AGENDA

Agenda, Bay Village City Council  Date:  May 20, 2019
Committee Meeting  Time:  7:30 p.m.
Conference Room, Bay Village City Hall
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

Amendment to Chapter 1163 of the Codified Ordinances of the City of Bay Village by amending
Section 1163.05 relating to fence regulations.

Amendments to Chapter 151, Employment Provisions for Bay Village City Employees.

Tree Ordinance.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

FINANCE & CLAIMS COMMITTEE-Tadych

Adoption of Note Ordinances at Regular Meeting of Council.

Tax Budget 2020.

Comprehensive Liability Insurance Update.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Approval of Contract for Crack Sealing of Roads.

RECREATION & PARKS IMPROVEMENT COMMITTEE-Winzig

Amending Chapter 539 of the Codified Ordinances of the City of Bay Village by enacting
Section 539.07 (i) relating to prohibiting smoking in parks. Second Reading at Regular Meeting
of Council.

NatureWorks Grant Application for Bradley Park Playground.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Electrical Power Aggregation.
MISCELLANEOUS

AUDIENCE

CAHOON MEMORIAL PARK TRUSTEES
Vice President of Council Tadych called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

Present: DeGeorge, Mace, Maier, Stainbrook, Tadych, Mayor Koomar.

Excused: Mr. Clark, Mr. Winzig.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Building Director Eric Tuck-Macalla.

AUDIENCE


ANNOUNCEMENTS

Mayor Koomar reported that Recreation Director Enovitch is holding his annual orientation for summer staffing this evening. The Mayor stated that Director Enovitch does a very nice job of going through the employee handbook, setting expectations of level of conduct and interacting with the parents and children of the community.

The Mayor stated that road projects are underway for 2019. The initial leveling course has been put down. Infrastructure Manager Curtis Krakowski has advised that before the final course is done there are other levels of work such as adjustment of grade. Mr. Krakowski informed the Mayor today that the work includes 44 manholes, 23 catch basins, 32 water valves, 15 monument boxes, 861 linear feet of concrete curbs, 240 square yards of full depth concrete repairs under the road, 88 curb ramps, and 28 5’x5’ concrete blocks which total 700 feet. It is important to get all this work done for a smooth driving surface.

COMMITTEE OF THE WHOLE

Amendment to Chapter 1163 of the Codified Ordinances of the City of Bay Village by amending Section 1163.05 relating to fence regulations.

Mr. Mace advised that the Environment, Safety and Community Services Committee, in their review of the fence regulations of the City, began with a thorough study of Section 1163 from the very beginning of the Codified Ordinance section. The basic controversy is with Section
1163.05. The Environment and Safety Committee did not reach a consensus of opinion, and are now bringing the matter to the Committee of the Whole for consideration without a recommendation of the Environment and Safety Committee.

Mr. Mace stated that Section 1163.05 deals with two items which include fencing for the rear and side yards of properties. The proposed draft of changes to the ordinance adds an increase of the height permitted for fences to 5’ with 75% transparency. Seventy-five percent transparency means that in a four inch section of fence, one inch could be covered something that is not transparent. An easy though process for description would be a wrought iron fence. Consideration was given to increasing the rear and side yards to 5’ in height for fences for Lake Road properties, but this will not be included in the draft of changes due to opposition by Lake Road property owners. The option of applying for a variance by the Board of Zoning Appeals is available to these property owners.

Privacy Screening was also addressed by the Environment and Safety Committee as provided in Section 1163.05. Privacy screening is a non-transparent, opaque fence of 6’ in height, to an extent of 10% of the perimeter of the property. A 600 foot perimeter property would be allowed 60 feet of privacy screening. The 32’ in length, which is the existing restriction on the privacy screening, will remain, with the addition of the words “in a single direction” because it was unclear how it was to be determined in the past. Mr. Mace stated that an example would be for a lot with a 60 ft. perimeter, a property owner could have 32’ of privacy screening in one direction, and a 28’ section tied in with a change of direction. Mr. Mace noted that 600 ft. is a very large lot, mostly located on the west end of the City. Most lots on the east end are in the area of a 400 feet, with a 40 ft. run of privacy screening in accordance with the 10% perimeter allocation. A transition section for changing the height of the privacy screen from 6 ft. in height, declining down to the permitted height of fencing. The transition section does not factor in toward the 32 feet of 6’ high privacy screening permitted.

Mr. Mace stated that this is where the committee stands and is what is being brought forward for conversation to the Committee of the Whole. Because of the absence of two members of Council this evening, the proposed ordinance is not included on the agenda for the Special Meeting of Council for first reading this evening. It will be recommended for reading on the May 20, 2019 Regular Meeting of Council agenda. The committee is hoping to be finished with three readings of the proposed ordinance by the end of May, 2019.

Mayor Koomar stated that the matter should be brought to the Committee of the Whole first and get consensus before there is first reading. Mr. Tadych stated that he feels the same way. Mayor Koomar stated that he learned a great deal under former President of Council T. Richard Martin. If it doesn’t come out of committee with a recommendation, it sits in committee until there is a recommendation, with the exception of very large matters such as a Community Gym or Sunset Project.

Mr. Mace stated that however the President of Council wants to proceed is what should be done. Mr. Clark did state that he wants the ordinance on three readings before summer recess so that it does not linger over the summer.
Mayor Koomar stated that from an administration standpoint he always worries about large fences and what that looks like. He has heard over the years that many people share those concerns. Having said that the 5 ft., 75% open component makes sense. That is a nice way to start. It has been seen in other places and the big wall effect is eliminated to respond to safety concerns with the 75% open feature.

Mr. Tadych asked Law Director Barbour if each length of privacy screening allows for a transition piece. Mr. Barbour stated that his interpretation is to allow a total of two (2) 8 ft. extensions, because it says in either direction. Mr. Tadych stated it would be good to say a maximum of two (2) 8 ft. extensions. Mr. Barbour stated that he will review the language of the ordinance.

Mrs. Stainbrook stated that there was a great deal of good information presented at the many meetings attended. There was quite a bit of conversation about lake views versus non lake views. Mrs. Stainbrook stated that she understands the intent of the ordinance, not to block the view of the lake. It is positive that the height of fences is kept a 4 feet for that purpose. But, it is a little presumptuous of Council to say that other views in the City aren’t just as pretty as the lake views. She noted that even though her property is on the railroad tracks, she can see as far west and as far east as she cares to because none of her neighbors have fences. It feels as though we are giving preferential treatment to lake views. Mrs. Stainbrook stated that she does not want to restrict that same opportunity for other residents who look out their backyards and get wonderful views.

Mrs. Stainbrook noted that there is also a lot of great information received from the Board of Zoning Appeals clarifying many issues. The Board of Zoning Appeals does not grant variances based on animals, it is strictly property use. Along those same lines, many comments from residents speaking about animals and property maintenance, those are seen as other issues. These are pet containment issues, at-large issues, and property maintenance issues. Another helpful piece of information was when residents asked if the surrounding property owners are in agreement to allow a neighboring property owner to have whatever type of fence they would like. This would be considered spot zoning. Spot zoning is not allowed.

Mrs. Stainbrook stated that she does not think it is the intent of the City to give the Board of Zoning Appeals wide-reaching authority to very zoning, as has been requested by some residents. If that authority was granted, that would create a defacto legislative body. Council is the legislative body. The Board of Zoning Appeals is not a legally elected legislative body.

Mrs. Stainbrook continued, stating that the importance of aesthetics cannot be overstated, and the fact that Bay Village is very rare. Look at Avon, look at Avon Lake, and how they are growing. We are very fortunate to be mostly residential, but very rare in terms of that aesthetic and openness, and that is where her support lies.

Ms. DeGeorge stated that she does understand when people are saying they want to be safe from their neighbors’ pets, or there are unsightly conditions in a neighbor’s back yard. Those are separate issues, and perhaps not issues in and of themselves to allow for a fence. However, we have not yet come up with a good answer for the people that are saying they just want their
privacy. I don’t want my neighbor to see in my backyard. It is an awkward situation. The other thing is that what is being presented in this proposed ordinance, 5 ft. in height with 75% transparency, is not much of a change. It is for the people that wanted something a little higher, they got 5 ft. in height, and maybe their dog can’t jump over 5 ft. in height, but in terms of privacy it is not a significant change. You are still going to have those open views that you want, whether you are by the lake or whether you have a nice wooded area in your backyard. I don’t see the proposed ordinance as that drastic of a change from what we have now.

Mayor Koomar stated that while this is a Councilmanic decision, this is where you have to try to get consensus out of the committee.

Ms. DeGeorge stated that the reason for public input is to see where they want to send the ordinance, and where they want to drive it. It wouldn’t be right for her to not pass the proposed ordinance for the residents that do want just a 5 ft. fence. However, she is not addressing all the residents who have stated they want a 6 ft. privacy fence. That is not on the table and can’t be voted on. But, this ordinance as proposed in any major way addresses some of the issues that we are concerned about.

Mr. Tadych stated that he does not like the idea of possibly having double fencing, where your neighbor has a 4 ft. high fence and you put in a 6 ft. high fence. Mr. Tadych stated he does not want that to be allowed. He wants one fence on a property line, even though they are individually owned pieces of property. He does not want two fences butting up against each other. One neighbor would have to clean up the two sections between the fences. It is going to cause more problems. I want something said about not allowing double fencing.

