hour
16. Director of Recreation	71,923	71,923
17. Asst. Recreation Director	42,289	42,289
18. Assistant to Mayor	44,617	44,617
19. Clerk of Council	49,225	49,225
20. Fire Chief	98,886	98,886
21. Police Chief	98,886	98,886
22. Deputy Police Officer		
Start	22.43 per hour	22.43 per hour
After 2080 hours	24.93 per hour	24.93 per hour
After 4160 hours	28.25 per hour	28.25 per hour
After 6240 hours	32.19 per hour	32.19 per hour
23. School Guard	9.61 – 13.89 per hour	9.61 – 13.89 per hour
24. Jailer/Matron	13.89 per hour	13.89 per hour
25. Director of Community Services	63,659	63,659
26. Senior Van Driver	8.94 – 12.30 per hour	8.94 – 12.30 per hour

The individual who may serve pro-tem as Secretary to Council or as Secretary to Planning Commission, Board of Zoning Appeals, Recreation Commission, Civil Service Commission, Architectural Board of Review, Tree Commission or Charter Review Committee

shall be paid fifty dollars (\$50.00) for the first two hours of attendance and his or her hourly rate thereafter per regular or special meeting attended in lieu of wages.”

and present Section 1 of Ordinance 14-29 is hereby repealed.

SECTION 2. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide for compensation in conformance with agreements reached during labor negotiations and to secure adequate personnel for the City’s needs, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ORDINANCE NO. 14-28
INTRODUCED BY: Mr. Clark

First Reading 3-10-14 Amended by
Reading (See * below)

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE 921.02 REGARDING SEWER
RENTAL RATES, AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 921.02 which presently reads as follows:

“921.02 RENTAL RATES.

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City’s water system or any other public or private water system and which are capable of being connected to the City’s sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

Annual User Charge Including Operating, Repair, Maintenance and Improvement

	Rates in Effect for:	<u>1/1/2013 & Thereafter</u>
<u>User Class</u>		
(a)	Single-family	<u>\$260.00/yr</u>
(b)	Double-family	<u>345.00/yr</u>
(c)	Apartments	
	2 bedroom or more	<u>171.00/yr</u>
	1 bedroom or less	<u>104.00/yr</u>
(d)	Commercial	<u>24.02/MCF</u>
(e)	Industrial	<u>24.02/MCF</u>

Commercial and industrial rate will be **\$24.02** per MCF but not less than **\$171.00** per year.

be and the same is amended to read:

“921.02 RENTAL RATES.

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City’s water system or any other public or private water system and which are capable of being connected to the City’s sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

	Rates in Effect for:	<u>1/1/2014 & Thereafter</u>
<u>User Class</u>		
(a)	Single-family	<u>\$325.00/yr</u> (\$335.00 per year)*
(b)	Double-family	<u>420.00/yr</u>

(c)	Apartments	
	2 bedroom or more	<u>214.00/yr</u>
	1 bedroom or less	<u>130.00/yr</u>
(d)	Commercial	<u>30.03/MCF</u>
(e)	Industrial	<u>30.03/MCF</u>

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

and present Section 921.02 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary for the daily operation of the Finance Department, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

03/07/14 11

AN ORDINANCE
AUTHORIZING THE ADOPTION OF NEW CODIFIED ORDINANCE
CHAPTER NO. 377 CONCERNING BICYCLES FOR INCREASED
SAFETY FOR MOTOR VEHICLES AND BICYCLISTS
IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY

WHEREAS, in the interest of uniformity with the bicycle safety codes of the City of Bay Village and the State of Ohio, it is necessary to replace Codified Ordinance Chapter 377 concerning bicycles.

BE IT ORDAINED, by the Council of the City of Bay Village, Ohio:

SECTION 1: That Council hereby adopts replacement Chapter 377 concerning bicycles for increased safety for motor vehicles and bicyclists in the City of Bay Village.