Mr. Barbour stated that as an historical note he talked to some people who have been around a long time who explained that the reason there is a separate section for privacy screen is that it was originally enacted so a property owner could build a screen around a patio or deck. That was a popular thing to do when it was passed in the early 1970’s. Over time, the way that has been interpreted is that it includes a fence. When reading the ordinance, the privacy screening is not called 32’ of fence. It is called privacy screen. Over the decades, that has progressed to mean a fence along the property line, a section of fence not to exceed 32 feet in length. The application of the ordinance has evolved and changed. If that meant to have a 6 ft. high fence, they would have called it a 6 ft. high fence. Now, it just used interchangeably and it has been interpreted that way for quite a long time.

Mr. Tadych stated that the Board of Zoning Appeals idea as to what is allowed by privacy fences is different than the comprehension of the Council. I don’t know if there should be a major discussion about this, or just let them be. They were allowing 32 feet in any direction on each side. They said they have been doing this for nine years. Mr. Mace stated that they were basing it on a change of direction, up to the 10% allowance, which is a liberal interpretation. Mr. Tadych stated that this is something he still thinks needs to be addressed.

Mr. Barbour stated it is good to keep in mind that the reason something is being decided by the Board of Zoning Appeals is because the Building Department sent them to the Board of Zoning Appeals for a variance, or exception, to the law. Anytime the Board of Zoning Appeals was
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permitting something, it is under the pretext that it has been denied by the Building Department which means that the Building Director had interpreted, either with the Law Director or alone, that the request needed a variance. It is an appeal process, and it is an appeal from a denial of the Building Department for a permit.

Mr. Tadych stated that the Board of Zoning Appeals read the ordinance as though the intent of the ordinance was 32 feet in any direction, and that was not the intent of the ordinance. Mr. Barbour stated that City Council should decide the intent of the ordinance and have the language that doesn’t leave any room for doubt.

Ms. Maier stated that having the full Committee of the Whole present when discussing this matter is a more productive use of time.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Mace

Request to advertise for bids for the construction and installation of two (2) pedestrian crosswalks, one at Cahoon and Lake Roads, and one at Columbia and Lake Roads.

Mr. Mace will introduce a motion at the Special Meeting of Council this evening to permit the Director of Public Service and Properties to advertise for bids for the construction and installation of two (2) pedestrian crosswalks, one at Cahoon and Lake Roads, and one at Columbia and Lake Roads.

Mayor Koomar stated that this is part of the Coastal Management Assistance Cycle 21 Grant that the City received from the Ohio Department of Natural Resources that encompasses both of those crosswalks and a short section of the path from the soon-to-be-completed Lake Road Bridge underneath towards the lakefront. There is 50% funding for that entire part of the project.

As part of the Lake Road construction, the Ohio Department of Transportation agreed to put in a rapid flashing beacon on Dover Center Road by Bruce Road. They were hoping to have that in at the start of the project. They did pour some of the pads this week, and it is hoped to have it installed for the summer activities in the park. The goal is to have these major crosswalks consistent in terms of application for signage and lighting. Police Chief Spaetzel and the Mayor have discussed other locations for the future such as the Osborn intersection and Wolf Road by the Nature Center.

FINANCE & CLAIMS COMMITTEE-Tadych

Note Ordinances – Second Reading at Special Meeting of Council.

Mr. Mace will read Ordinances Nos. 19-34 through 19-39 for second reading at the Special Meeting of Council this evening. The ordinances have all been amended to remove the duplication of Section 11.

Amended Appropriation Ordinance.
Mr. Mace called upon Finance Director Mahoney to address the Amended Appropriation Ordinance that will be introduced by Mr. Mace this evening. Mrs. Mahoney stated that instead of monies to be appropriated for the retention basin for Walker Road Park, those same funds will be appropriated to address the erosion at the Lakeside Cemetery. The Walker Road Park project will not be done until next year, at the request of the City of Avon Lake, who jointly owns the property with the City of Bay Village. Fund 580 Sewer Improvements relating to Walker Road Park has had $100,000 removed from the appropriations and will be applied to the cemetery erosion project. Mayor Koomar explained that the City of Avon Lake has road projects that are becoming more significant this year and have asked that the Walker Road Park retention basin project be held until January of 2020. The debt issuance will remain at $175,000 for the Lakeside Cemetery erosion project. There is no change in the General Capital Fund, but a lowering of $100,000 in the Sewer Fund.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Maier

Ms. Maier had no report this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Stainbrook

Contract with Chagrin Valley Engineering for professional engineering services for erosion prevention and restoration for Lakeside Cemetery for a fee of $25,350.

Ms. Stainbrook will introduce an ordinance this evening to authorize a contract with Chagrin Valley Engineering for professional engineering services for erosion prevention and restoration for Lakeside Cemetery in the amount of $25,350. Mayor Koomar noted that this will include the slope at the lakefront, which is equally important. From pictures seen last week and displayed by the Mayor, Mrs. Stainbrook noted that there is a significant drop and loss of property.

Mayor Koomar stated that he and Law Director Barbour have been in discussion with homeowners. Chagrin Valley Engineering will have surveyors on site later this week. They will use an electronic surveying tool for an advanced look at the property.

Ms. DeGeorge stated that she knows the $25,350 was approved in the budget, and the City has a relationship with Chagrin Valley Engineering and Sixmo contractually. Ms. DeGeorge asked if this particular project for the cemetery will have to go out for competitive bids, and, if not, why not. Mrs. Mahoney stated that any professional services does not have to be submitted to the competitive bidding process.

RECREATION & PARKS IMPROVEMENT COMMITTEE- Winzig

Amending Chapter 539 of the Codified Ordinances of the City of Bay Village by enacting Section 539.07 (i) relating to prohibiting smoking in parks.

In the absence of Mr. Winzig, Mrs. Stainbrook stated that the ordinance to prohibit smoking in the City parks will be introduced and placed on first reading at the Special Meeting of Council to
be held this evening. Mrs. Stainbrook stated that the last clause in the amendment to the Chapter states that smoking is prohibited “unless within a city designated smoking area.” Mrs. Stainbrook asked if there is an established city designated smoking area. Mr. Barbour stated that there is not yet a city designated smoking area. Mrs. Stainbrook suggested leaving those words out of the ordinance because they imply that there is such an area. The language could be changed in the future if a city designated area becomes a reality.

Mayor Koomar stated that Mr. Winzig had expressed the desire to include that language to allow the flexibility to create a city designated smoking area. The Mayor suggested leaving the ordinance as it is written until Mr. Winzig has an opportunity to present his reasoning for including the language. Mr. Barbour agreed to defer to Mr. Winzig because he did the research and drafted the language.

The ordinance will be presented for first reading at the Special Meeting of Council to be held this evening.

Contract with Sixmo for architectural services for the design of the Cahoon Memorial Park Restroom Facility for a fee of $20,000.

Mayor Koomar stated that this work will be for the design of the soccer shed at Cahoon Memorial Park, and for the boat storage at the lakefront. Mr. Tadych stated that the ordinance should state that because conversation has been had with residents who say that this is a lot of money for engineering of a bathroom.

Law Director Barbour stated that City of Bay Village Ordinance 16-32 provides that personal service contracts in excess of $20,000 need Council approval. The amount of $20,000 and under doesn’t need an ordinance for Council approval.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-DeGeorge

Amendments to Electric Power Aggregation Plan of Operation and Governance.

Ms. DeGeorge will present legislation this evening at the Special Meeting of Council to amend the Electric Power Aggregation Plan of Operation and Governance in accordance with the discussions at the May 6 Committee Meeting of Council with the Sherman’s of Sustainable Energy Services (SES). The amendment to the plan provides for neutrality going forward as opposed to mentioning a specific company, as was done nine years ago when aggregation was established. Mr. Barbour added that there are a couple of items in the plan that are no longer necessary relating to tariffs. The plan is being made provider neutral instead of provider specific. There is a deadline date of May 17, 2019, and the Sherman’s will go out for competitive bids with the award of the bid on May 20, 2019.

Ms. DeGeorge noted that Page 4 of the Plan of Operation and Governance there is a reference to an Akron phone number being required by the provider. Mr. Barbour will remove that reference, and the ordinance will be amended by reading.
MISCELLANEOUS

Mr. Tadych stated that Council salaries were discussed by the Committee of the Whole on May 6, 2019. He asked if there were any fresh ideas.

Mrs. Stainbrook noted that Council salaries were last reviewed and updated in 2017. The salary data that we have collected so far that Council members are currently making 39% below the average Council salary of $13,261, which also equates to 26% below the lowest salary of $12,000. Mrs. Stainbrook stated that in her opinion, the longer Council waits to get to fair market value, the harder it is going to be, and the more difficult it will become as compensation continues to fall behind other communities. She suggested that the Bay Village City Council salaries be increased by 13% for 2020 and by 12% for 2021, which would get six of the seven Council positions to market value in two years. For the 2022 salary ordinance, the at-large position that Mrs. Stainbrook occupies currently, would be reviewed and adjusted at that time. The salary position for that seat is set through 2021.

Mr. Tadych stated that he and Mrs. Stainbrook discussed this earlier and discussed moving the salary to $12,000 now, and possibly doing nothing the year after, allowing it to settle in at $12,000 and go forward from there. This is an additional option. Bay Village Council is seriously under the average Council salary. It might be necessary to move the Bay Village Council salary to $12,000 now.

Ms. Maier stated that it seems that the research done indicates that a lot of the different communities did have large jump-ups and Bay Village did not do that. From the standpoint of it seems awkward to do it that way, that is what has happened in other communities. It does not look favorable.

Mayor Koomar stated that from a historical prospective when he was President of Council there was an economic downturn and Council decided to keep their salaries flat even though the dollars were not that material. That was followed by an even larger gap, with the cycle staying flat.

Mrs. Stainbrook noted that the reason salaries in other communities jumped to $12,000 annually because that is the threshold of OPERS health care after retirement. Mr. Tadych stated that twenty years of employment is required, and the requirements are always changing. Mr. Tadych noted that in prior years people on Council have said that they did not want to give themselves a notable increase, and one of our Council people actually took a pay cut. That could be done if a Council member does not feel comfortable in accepting a $12,000 annual salary.

Ms. DeGeorge stated that she took a different approach playing with the numbers and the percentages based on the information presented. Ms. DeGeorge found out what the Council salaries in different cities in comparison to the Mayors’ salary. In the cities for which that information was provided, it was between 11.5 and 13% except for Bay Village which was right around 9%. It is very difficult for most of us to discuss this about ourselves in front of residents because we are really the only salary that gets scrutinized. We bump up the administration employees to the mid-point and reward them in one way or another, but if Council wants to get a
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3% increase in the City that we are elected to we are kind of up in arms. It is something that maybe a little bit of public education about why these things happen instead of everyone just thinking Council just wants to give themselves that they don’t feel they are entitled to – there is some solid reason behind it.

Mrs. Stainbrook stated that is why she addresses it as position related, not personal.

Mr. Mace stated that his opinion is that the Council should not have a raise beyond what was given to the employees across the City, in most cases. Mr. Mace stated that he does not feel that as a part time employee they should not have a higher raise.

Mrs. Stainbrook stated that the only difference there is that other employees in the City are already paid at fair market value, so it is not really comparing apples to apples.

Mr. Mace stated that he has been involved in negotiations where that is not the case, and the City has fought fair market value rates when presented to them.

AUDIENCE

There were no comments from the audience this evening.

There being no further discussion, the meeting adjourned at 8:20 p.m.

David L. Tadych, Vice President of Council  
Joan Kemper, Clerk of Council
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING CHAPTER 1163 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE BY AMENDING SECTION 1163.05 RELATING TO FENCE REGULATIONS AND DECLARING AN EMERGENCY

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Chapter 1163.05 which presently reads as follows:

“1163.05 - Fence regulations.

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any yard.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

(6) No electrified or barbed wire fence shall be erected or installed in any location.

(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.
(e) **Rear yard.** Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(f) **Side yards.** Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.)

(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**

(1) A privacy screen may be constructed only behind the established building setback line or building line whichever is greater so that the length of the screen shall not exceed ten percent of the perimeter of the total lot.

(2) The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

(3) The privacy screen shall not exceed 32 feet in any direction.

(4) No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

(1) Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

(2) Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

(3) Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

(4) Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.
Ordinance – Chapter 1163.05
Final

(Ord. 10-70. Passed 6-21-10.)”

be and the same is amended to read:

“CHAPTER 1163.05 – FENCE REGULATIONS

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any yard.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, or windbreak or dog run shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

(6) No electrified or barbed wire fence shall be erected or installed in any location.

(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.

(e) Rear yard. Fences within the rear yard shall not exceed four feet, five inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.) The fences any fence greater than four feet, four inches shall have a minimum of 75 percent open area.

(f) Side yards. Fences within side yards shall not exceed four feet, five inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public
sidewalk. (Ord. 04-140. Passed 11-15-04.) The fences Any fence greater than four feet, four inches shall have a minimum of 75 percent open area.

(g) Lakefront yard. Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) Privacy screen.

(1) A privacy screen may be constructed only behind the established building setback line or building line, whichever is greater, so that the total length of the screen shall not exceed ten percent of the perimeter of the total lot and the privacy screen shall not exceed 32 feet in a single direction. In addition, the privacy screen may have a transitional section not to exceed eight feet in length in either direction that provides a gradual decrease in height from six feet, four inches to four feet four inches, to be approved by the Building Director.

(2) The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

(3) The privacy screen shall not exceed 32 feet in a single direction. In addition, the privacy screen may have a transitional section not to exceed eight feet in length in either direction that provides a gradual decrease in height from six feet, four inches to four feet four inches, to be approved by the Building Director.

(4) No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) Adjacent to nonresidential uses. Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) Temporary wildlife fences. Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

(1) Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

(2) Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

(3) Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.
(4) Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.

(Ord. 10-70. Passed 6-21-10.)”

and present 1163.05 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 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.
NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance of the City of Bay Village Chapter 151 which presently reads as follows:

EDITOR’S NOTE: Compensation and bond requirements are not included in these Codified Ordinances due to the fact that they are subject to constant change.

151.01 Payment to employees on Military leave. 55
151.02 Payment of City wages during Jury duty. 55
151.03 Mileage allowance. 55
151.031 Legitimate expenses. 55
151.04 Holidays. 55
151.05 Vacations. 55
151.06 Health Insurance. 55
151.061 Health Insurance eligibility. 55
151.07 Physical examinations. 55
151.08 Sick leave. 55
151.081 Family Medical Leave Act. 55
151.09 Longevity 55
151.10 Overtime Compensation. 55
151.11 Life insurance. 55
151.12 Privacy Act rules. 55
151.13 Surety bonds. 55
151.14 Equal employment opportunity Policies. 55
151.15 Compensation payment. 55
151.16 Uniforms and uniform Allowances. 55
151.17 PERS pick up. 55
151.18 Drug free Workplace and Harassment Policy. 55
151.19 PERS pickup of additional service Credit. 55
151.20 Whistleblower protection for Employees. 55

151.01 PAYMENT TO EMPLOYEES ON MILITARY LEAVE.

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties and in attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the period of such service, training or active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or active duty.
Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days.

(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY.

(a) All City employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement.

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) All full-time employees of the City, excluding employees covered under separate labor contract, shall have the following days off with pay:

<table>
<thead>
<tr>
<th>New Year's Day</th>
<th>Labor Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Luther King Day</td>
<td>Veterans Day</td>
</tr>
<tr>
<td>Presidents Day</td>
<td>Thanksgiving Day</td>
</tr>
<tr>
<td>Good Friday</td>
<td>Day After Thanksgiving</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Christmas Day</td>
</tr>
<tr>
<td>July 4th</td>
<td></td>
</tr>
</tbody>
</table>
(2) In the event that any of the aforesaid holidays shall fall on a Saturday or Sunday, when such holiday is not being observed on the preceding Friday or succeeding Monday, such employee shall receive comparable time off with pay on a date designated by the Mayor or the department or division head.

(3) The preceding provision shall not apply to swimming pool personnel or temporary, seasonal or per diem personnel. Refusal on the part of an employee to work on a holiday when requested to do so shall constitute a forfeiture of all benefits of holiday pay under this section. Failure of an employee to work on the scheduled work day preceding and the scheduled work day succeeding the holiday, unless excused by the Mayor or department or division head, or unless on vacation, shall constitute a forfeiture of all benefits of holiday pay under this section.

(b) No employee shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(c) No part time or seasonal employee will receive holiday pay.

151.05 VACATIONS.

(a) Effective January 1, 2014, full time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

(1) More than thirty but less than forty hour employees. Employees who work less than a forty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>ANNUAL VACATION IN WEEKS</th>
<th>BI-WEEKLY 35 Hour Week</th>
<th>BI-WEEKLY 40 Hour Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Months to 4 Years</td>
<td>2</td>
<td>2.69 Hours</td>
<td>3.08 Hours</td>
</tr>
<tr>
<td>4 to 10 Years</td>
<td>3</td>
<td>4.04 Hours</td>
<td>4.62 Hours</td>
</tr>
<tr>
<td>10 to 17 Years</td>
<td>4</td>
<td>5.38 Hours</td>
<td>6.15 Hours</td>
</tr>
<tr>
<td>17 to 25 Years</td>
<td>5</td>
<td>6.73 Hours</td>
<td>7.69 Hours</td>
</tr>
<tr>
<td>25 or More Years</td>
<td>6</td>
<td>8.08 Hours</td>
<td>9.23 Hours</td>
</tr>
</tbody>
</table>

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year.
(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive a one-time payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

(d) When an employee resigns, retires or dies, salary payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks' notice of the separation, where applicable:

(1) Any employee who has less than one year of service shall not be entitled to a salary payment in lieu of vacation.

(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

(i) No part-time or seasonal employee will receive vacation pay.

(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. The maximum vacation allowance for such an employee may not exceed 4 weeks for their first year of employment with the City of Bay Village and shall increase by 1 week for each year of continued service until the employee meets the vacation schedule in Section 151.06(a).

151.06 HEALTH INSURANCE.

(a) Effective January 1, 2010, the City shall pay the cost of health insurance determined by the Plan adopted annually by the City of Bay Village.
(b) An election to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 HEALTH INSURANCE ELIGIBILITY.

(a) Effective January 1, 2012, the City will provide health, dental, vision and hearing insurance to eligible employees, in accordance with state and federal law. The employee’s share of the cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract.

(b) Eligible employees may receive family or employee only coverage per state and/or federal law and in accordance with the terms of the City of Bay Village's Health Plan.

(c) In lieu of employer sponsored health insurance an opt-out provision is offered as long as proof of coverage from another source is provided to the City, provided that such coverage was not purchased through a public health insurance exchange/marketplace. An employee who elects the opt-out will receive $100 per month in lieu of employee-only coverage or $250 per month in lieu of family coverage.

(d) Health insurance and the opt-out provision will only be offered to employees required to be offered health insurance under the Patient Protection and Affordable Care Act and related regulations.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, shall submit to a physical examination, if necessary to the performance of their job duties.