CHAPTER 377
Bicycles

REGULATIONS

- 377.01 Code Application to Bicycles.**
- 377.02 Definitions.**
- 377.03 Parent's responsibility.**
- 377.04 Obedience to traffic control devices.**
- 377.05 Riding Bicycle on Right Side of Roadway; Obedience to Traffic Law; Passing.**
- 377.06 Riding on sidewalks.**
- 377.07 Riding upon seats; Handlebars.**
- 377.08 Emerging from alley or driveway.**
- 377.09 Attaching bicycle or sled to vehicle.**
- 377.10 Riding bicycles abreast.**
- 377.11 Lights and reflector on bicycle; Brakes.**
- 377.12 Signal device on bicycle**
- 377.13 Impounding of bicycles.**
- 377.14 Reckless operation; Control, course and speed.**
- 377.15 Parking of bicycle.**

PENALTY

- 377.99 Penalty.**

CROSS REFERENCES

- Bicycle defined - see TRAF. 301.04(a)
- Bicycles prohibited on freeways - see TRAF. 303.06
- Motorized bicycles (Mopeds) - see TRAF. Ch. 379

REGULATIONS

377.01 CODE APPLICATION TO BICYCLES.

These regulations are applicable to bicycles whenever a bicycle is operated upon any sidewalk or street, subject to those exceptions stated herein.

- (a) Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject to all duties applicable to the driver of a vehicle. Every person riding a bicycle upon a sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.
- (b) Except as provided in subsection (c) of this section, a bicycle operator who violates any section of this Code described in subsection (d) of this section that is applicable to bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit or probationary license under Ohio R.C. 4510.036.
- (c) Subsection (b) of this section does not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)
- (d) The provisions of this Traffic Code shall apply to bicycles except those provisions, which by their nature are not applicable.

377.02 DEFINITIONS.

As used in this chapter, certain words are defined as follows:

- (a) "Bicycle" has the same meaning as defined in Section 301.04(a) of this Traffic Code.
- (b) "Bicyclist" means a person utilizing a bicycle.

377.03 PARENT'S RESPONSIBILITY.

The parent and/or guardian of any child, under the age of 18, or of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

377.04 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other traffic control devices applicable to vehicles, unless otherwise directed by a police officer or unless the traffic signals are otherwise malfunctioning, including the failure of a vehicle detector to detect the vehicle. In the case of a malfunctioning light, operator must:

- (1) Stop at a clearly marked stop lines, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways; and

(3) Exercise ordinary care while proceeding through the intersection.

(b) Whenever authorized signs are erected that no right, left or "U" turns are permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

377.05 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES.

It shall be legal to ride a bicycle upon a street or public way, subject to the following:

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) At no time shall a bicyclist under the age of seven operate a bicycle on a street, unless accompanied by a parent or legal guardian.

(d) A person riding a bicycle upon a street shall yield the right of way to any pedestrian.

(e) When a bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning or changing lanes. Such signals shall conform with the motor vehicle laws of Ohio. The signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

377.06 RIDING ON SIDEWALKS.

It shall be legal to ride a bicycle upon a sidewalk or public way, or upon any path set aside for the exclusive use of bicycles, subject to the following:

(a) Except as provided in section (b) below, it shall be legal to operate a bicycle upon a sidewalk when sidewalks are available and not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, any bicycle operator using the sidewalk shall walk the bicycle.

(b) No person shall ride a bicycle upon a sidewalk along which signs have been erected by authority of the Mayor or Director of Public Safety prohibiting such bicycle riding.

(c) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. This audible signal may be given by the voice or by a bell or other warning device capable of giving an audible signal and shall be given at a distance and in such a manner as not to startle a person being overtaken and passed.

(d) A person operating a bicycle upon a sidewalk, before overtaking and passing a blind person carrying a white cane or guided by a dog, shall dismount and overtake or pass on foot, if necessary for safety.

(e) A person shall not operate a bicycle from a sidewalk so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

(f) No person shall operate a bicycle on a sidewalk at a speed greater than an ordinary walk when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway.

377.07 RIDING UPON SEATS; HANDLEBARS.

(a) A person operating a bicycle shall not ride other than astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) The provisions of parts (a) and (b) above shall not be construed as prohibiting the carrying of a child in a seat or trailer designed for carrying children and firmly attached to the bicycle.

(d) Every person operating a bicycle shall maintain at least one (1) hand on the handle bars at all times and no person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

377.08 EMERGING FROM ALLEY OR DRIVEWAY.

(a) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right of way to all pedestrians approaching on such sidewalk area and upon entering the street shall yield the right of way to all vehicles approaching on such street.

~~(Ord. 73-166. Passed 10-4-73.)~~

377.09 ATTACHING BICYCLE OR SLED TO VEHICLE

(a) No person riding upon any, bicycle, coaster, scooter, roller skates, sled or toy vehicle shall attach the same or self to any vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any bicycle, coaster, scooter, roller skates, sled or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle, nor to the towing of a trailer designed for this purpose.