(b) After a period of illness which requires any employee to be absent from his employment for ten consecutive working days or more, the Mayor may require the employee to submit to a physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof, may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.

151.08 SICK LEAVE.

(a) Every full-time employee shall be entitled for each completed eighty hours of compensated service to sick leave of 4.6 hours with pay. Such employees may use sick leave, upon approval of the responsible administrative officer of the employing department, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee
Handbook. Said Employee Handbook is incorporated herein and made a part hereof as if fully rewritten herein. For the purpose of this section:

(1) Department heads (excepting the Director of Law) and division chiefs shall be considered to have a work week of 40 hours; and
(2) “Completed compensated service” shall include paid holiday time, paid vacation time and paid sick time.

(b) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(c) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of his accumulated sick leave.

(d) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted an employee upon or after his retirement or termination of employment.

(e) Payment at Resignation, Retirement or Death.
(1) Each employee with ten or more years of service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
   Twenty-five percent (25%) after ten years of service
   Forty percent (40%) after fifteen years of service
   Fifty percent (50%) after twenty years of service
up to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.

(2) Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

(f) The following circumstances will control the use of "sick leave" time for all employees of the City of Bay Village:
(1) Illness of employee: All regularly scheduled working hours.
(2) Death of employee's: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.

(3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee's household.
   A. Days of admittance to and discharge from hospital.
   B. Day of surgery, including child birth.
   C. Time certified as "critical" by attending physician.

(4) Sudden illness or injury: To anyone living in the employee's household. Sufficient time to make temporary arrangements, but no more than four hours.

(g) The following circumstances shall control "bereavement leave" for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

(1) Death of employee's: employee's spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee's household.
   Scheduled working hours from time of death through and including day of funeral or memorial services.

(2) Death of employee's: employee's siblings-in-law, grandparents, grandchildren, aunt, uncle and spouses grandparents, grandchildren, aunt and uncle. Day of funeral or memorial services if scheduled to work.

(i) For the purpose of administering the provisions of this section the following procedures shall be followed:
   (1) The Director of Finance shall establish for each employee and each department a sick leave time account.
   (2) Charges against the sum of such accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.

151.09 PAID TIME OFF

(a) Permanent part-time employees compensated on an hourly basis shall earn paid time off at a rate of .0575 hours earned per hour worked, per pay period. When paid time off is used, it shall be deducted from the employee’s credit on the basis of one hour for every one hour absence from scheduled work.

(b) Paid time off may be used when an employee requests scheduled time off upon a twenty-four (24) hour advance notice by the employee and the approval of the employee’s supervisor. Paid time off may be taken with less than a twenty-four (24) hour advance notice at the employee’s supervisor’s discretion.

(c) The maximum amount of paid time off an employee can use in one (1) calendar year is one hundred twenty (120) hours. In the event an employee is on an approved Family
Medical Leave Act (FMLA) absence, any amount of accrued paid time off can be used during the length of the approved FMLA absence.

(d) If PTO is used for an illness or injury refer to Section 151.08-Sick Leave. This article also applies to unused PTO in the event of resignation, retirement or death.

151.091 FAMILY MEDICAL LEAVE ACT (FMLA).

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws.

151.10 LONGEVITY.

(a) Effective January 1, 2001, there shall be paid to all non-elected regular full-time employees, excluding employees covered under separate labor contract, additional compensation based on their years of service, at the rate of one hundred dollars ($100.00) per year of service, after completion of five years, to a maximum of three thousand dollars ($3,000).

(b) For new hires after January 1, 2016 the following amendment shall apply: full-time employees shall receive longevity payments after five (5) years of continuous full-time employment in the following table:

- 5-9 years $500 each year
- 10-14 years $1,000 each year
- 15-19 years $1,500 each year
- 20-24 years $2,000 each year
- 25 years and above $2,500 each year

(c) The calculation of "years of service" shall begin on the anniversary date of the employee's original date of hire by the City.

(d) No individual employed by the City in more than one capacity shall be entitled to the benefits of this compensation in other than his primary department.

(e) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is hired full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(f) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 35 hours or more each week. The Mayor shall receive longevity only if specifically provided for in the compensation ordinance for the term in question.

(g) The amounts due hereunder shall be paid only to full-time employees, as defined in Section 151.10(e), on the first regular pay date in December.
(h) In addition to the cash payments provided for in this chapter, the Mayor is authorized to present Service Award Pins to those full-time or part-time employees, members of boards and commissions, and such other persons as the Mayor may designate from time to time, whether paid or unpaid, who have at least five years’ service with the City.

(i) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder.

151.11 OVERTIME COMPENSATION.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime for hours worked in excess of forty in a workweek.

(c) No employee who serves the City in more than one capacity may combine his total work hours for the calendar week for the purposes of overtime computation, but each position work hours are to be counted separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.

151.12 LIFE INSURANCE.

The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of $50,000 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company. However, once obtaining the age of sixty-five (65) said life insurance will be reduced to thirty-two thousand five hundred dollars ($32,500.00) and once obtaining the age of seventy (70) said life insurance will be reduced to twenty five thousand dollars ($25,000.00).

151.13 PRIVACY ACT RULES.

The Mayor is hereby authorized to adopt such written rules and regulations as may be necessary for the purpose of interpreting and enforcing the Ohio Privacy Act, being Ohio R.C. 1347.01 et seq. Such rules and regulations shall not conflict with or waive any privileges as provided by this City's Charter or ordinances. Such rules and regulations shall be on file with the City, and all parties affected shall be advised of their contents.

151.14 SURETY BONDS.
The surety bonds covering the employees of the City shall be as follows:
(a) Mayor - $15,000 public official bond for term of office.
(b) Director of Finance - $50,000 public official bond for an indefinite term.
(c) All other City employees - $25,000 honesty blanket position bond.

151.15 EQUAL EMPLOYMENT OPPORTUNITY POLICIES.
(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), genetic information, marital status, amnesty status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non-discrimination in the employment in every location or facility. This policy applies to all terms and conditions of employment, including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

(c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status or pregnancy. Improper interference with the ability of the City’s employees to perform their expected job duties is absolutely not tolerated.

(d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

(e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that Equal Opportunity clauses be included in all major single purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.16 COMPENSATION PAYMENT.
(a) Payment dates shall be:
(1) For hourly employees. On February 14, 1975, and every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;
(2) For salaried employees and elected officials. All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(c) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.

151.17 UNIFORMS AND UNIFORM ALLOWANCES.

(a) Department of Public Safety. Effective January 1, 1998, deputy police officers in the Division of Police shall receive a five hundred dollar ($500.00) uniform allowance at the completion of each 1,040 hours of service.

(2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties. Effective January 1, 2016, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar ($250.00) uniform allowance, and the Department of Public Service and Properties shall provide a uniform allowance of Eight Hundred Dollars ($800.00) for all full-time employees of the Department whose job requires manual labor outside the office of the Department. This allowance is to be paid within the 1st pay period in February.

(c) Police Chief and Fire Chief. Effective January 1, 2016, the Chief of the Fire Division and the Chief of the Police Division shall receive an allowance of nine hundred dollars ($900.00) uniform allowance. This allowance is to be paid within the 1st pay period in February.

151.18 PERS PICK UP.

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee's contribution for each person subject to this "pick up" has been made as provided by the statute.
(b) The "pick up" by the City provided by this section shall apply to all persons that:
Are employees of the City who are or become contributing members of the Public Employees
Retirement System of Ohio.

(c) The City's method of payment of salary to employees who are participants in PERS
is hereby modified as follows, in order to provide for a salary reduction pick-up of employee
contributions to PERS.

(d) The total salary for each employee shall be the salary otherwise payable under the
City policies. Such total salary of each employee shall be payable by the City in two parts: (1)
deferred salary and (2) cash salary. An employee's deferred salary shall be equal to that percentage
of that employee's total salary which is required from time to time by PERS to be paid as an
employee contribution by that employee, and shall be paid by the City to PERS on behalf of that
employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that
employee. An employee's cash salary shall be equal to that employee's total salary less the amount
of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to
that employee. The City shall compute and remit its employer contributions to PERS based upon
an employee's total salary. The total combined expenditures of the City for each employees' total
salaries payable under applicable City policies and the pick-up provisions of this section shall not
be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the
provisions of this section to institute the "pick up" of the statutorily required contributions to the
Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof
so as to enable them to obtain the result in Federal and State tax deferments and other benefits.

151.19 DRUGFREE WORKPLACE.

(a) All employees shall agree to a drug-free workplace program as defined by the State
of Ohio Bureau of Workers’ Compensation and in accordance with the Ohio Bureau of Workers’

151.20 HARASSMENT POLICY.

(a) It is the policy of the City to promote a productive work environment and not to
tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with
another's work performance or that creates an intimidating, offensive or hostile environment. No
form of harassment will be tolerated, including harassment for the following reasons: race, national
origin, religion, disability, pregnancy, age, military status or sex. Each person has a responsibility
to keep the workplace free of any form of harassment, and in particular, sexual harassment. No
supervisor or manager is to threaten or insinuate either explicitly or implicitly that an employee's
refusal or willingness to submit to sexual advances will affect the employee's terms or conditions
of employment. Other sexually harassing or offensive conduct in the workplace, whether
committed by supervisors, managers, non-supervisory or non-employees is also prohibited. This
conduct includes, but is not limited to:
(1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions;
(2) Verbal abuse of a sexual nature;
(3) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
(4) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs;
(5) Demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age or military status or sexually orientation is also prohibited.

Any employee who believes that a supervisor's, manager's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.

The report or complaint should be made to the employee's supervisor or to the department head or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City's grievance policy, unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be investigated properly in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City prohibits any form of retaliation against employees for bringing bonifide complaints or providing information of harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

(b) It is the policy of the City that an employee should have an opportunity to present complaints regarding harassment and to appeal the decision through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they have been improperly harassed are to proceed as follows:

Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the complaint involves the supervisor, then it is permissible to proceed directly to Step 2.

Step 1a: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the complaint and proposed resolution for file purposes.
Step 2: Appeal the decision of the department head if dissatisfied with the supervisor's decision or initiate the procedure with the department head if Step 1 has been bypassed, because the immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a timely fashion in a written form. The supervisor's version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.

Step 3: Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee's original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith if solely for the purpose of delay or harassment or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.21 PERS PICKUP OF ADDITIONAL SERVICE CREDIT.

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this pick up deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:
All employees, other than seasonal, of the City who are contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional
service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.22 WHISTLEBLOWER PROTECTION FOR EMPLOYEES.

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee’s supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or Mayor, the employee may file a written report with the office of internal auditing created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

(1) Removing or suspending the employee from employment
(2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled
(3) Transferring or reassigning the employee
(4) Denying the employee promotion that otherwise would have been received;
(5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee’s appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof. 

be and the same is amended to read:

“CHAPTER 151 - EMPLOYMENT PROVISIONS”
EDITOR’S NOTE: Compensation and bond requirements are not included in these Codified Ordinances due to the fact that they are subject to constant change.

151.01 Payment to employees on military leave.

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties and in attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the period of such service, training or other active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or other active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or other active duty. Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.
(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY. Payment of city wages during jury duty.

(i) All City (a) Full-time employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE. Holidays.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) All full-time employees of the City, excluding employees covered under a separate labor contract, shall have the following days off with pay:

<table>
<thead>
<tr>
<th>Day</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>January 1</td>
</tr>
<tr>
<td>Martin Luther King Day</td>
<td>January 15</td>
</tr>
<tr>
<td>Presidents Day</td>
<td>December 25</td>
</tr>
<tr>
<td>Good Friday</td>
<td>December 26</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>December 27</td>
</tr>
<tr>
<td>July 4th</td>
<td>July 4</td>
</tr>
<tr>
<td>Labor Day</td>
<td></td>
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<tr>
<td>Veterans Day</td>
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<tr>
<td>Thanksgiving Day</td>
<td></td>
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<tr>
<td>After Thanksgivingafter</td>
<td></td>
</tr>
<tr>
<td>Thanksgiving</td>
<td></td>
</tr>
<tr>
<td>Christmas Day</td>
<td></td>
</tr>
</tbody>
</table>
Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(2) In the event that any of the aforesaid holidays shall fall on a Saturday or Sunday, when such holiday is not being observed on the preceding Friday or succeeding Monday, such employee shall receive comparable time off with pay on a date designated by the Mayor or the department or division head.

(3) The preceding provision shall not apply to swimming pool personnel, temporary, seasonal or per diem personnel.

(3) Refusal on the part of an employee to work on a holiday when requested to do so shall constitute a forfeiture of all benefits of holiday pay under this section. Failure of an employee to work on the scheduled work day preceding and the scheduled work day succeeding the holiday, unless excused by the Mayor or department or division head, or unless on vacation, shall constitute a forfeiture of all benefits of holiday pay under this section.

(b) No employee shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(c) No part-time or seasonal employee will receive holiday pay.

151.05 VACATIONS

(a) Effective January 1, 2014, full-time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

(1) More than thirty but less than forty hour employees. Employees who work more than thirty, but less than a forty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit three weeks shall be forfeited if not used by the employee by December 31 of each year, unless otherwise authorized.
(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31 of each year. Full time length of service shall be defined as length of service from the last date of hire as a full-time employee.

(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive a one-time payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>ANNUAL VACATION IN WEEKS</th>
<th>35 Hour Week</th>
<th>40 Hour Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Months to 4 Years</td>
<td>2</td>
<td>2.69 Hours</td>
<td>3.08 Hours</td>
</tr>
<tr>
<td>4 to 10 Years</td>
<td>3</td>
<td>4.04 Hours</td>
<td>4.62 Hours</td>
</tr>
<tr>
<td>10 to 17 Years</td>
<td>4</td>
<td>5.38 Hours</td>
<td>6.15 Hours</td>
</tr>
<tr>
<td>17 to 25 Years</td>
<td>5</td>
<td>6.73 Hours</td>
<td>7.69 Hours</td>
</tr>
<tr>
<td>25 or More Years</td>
<td>6</td>
<td>8.08 Hours</td>
<td>9.23 Hours</td>
</tr>
</tbody>
</table>

(d) When an employee with more than one year of service resigns, retires or dies, salary payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks’ notice of the separation, where applicable.

(1) Any employee who has less than one year of service shall not be entitled to a salary payment in lieu of vacation.
(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

(i) No part-time or seasonal employee will receive vacation pay.

(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. However, the Mayor has discretion concerning the amount of vacation hours based on prior years of experience. The maximum vacation allowance for such an employee may not exceed 4 weeks for their first year of employment with the City of Bay Village and shall increase by 1 week for each year of continued service until the employee meets the vacation schedule in Section 151.06(a).

151.06 HEALTH INSURANCE

(a) Effective January 1, 2010, Full-time and Statutory Full-time employees of the City shall pay the cost of health insurance determined by the Plan adopted annually by the City of Bay Village.

(b) An election are eligible to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 HEALTH INSURANCE ELIGIBILITY

(a) Effective January 1, 2012, the City will provide City’s health, dental, vision and hearing insurance to eligible plans. Eligible employees, may receive family or employee only coverage in accordance with state and federal law, and in accordance with the terms of the City’s Healthcare Plan(s). The City and eligible employees will share the cost of such insurance plans. The employee’s share of the cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract. Full-time and Statutory Full-time shall be defined as the terms that are described and contained in the Compensation Ordinance.
(b) Eligible employees may receive family or employee only full coverage per state and/or federal law and in accordance with begins on the second first day of the City month following the date of Bay Village’s Health Plan hire. Coverage terminates on the last day of the month of termination.

(c) In lieu of employer sponsored health insurance an opt-out provision is offered as long as proof of coverage from another source is provided to the City, provided that such coverage was not purchased through a public health insurance exchange/marketplace. An employee who elects the opt-out incentive will receive $100 per month in lieu of employee-only coverage or $250 per month in lieu of family coverage.

(d) Health insurance plans and the opt-out provision will only be offered to employees required to be offered eligible for health insurance under the Patient Protection and Affordable Care Act and related regulations in accordance with state and federal law.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, and/or family members on the City’s insurance plan who are regular tobacco users shall submit to a pay a $50 per month total family surcharge.

(f) Working spouses of City employees who are eligible for group health insurance coverage through their employer’s plan shall pay a $75 per month surcharge in 2020 and a $100 per month surcharge in 2021 in order to participate in the City’s health insurance plan, including medical, hospitalization, dental, vision and prescription coverage.

151.06 - Physical examinations.

(a) As a condition of employment, candidates for employment may be required to take and pass a medical/physical examination. The Mayor or his/her designee shall determine the appropriate medical/physical examination necessary to the performance of their job duties and the facility(s) to perform the examination. The City shall be responsible for the costs involved.

(b) After a period of illness which requires any employee to be absent from his employment for fifteen (15) or more consecutive working scheduled days or more, the Mayor may require the employee to submit to a medical/physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof, may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.
151.07 - Sick Leave.

(a) Every full-time employee shall be entitled to receive sick leave hours on the basis of 4.6 hours for each complete eighty (80) hours of compensated service to a maximum of 120 sick leave hours. Such employees may use up to a maximum of 120 sick leave, upon approval of the responsible administrative officer of the employing department, for absence from previously scheduled work. Sick leave shall be granted to an employee upon or after the employee furnishes a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted to an employee upon or after his retirement or termination of employment. A certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted to an employee upon or after his retirement or termination of employment.

(b) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee’s credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(c) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be able to transfer the unused balance of accumulated sick leave to the City. Unused balance must be documented by prior public entity before being credited to employee’s account.

(d) Any employee who, without resigning or retiring, transfers from another public entity to the City shall be able to transfer the unused balance of accumulated sick leave to the City. Unused balance must be documented by prior public entity before being credited to employee’s account.

(e) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician’s certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted to an employee upon or after his retirement or termination of employment.

(f) Payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:

1. Any employee with ten or more years of service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
Twenty-five percent (25%) after ten years of service
Forty percent (40%) after fifteen years of service
Fifty percent (50%) after twenty years of service

up to a maximum payment of fifty percent (50%) of the employee’s annual base compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee’s estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.

(2) Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

The following circumstances will control the use of “sick leave” time for all employees of the City of Bay Village:

(1) Illness of employee: All regularly scheduled working hours.

(2) Death of employee’s: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.

(3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee’s household.

A. Days of admittance to and discharge from hospital.

B. Day of surgery, including child birth.

C. Time certified as “critical” by attending physician.

(4) Sudden illness or injury: To anyone living in the employee’s household. Sufficient time to make temporary arrangements, but no more than four hours.

The following circumstances shall control “bereavement leave” for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

(1) Death of employee’s: employee’s spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee’s household.

Scheduled working hours from time of death through and including day of funeral or memorial services.