377.10 RIDING BICYCLES ABREAST.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast in a single lane, however, persons riding on Lake Road shall ride single file only.

377.11 LIGHTS AND REFLECTOR; BRAKES.

(a) Every bicycle when in use at the times specified in Section 4513.03 of the Ohio Revised Code shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and three hundred (300) feet to the sides. A generator powered lamp, which emits light only when the bicycle is moving, may be used to meet this requirement;

(2) A red reflector on the rear of a type that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; and

(3) A light emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. If the light performs as a reflector such that it is visible as specified in subsection (2) above, it shall satisfy the requirement for a reflector.

(b) Additional lights and reflectors may be used in addition to those required under part (a) above except that red lights and reflectors shall not be used on the front of the bicycle nor shall white or colorless lights or reflectors be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street, sidewalk or highway.

377.12 SIGNAL DEVICE ON BICYCLE.

A bicycle may be equipped with a device capable of giving audible, signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

377.13 IMPOUNDING OF BICYCLES.

(a) Whenever any person operates a bicycle in violation of any section of this Traffic Code, the bicycle may be seized by any member of the Police Department and the Chief of Police shall have the authority to impound any bicycle at the police station. An impounded bicycle shall not be released to a minor.

(b) When any bicycle has been seized and so impounded, notice shall be made forthwith by the officer in charge to the owner of the bicycle or, in the event the person is a minor under the age of eighteen years, such notice shall be made to the parent or guardian of the licensee of the bicycle. The notice shall contain a full explanation of the reason for seizing and impounding the bicycle.

(c) Any bicycle impounded under the provisions of this Traffic Code shall be surrendered to the owner or to the parents or guardian of any minor upon showing sufficient proof of ownership of the bicycle, but nothing herein shall relieve the offender of any penalty that may be imposed under the general penalty section of this chapter.

(d) It shall be the duty of the police officer or the person in charge of records to keep in an appropriate book or file the names and addresses of all owners of bicycles impounded, the name and address of the violator if he is not the owner, the license number and the serial number of the bicycle, together with the nature and circumstances of each violation, as well as the disposition of each case.

377.14 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

(a) No person shall operate a bicycle:

(1) Without due regard for the safety and rights of pedestrians, drivers and occupants of all other vehicles, and so as to endanger the life, limb, or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(2) Without exercising reasonable and ordinary control over such bicycle;

(3) In a weaving or zigzag course unless such irregular course is necessary for the safe operation in compliance with law;

(4) While wearing more than one earphone attached to a radio, tape player, MP3 player, mobile telephone or other audio device.; **and**

(5) While using a handheld electronic communications device to write, send or read text-based communications.

377.15 PARKING OF BICYCLE.

(a) A bicycle shall be parked in a designated bicycle parking area when provided. No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic, or upon a roadway so as to unduly interfere with vehicular traffic.

(b) When a designated parking area is not provided, bicycles shall be parked in such a manner as not to interfere with building entrances.

PENALTY

377.99 PENALTY.

(a) Whoever violates any provision of Sections 377.01 to 377.15, inclusive is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree, on each subsequent offense within one year of the first offense, the person is guilty of a misdemeanor of the third degree, and

shall be punished as provided in Section 303.99(b), and the court may prohibit such violator from riding a bicycle for a period not to exceed six months. Whoever violates any provision of this chapter may be punished by having his bicycle impounded for a period not exceeding thirty days.

(b) Except as provided in subsection (c) of Section 377.01, in the case of a violation of any section of this Traffic Code described in subsection (d) of Section 377.01 by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator or the bicycle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

II Amended 3-20-14

1. At the end of 377.08, the old 1973 ordinance reference was deleted
2. A period, rather than a semicolon, was inserted at the end of section 377.11 (a) (3).
3. Item 377.14(a)(4) is now followed with "; and" rather than a period.