(2) Death of employee’s: employee’s siblings-in-law, grandparents, grandchildren, aunt, uncle and spouses grandparents, grandchildren, aunt and uncle. Day of funeral or memorial services if scheduled to work.

For the purpose of administering the provisions of this section the following procedures shall be followed:

(1) The Director of Finance shall establish for each employee and each department a sick leave time account.

(2) Charges against the sum of such accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.
151.08 Bereavement Leave.

(a) All Full-time, Statutory Full-time and Regular Part-time employees of the City of Bay Village, shall be granted a three day leave of absence, with pay, for the death of an immediate family member. Full-time, Statutory Full-time and Regular Part-time shall be defined as the terms that are described and contained in the Compensation Ordinance.

(1) For purposes of this section “immediate family” includes: employee’s spouse, children, step-children, parents, step-parents, parents-in-law, siblings, siblings-in-law, grandparents, grandchildren and/or other relative living in the employee’s household.

(b) Employees will be permitted with proper authorization to take additional days off for bereavement leave at the Employer’s discretion, which shall be charged against any accumulated leave.

151.09 Paid Time Off - Paid time off.

(a) Permanent part-statutory full-time and regular part-time employees compensated on an hourly basis shall earn paid time off at a rate of 0.0575 hours earned per hour worked, per pay period. When paid time off is used, it shall be deducted from the employee’s credit on the basis of one hour for every one hour absence from scheduled work. Statutory Full-time and Regular Part-time shall be defined as the terms that are described and contained in the Compensation Ordinance.

(b) Paid time off may be used when an employee requests scheduled time off upon a twenty-four (24) hour advance notice by the employee and the approval of the employee’s supervisor. Paid time off may be taken with less than a twenty-four (24) hour advance notice at the employee’s supervisor’s discretion.

(c) The maximum amount of paid time off an employee can use in one (1) calendar year is one-hundred twenty (120) hours. In the event an employee, unless on an approved Family Medical Leave Act (FMLA) absence, any amount of accrued paid time off can be used during the length of the approved FMLA absence.

(d) If PTO is used for an illness or injury refer to sick leave purposes the same requirements as contained in Section 151.08-07 (Sick Leave. This article also applies to unused PTO in) above shall apply.

(e) In the event of resignation, retirement or death of a Statutory Full-time or Regular Part-time employee, Section 151.07(f) above shall apply.

151.09 Family Medical Leave Act (FMLA).

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws.

151.10 Longevity - Longevity.
(a) Effective January 1, 2001, there shall be paid to all Full-time non-elected regular full-time, non-bargaining employees, excluding employees covered under separate labor contracts, hired on or before January 1, 2016 and after completion of five (5) years of continuous full-time service, shall be entitled to additional compensation based on their years of service, at the rate of one-hundred dollars ($100.00) per year of service, after completion of five years, up to a maximum of three-thousand dollars ($3,000.00). Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) For new hires Full-time non-elected, non-bargaining employees hired on or after January 1, 2016, the following amendment shall apply: Full-time employees shall receive longevity payments and after completion of five (5) years of continuous full-time employment in service shall be eligible for the following additional compensation:

- 5-9 years $500 each year
- 10-14 years $1,000 each year
- 15-19 years $1,500 each year
- 20-24 years $2,000 each year
- 25 years and above $2,500 each year

(c) The calculation of "years of full-time service" shall be defined as length of service from the anniversary date of the employee's original date of hire by the City.

(d) No individual employed by the City in more than one capacity as a full-time employee shall be entitled to the benefits of this compensation in other than his primary department.

(e) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is re-hired...
full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(f) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 35 hours or more each week. (d) The Mayor shall receive longevity only if specifically provided for in the compensation ordinance for the term in question.

The amounts due hereunder shall be paid only to full-time employees, as defined in Section 151.10(e), on the first regular pay date in December.

(i) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder.

151.11 OVERTIME COMPENSATION.

151.12 - Overtime compensation.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime be compensated at the rate of 1½ times their hourly rate for all hours worked in excess of forty (40) in a workweek consistent with the Fair Labor Standards Act (FLSA). Hours of work shall be defined as actual hours worked including pay for holidays and vacation. Sick leave pay is excluded from overtime computation.

(c) No employees Consistent with the Fair Labor Standards Act (FLSA), employees who serve the City in more than one (1) capacity may not combine his/her total work hours for the calendar week for the purposes of overtime computation, but work hours in each position work hours are to be counted capacity shall be computed separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.
151.12 LIFE INSURANCE  
(a) The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of $50,000 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company. $0.00 each for Full-time employee. However, once obtaining the age of sixty-five (65) said life insurance will be reduced to thirty-two thousand five hundred dollars ($32,500.00) and once obtaining the age of seventy (70) said life insurance will be reduced to twenty five thousand dollars ($25,000.00). Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(b) Coverage begins on the first day of the month following the date of Full-time employment. Coverage terminates on the last day of Full-time employment.

151.13 PRIVACY ACT RULES  
(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required jobemployee dishonesty and faithful performance), genetic information, marital status, amnesty status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non-discrimination in the employment in every location or facility. This policy applies to all terms and conditions of employment.
including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. of duty coverage at a minimum of $50,000 limit.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

(c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status or pregnancy. Improper interference with the ability of the City’s employees to perform their expected job duties is absolutely not tolerated.

(d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

(e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that Equal Opportunity clauses be included in all major single purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.16 COMPENSATION PAYMENT - Compensation payment.

(a) Payment dates shall be:

(1) For hourly non-salaried employees: On February 14, 1975, and every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;

(2) For salaried employees and elected officials: All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(b) (3) Effective January 1, 2021 all employees with the exception of elected officials will be paid every other Friday for the hours worked during the previous two weeks. Elected officials will continue to be paid an annual compensation on a bi-weekly basis, payment to be made on the same dates as all other employees are paid.

(b) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.
151.17 UNIFORMS AND UNIFORM ALLOWANCES

(a) Department of Public Safety.  Effective January 1, 1998, Deputy police officers in the Division of Police shall receive a five hundred dollar ($500.00) uniform allowance at the completion of each 1,040 hours of service.

(2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties. Effective January 1, 2016, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar ($250.00) uniform allowance, and the Department of Public Service and Properties shall provide a uniform allowance of Eight Hundred Dollars ($800.00) for all Full-time non-bargaining employees of the Department whose job requires manual labor outside the office of the Department, equivalent to the amount negotiated in the collective bargaining agreement. This allowance is to be paid within the 1st pay period in February.

Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

(c) Police Chief and Fire Chief. Effective January 1, 2016, the Chief of the Fire Division and the Chief of the Police Division shall receive an allowance of Nine Hundred Dollars ($900.00) uniform allowance, equivalent to the amount negotiated in the collective bargaining agreement. This allowance is to be paid within the 1st pay period in February.

151.18 PERS PICK UP

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee’s contribution for each person subject to this "pick up" has been made as provided by the statute.
(b) The "pick up" pickup by the City provided by this section shall apply to all persons that: Are who are employees of the City and who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The City’s method of payment of salary to employees who are participants in PERS is hereby modified as follows, in order to provide for a salary reduction pickup of employee contributions to PERS.

(d) The total salary for each employee shall be the salary otherwise payable under the City policies. Such total salary of each employee shall be payable by the City in two parts: (1) deferred salary and (2) cash salary. An employee’s deferred salary shall be equal to that percentage of that employee’s total salary which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the City to PERS on behalf of that employee as a pickup and in lieu of the PERS employee contribution otherwise payable by that employee. An employee’s cash salary shall be equal to that employee’s total salary less the amount of the pickup for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to PERS based upon an employee’s total salary. The total combined expenditures of the City for each employee’s total salaries payable under applicable City policies and the pickup provisions of this section shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the provisions of this section to institute the pickup of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof so as to enable them to obtain the result in Federal and State tax deferments and other benefits.

151.18 DRUGFREE WORKPLACE.

(a) 44.01 All employees shall agree to a drug free workplace program as defined by the State of Ohio Bureau of Workers’ Compensation and in accordance with the Ohio Bureau of Workers’ Compensation Drug Free Safety Program-Advanced Level.

151.19 HARASSMENT POLICY.

(p) It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another’s work performance or that creates an intimidating, offensive or hostile environment. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status or sex. Each person has a responsibility to keep the workplace free of any
forms of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or
insinuate either explicitly or implicitly that an employee’s refusal or willingness to submit to sexual
advances will affect the employee’s terms or conditions of employment. Other sexually harassing or
offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisors or
non-employees is also prohibited. This conduct includes, but is not limited to:

1. Unwanted physical contact or conduct of any kind, including sexual flirtations,
touching, advances or propositions;
2. Verbal abuse of a sexual nature;
3. Demeaning, insulting, intimidating, or sexually suggestive comments about an
individual’s dress or body;
4. The display in the workplace of demeaning, insulting, intimidating, or sexually
suggestive objects or pictures, including nude photographs;
5. Demeaning, insulting, intimidating or sexually suggestive written, recorded, or
electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race,
national origin, religion, disability, pregnancy, age or military status or sexually orientation is also
prohibited.

Any employee who believes that a supervisor’s, manager’s, other employee’s or non-employee’s
actions or words constitute unwelcome harassment has a responsibility to report or complain about the
situation as soon as possible.

The report or complaint should be made to the employee’s supervisor or to the department head
or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City’s grievance policy,
unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be
investigated properly in as impartial and confidential a manner as possible. Employees are required to
cooperate in any investigation. A timely resolution of each complaint should be reached and
communicated to the parties involved. Retaliation against any employee for filing a complaint or
participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will
be subject to appropriate disciplinary action, up to and including termination of employment. The City
prohibits any form of retaliation against employees for bringing bonafide complaints or providing
information of harassment. However, if an investigation of a complaint shows that the complaint or
information was false, the individual who provided the false information will be subject to disciplinaiy
action, up to and including termination.

(b) It is the policy of the City that an employee should have an opportunity to present
complaints regarding harassment and to appeal the decision through a dispute resolution or grievance
procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they
have been improperly harassed are to proceed as follows:

Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the
complaint involves the supervisor, then it is permissible to proceed directly to Step 2.
Step 2: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to
the employee within a reasonable time. The supervisor should prepare a written and dated summary of
the complaint and proposed resolution for file purposes.
Step 3: Appeal the decision of the department head if dissatisfied with the supervisor’s
decision or initiate the procedure with the department head if Step 1 has been bypassed, because the
immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a
timely fashion in a written form. The supervisor's version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.

Step 3: Appealing an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee's original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith, if solely for the purpose of delay or harassment, or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.20 19. - PERS PICKUP OF ADDITIONAL SERVICE CREDIT

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this pickup deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:

All who are employees, other than seasonal, of the City and who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.21 WHISTLEBLOWER PROTECTION FOR EMPLOYEES.

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or Mayor, the employee may file a written report...
with the office of internal auditing created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code.

In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

(1) Removing or suspending the employee from employment
(2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled
(3) Transferring or reassigning the employee
(4) Denying the employee promotion that otherwise would have been received;
(5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee’s appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof.

and present Chapter 151 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 will be in full force and take effect at the earliest time permitted by law.
 Ordinance – Chapter 151

PASSED:

________________________________________
PRESIDENT OF COUNCIL

________________________________________
CLERK

________________________________________
MAYOR

05.16.19 jt
May 16, 2019

Colleagues,

I would be interested in hearing your comments on the tree ordinance that was requested when Gary Ebert was Acting Mayor.

It is time we research this issue and move it out of Matters Pending.

Additionally, I would like to invite all of Council and the Mayor to the Village Foundation Grant Ceremony which will be held on Monday, May 27, 2019, at 10:45 a.m. on the north side of Cahoon Memorial Park near the Walking Trail. You will see the tents set up for the ceremony.

My best,

Dave
Mayor Koomar:

Our annual report of Tree Commission activities has been on hold in the hopes of movement and activity around the update to the existing Tree Protection Ordinance. I had truly hoped to provide you with significant advancements in support of your visionary leadership of this great community, but at this time we are still working through a more incremental process. The accomplishments of your amazing staff and Commission remain exciting and notable and as such we respectfully submit our Year in Review.

Appreciatively,

Colby Sattler
Chair
Bay Village Tree Commission
City of Bay Village

Council Minutes, Special Meeting April 23, 2018
Council Chambers 8:00 p.m.
Vice President of Council David L. Tadych, presiding

Present: DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar

Excused: Mr. Clark

Also Present: Law Director Ebert, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Recreation Director Enovitch, Fire Chief Lyons, Fire Chief Spaetzel, Chief Building Official Vogel (SAFEbuilt, Inc.)

AUDIENCE

The following members of the audience signed in this evening: Claire Banasiak, Jeff Gallatin, Denny Wendell, Mary Krauss, Dorothy Stewart, Al Kruzer.

Vice President of Council Tadych called the meeting to order at 8:00 p.m. with roll call, and the Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman, Ward 3.

Motion by Mace to dispense with the reading of the minutes of the meeting of the Regular Meeting of Council held April 16, 2018, and approve the minutes as prepared and distributed.

Roll Call Vote: Yeas - DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.

Motion passed 6-0.

Mr. Colby Sattler, Chairman of the Bay Village Tree Commission gave the following slide presentation regarding proposed amendments to Chapter 547 of the Codified Ordinances of the City of Bay Village, regarding the protection of trees. Accompanying Mr. Sattler to the meeting and presentation, were the following: City Arborist Mike Polinski, Commission Member Dave Patzwahl, Commission Member Leslie Brown, Commission Member Patrick Graham, and Commission Member Larry Ludwig.

The complete presentation, including illustrations, is available on the City of Bay Village website, under the heading of Tree Commission.

Amending our Tree Protection Ordinance to ensure Bay Village's legacy as a Tree City on a Blue Lake.

The amendment to the Tree Protection Ordinance has been prepared to conserve and protect to the greatest extent possible the City’s exiting trees and wooded spaces; to enhance and promote the community image; to enhance and preserve economic property values and the quality of life in the City; to aid in the alleviation of erosion, siltation, and other harmful effects of land-
disturbing activities; to aid in controlling the quantity and intensity of storm water runoff; to alleviate air pollution and non-point source water pollution; to conserve energy; to protect and promote the use of existing vegetation as noise and visual buffers; to preserve the environmental and ecological benefit of trees on air pollution and carbon dioxide levels as well as dust filtration; to reduce energy consumption through the wind break and shade effect of trees when they are properly placed on a site; to preserve and enhance nesting areas for birds and other wildlife and to preserve movement corridors for wildlife; and to promote the public health, safety, and welfare through the preservation and replacement of trees while allowing for the reasonable development of lands in such a manner that implements the stated goals, objectives, policies and standards of the City.

Mr. Sattler explained that the amendments proposed provide updates, clarifications, and improvements to the existing ordinance. The following bullet points were considered with the drafting of the revised ordinance:

**Section 547 Amendments: Common Sense Assurances**

The roadmap to Preserving our Legacy

- **547.04 Boundary line trees.**
- **Reducing conflict and financial burdens.**
- **547.16 Commercial property, undeveloped residential property and current developed lots.**
- **Have a plan, receive a permit, and make reasonable efforts to preserve & protect existing trees.**
- **547.17 Removal of protected trees on residential property and current developed lots.**
- **Receive a free permit and remediate the tree’s loss unless exempted.**
- **547.18 Exemptions**
  - Emergencies and extreme acts of nature as declared by the Service Director.
  - Failure to remove constitutes an imminent danger.
  - Necessary removals within easements.
  - The tree is dead, dying or diseased as approved through the permit process.
  - Improved & streamlined—revised existing information and eliminated redundancies.
  - Detailed—Group effort involving interviews and 3rd party Tree Care professionals providing input.
  - Builds upon 2005-2006 Tree Commission work around updating Ordinance 547 which looked into tree preservation for private and commercial properties.
  - Comprehensive—extensively researched existing ordinances of representative and peer communities both locally and nationally.
  - Equitable—Ensures Bay Village becomes an even more desirable place to live and work through commonsense protections that allow everyone to benefit from the value of and importance of trees.

**Cuyahoga County Tree Canopy by Municipality**

Top 5:
- Chagrin Falls 77%
- Bentleyville 74%
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Gates Mills 73%
Moreland Hills 70%
Hunting Valley 70%

Every city could achieve 70% or more Tree Canopy

Bottom 5:
North Randall 10%
Brook Park 18%
Warrensville Hts. 19%
Cleveland 19%
Lindale 20%
Bay Village 49%

Existing (decreasing countywide) 75%  Possible (Just utilizing Currently Vegetated Areas)

Why Trees?

• Over 100 years trees appreciate
• Other infrastructure depreciates
• Trees GAIN in value over time!

• Shoppers claim that they will spend 9% to 12% more for goods and services in central business districts having high quality tree canopy

• Older adults who have more exposure to green common spaces report a stronger sense of unity and belonging to their neighborhood.

• The public judges communities having vegetation-bordered roads more positively, with ratings of visual quality increasing as the amount of roadside vegetation increases *Wolf, K.L. 2010. Community Economics - A Literature Review. In: Green Cities: Good Health (www.greenhealth.washington.edu). College of the Environment, University of Washington.;

• Builders can recover extra costs of preserving trees through higher sales prices and faster sales for houses on wooded lots.

• The presence of larger trees in yards and as street trees can add from 3% to 15% to home values.

• A study found 7% higher rental rates for commercial offices having high quality landscapes.

Trees reduce heating and cooling needs and increase business traffic.

Trees improve public health and safety.

Trees meet environmental challenges and improve our natural world.
URBAN TREE CANOPY
What is an urban forest?
All trees within a municipality or community (on private and public lands).

What is tree canopy? All land covered by trees (with leaves on) when viewed from above.

Thank you, for considering trees!

Prepared and submitted by:

Bay Village Tree Commission Secretary Jackie Moore, City Arborist Mike Polinski, Chair Colby Sattler, Council Representative David L. Tadych, Commission Member Dave Patzwahl, Commission Member Leslie Brown, Commission Member Patrick Graham, Commission Member Larry Ludwig.

Tree Commission Member Dave Patzwahl addressed the administration and Council, noting that there are significant changes and enhancements proposed to the existing Tree Ordinance, Chapter 547 of the Codified Ordinances of the City of Bay Village. Mr. Patzwahl stated that it is the Tree Commission’s first intent to try to make provisions to preserve the tree canopy that exists on private property. Permitting is suggested, and if trees cannot be preserved a way to reforest the property or another property elsewhere in the City, with provisions to help make that happen, is the proposed alternative. Mr. Patzwahl noted that there are in existence rules to control activities on private property for aesthetic purposes. It is not groundbreaking to exercise control on preserving the tree canopy on private property. The Tree Commission is asking for the leadership of the elected officials to make those considerations, noting that if this cannot be done, just trying to preserve the canopy on city properties and park spaces will not be enough to minimize decline. Mr. Patzwahl offered the following quotation: “True leadership is planting a tree under which whose shade you will never sit.” In this case, they are asking about preserving a tree under whose shade we can actually sit right now.