ORDINANCE NO. 14-12
INTRODUCED BY: Mr. Lee

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 331.03 REGARDING
VEHICLES OVERTAKING, PASSING TO LEFT; DRIVERS DUTIES,
AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Chapter 331.10 regarding overtaking, passing to left and driver's duties.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 331.03 which presently reads as follows:

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) Except as otherwise provided in this subsection, whoever violates 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 this section is guilty of a misdemeanor of the third degree.

be and the same is amended to read:

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(4) Except as provided in division (5) of this section, the operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall leave a safe distance, **but not less than three (3) feet**, when passing the bicycle and shall maintain that distance, and shall not increase the speed of his or her vehicle, until safely past the overtaken bicycle. **The same requirements shall apply to the operator of a commercial motor vehicle, commercial truck, commercial unit, or bus, except that the safe distance shall not be less than six (6) feet.**

(5) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall vacate the lane in which the bicycle is located if the roadway has two or more marked lanes running in the same direction, unless the driver can meet the requirements of division (4) of this section.

(b) Except as otherwise provided in this subsection, whoever violates 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 this section is guilty of a misdemeanor of the third degree.

(ORC 4511.27)

and present 331.03 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare,

and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

II 2/28/14

ORDINANCE NO. 14-13
INTRODUCED BY: Mr. Lee

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE 331.10 REGARDING
VEHICLES TURNING AT INTERSECTIONS,
AND DECLARING AN EMERGENCY**

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Chapter 331.10 regarding turning at intersections.

BE IT ORDAINED, by the Council of Bay Village, Ohio:

SECTION 1: That Codified Ordinance Subsection 331.10 which presently reads as follows:

331.10 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(b) Except as otherwise provided in this subsection, whoever violates 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 this section is guilty of a misdemeanor of the third degree.

be and the same is amended to read:

331.10 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(5) The operator of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle, including a bicycle, approaching from the opposite direction.

(6) When a motor vehicle and a bicycle are traveling in the same direction on any roadway, the operator of the motor vehicle overtaking such bicycle traveling on the right side of the roadway shall not turn to the right in front of the bicycle at the intersection or at any alley or driveway until such vehicle has overtaken and is safely clear of the bicycle.

(b) Except as otherwise provided in this subsection, whoever violates 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 this section is guilty of a misdemeanor of the third degree.

(ORC 4511.36)

and present 331.10 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this

Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

II 2/28/14

ORDINANCE NO: 14-14
INTRODUCED BY: Mr. Lee

First Reading 3-3-14
Second Reading 3-10-14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 301.04 "BICYCLE; MOTORIZED BICYCLE"
OF THE TRAFFIC CODE OF THE CITY OF BAY VILLAGE AND DECLARING AN
EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Section 301.04, which is the definition of "Bicycle; Motorized Bicycle";

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 301.04 which presently reads as follows:

301.04 BICYCLE; MOTORIZED BICYCLE.

(a) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having two tandem wheels or one wheel in the front and two wheels in the rear or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.

(ORC 4511.01(G))

(b) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(ORC 4511.01(H))

be and the same is amended to read:

301.04 BICYCLE; MOTORIZED BICYCLE.

(a) "Bicycle" means every device, other than a **device** that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

and present 301.04(a) is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ll Amended 3/20/14

The first line of the new 301.04 definition of "Bicycle" was missing two words to make it match ORC. It now reads "(a) "Bicycle" means every device, other than **a device** that is designed solely "

Also, a space was deleted after the word "wheels" in that definition (before the comma).

ORDINANCE NO. 14-15
INTRODUCED BY: Mr. Lee

First Reading 3-3-14
Second Reading 3-10-14

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE 301.51 "VEHICLE" OF THE TRAFFIC CODE
OF THE CITY OF BAY VILLAGE AND DECLARING AN EMERGENCY**

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Section 301.51, which is the definition of "Vehicle";

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 301.51 which presently reads as follows:

301.51 VEHICLE

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power. (ORC4511.01(A))

be and the same is amended to read:

301.51 VEHICLE

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power (ORC4511.01(A))

and present Section 301.51 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

II 2/28/14

ORDINANCE NO. 14-16
INTRODUCED BY: Mr. Lee

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 351.08 “OPENING VEHICLE DOOR ON TRAFFIC SIDE” OF THE TRAFFIC CODE OF THE CITY OF BAY VILLAGE AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 377 relating to bicycles and motor vehicle safety, it is necessary to amend Section 351.08 of the Traffic Code of the City of Bay Village regarding the Opening of the Vehicle Door on the Traffic Side;

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Subsection 351.08 which presently reads as follows:

351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
(ORC 4511.70 (C))

be and the same is amended to read:

351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, including bicyclists, nor shall any person leave a door open on the side of a vehicle available to moving traffic, including bicyclists, for a period of time longer than necessary to load or unload passengers.
(ORC 4511.70(C))

and present 351.08 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

II 2/28/14