Mr. Winzig asked if the City is prepared to handle the volume of needs to help people assess their property and understand corrective measures. Mr. Polinski stated that they already have a significant involvement in the community, whether it be dead, dying or diseased trees on private property or simply doing a health check of residents’ trees and offering recommendations.

Mr. Winzig asked Councilman Tadych asked if it would make sense to add additional funding in the 2019 Budget or keep the funding where it is for the tree provisions.

Mr. Tadych stated that there has been a planned, gradual movement on the funding. It has been increased by $5,000 per year for the last couple of years and he would like to see that maintained, although, at some point it may be necessary to stop planting trees and look at software enhancements for keeping track of the tree inventory throughout the City.

Mr. Sattler stated that the Tree Commission is prepared to assist in the process of helping residents assess their property and understand corrective measures. A large part of that is being more forward facing and having more access to information for residents so they know where to
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go for answers to their questions. Part of the permitting process is to provide that initial dialogue and point of contact. Before a question or issue arises, the residents know who is in charge or who to call. The process will allow Mr. Polinski and his staff to be more efficient with their time and provide more support for residents.

Mayor Koomar stated that in addition to allocating dollars for trees, consideration must be given to the labor of planting, versus the other needs of the City such as crack sealing roads, clearing potholes, Bradley Park restrooms, sidewalk repair program, etc. There is the philosophy of managing manpower for service, coupled with putting money in the tree program over time. Mayor Koomar noted that he has always been an advocate of getting folks to plant more on private property. Large species are only going to be able to be planted on private property. He noted that it is necessary on private property to be cognizant of storm sewer and lateral sewers in the right-of-way, and being aware of where to plant, and where not to plant.

Mr. Tadych stated that when a tree is planted today your children may be sitting under it when they are adults, and you aren’t going to sit under that tree and enjoy it as an adult today. It takes a long time to build up the beauty and the provisions provided by the existence of the tree.

The members of the Bay Village Tree Commission were thanked for their presentation this evening.

Mr. Winzig read, by title only, Ordinance No. 18-30, as amended, to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018 as previously appropriated in Annual Appropriations 17-86, 18-5, and 18-25, and moved for adoption, noting the inclusion of the emergency clause. (Second Reading) (First Reading April 16, 2018).

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 18-30.

Roll Call on Suspension of the Charter Rules:
Yeas-Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays -None

Roll Call on Suspension of the Council Rules:
Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas–Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays–None.

Roll Call on Adoption:
Yeas–Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays–None.

Mr. Ebert announced adoption of Ordinance No. 18-30, an emergency measure, by a vote of 6-0.
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**Mrs. Stainbrook** read, by title only, **Ordinance No. 18-32** authorizing the Mayor to enter into an agreement with Bramhall Engineering for services related to the Columbia Road Culvert, and declaring an emergency, and moved for adoption (Second Reading) (First Reading April 16, 2018).

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 18-32.

- **Roll Call on Suspension of the Charter Rules:**
  - Yeas- Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
  - Nays -None

- **Roll Call on Suspension of the Council Rules:**
  - Yeas – Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
  - Nays – None.

- **Roll Call on Inclusion of the Emergency Clause:**
  - Yeas– Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
  - Nays–None.

- **Roll Call on Adoption:**
  - Yeas– Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
  - Nays–None.

Mr. Ebert announced adoption of Ordinance No. 18-32, an emergency measure, by a vote of 6-0.

**Mrs. DeGeorge** read, by title only, **Resolution No. 18-28** authorizing the Finance Director to participate in various Cooperative Purchasing Programs, and declaring an emergency, and moved for adoption. (Third Reading) (Second Reading April 16, 2018) (First Reading April 9, 2018).

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution No. 18-28.

- **Roll Call on Suspension of the Charter Rules:**
  - Yeas- Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
  - Nays -None

- **Roll Call on Suspension of the Council Rules:**
  - Yeas – Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
  - Nays – None.

- **Roll Call on Inclusion of the Emergency Clause:**
  - Yeas– Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
  - Nays–None.

- **Roll Call on Adoption:**
  - Yeas– Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
  - Nays–None.

Mr. Ebert announced adoption of Resolution No. 18-28, an emergency measure, by a vote of 6-0.
Mrs. Stainbrook reported that a Public Improvements, Streets, Sewers and Drainage Committee meeting was held at 6:30 p.m. this evening to continue working on the Sunset Project and to help the project become a reality. Mrs. Stainbrook read the following motion in the interest of helping funding for that project.

**Motion** by Stainbrook to authorize the Mayor to apply for District One Public Works Integrating Committee, (DOPWIC) Issue 1 funding for Bay Village Capital Projects. The intention is to use any DOPWIC funding received as one source of funding for the proposed Sunset Drive Storm Sewer and Roadway improvements. The Mayor and Council are putting forth their best efforts to identify all funding sources to minimize the financial impact on the City and residents and to make this project a reality.

**Motion carried 6-0.**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Mace MOVED to convene to Executive Session for discussion regarding Litigation: Pietrangelo (library), Holliday (Federal Court).

Roll Call Vote: Yeas –Tadych, Winzig, DeGeorge, Mace, Maier, Stainbrook. Nays – None.

Motion passed 6-0.

**Announcements/Audience/Miscellaneous**

Before convening the Executive Session, Mayor Koomar announced that earlier this evening the Cleveland Metroparks completed a burn of the grassy area at the bottom of the sledding hill in Huntington Reservation. The area will be tilled in the near future and a variety of native plants will be planted in the area. The native plants include things such as Milkweed and other plants that attract Monarch Butterflies during their migration. The Mayor thanked the Bay Village Fire Department for being at the site of the burn to make sure things were under control. Planting will be done by seeding.

Mr. Winzig commented that the shredding event at the Bay Village Police Department was very organized and successful. Mayor Koomar stated that it was steady throughout. Habitat for Humanity filled up one truck with donations, with a second truck being sent for additional items. Donated items included bathroom fixtures and furniture.

Council convened to Executive Session. Also in attendance in Executive Session were Mayor Koomar, Law Director Ebert and Finance Director Mahoney.

Council reconvened in an open meeting at 8:58 p.m. Present were: DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig. Nays – None.

There being no further business to discuss, the meeting adjourned at 8:59 p.m. The meeting of April 30, 2018 of City Council will not be held.
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________________________________________
David L. Tadych, Vice President of Council

________________________________________
Joan Kemper, Clerk of Council
Mayor Koomar & Members of Council:

In 2018, the Bay Village Tree Commission (BVTC) continued to expand our role as advocates of tree protection. We remain proud to serve Mayor Koomar, City Council, and our fellow residents in ensuring a lasting legacy of being proactive stewards of such a critically important aspect of our natural resources and defining characteristic of our great city. We are also grateful for City Arborist Mike Polinski, and all of those people whose tireless advocacy and resolve help set Bay Village apart from our peer communities. On behalf of BVTC, we thank you all for believing in, and understanding, the importance of trees.

BVTC would also like to highlight the continued, successful efforts to advocate for and receive permission to begin a dedicated street tree inventory. This type of real-time information allows practitioners to make informed and proactive decisions about the health and safety of our trees as well as systematic prioritizations for planting opportunities. It is a testament to all involved that visionary leadership leads to a better community in which to live. We commend your efforts. We also want to highlight our City Arborist who understands how to be productive and successful within a dynamic budget. Mr. Polinski’s ability to prioritize work and stretch funds was instrumental in the City being able to capitalize on opportunities for new and updated software while still planting new trees—an incredible achievement and accomplished objective for 2018!

For BVTC, how we build off of 2018 will be the defining aspect of our collective legacy. The updated Tree Protection ordinance, completed in 2017, was presented to the Mayor, City Council and residents at the April 23rd Council Meeting. While this initial introduction was important, the Ordinance now requires review by the Committee of the Whole. To that end, the entire BVTC respectfully asks for this opportunity and is committed to being available to answer any questions you may have and working with you to make this as useful as possible. Worth noting is this type of work is central to all Tree Commissions, and ordinance refinement, implementation and support cannot occur without you! In short, the main objective of your Tree Commission and its ability to operate as chartered, requires your attention.

As witnessed in 2017, a continued increase in development coupled with a changing climate and aging tree population has led to the continued loss of our tree canopy. These issues have all led to increasing pressures from, and lack of accountability within, residential and commercial tree care activities and the failure to adhere to industry standards. We receive calls from residents and read post after post online about contractors bilking residents. Without an updated ordinance in place, unlicensed and unqualified tree contractors continue to work on trees in Bay Village without being properly vetted or without penalty for failing to register. These activities have helped to exacerbate issues with Oak Wilt and can ultimately lead to increased tree risks and subsequent damages to property.
To preserve our natural legacy, to remain a unique and desirable city, and to ensure a healthy and growing canopy of trees we ask for your attention and support of the updated Tree Protection Ordinance. With an updated Tree Canopy Assessment coming from the Cuyahoga County Planning Commission this year we can either hope to remain near the top of the list of most canopy coverage by virtue of century old trees which are vanishing forever, or we can ensure our position by prioritizing the importance of trees and their myriad benefits to the people of Bay Village. And along the way we will continue to celebrate the numerous activities leading to our ultimate success. Please join us in recognizing the significant accomplishments of your dedicated City Arborist and his staff.

2018 Snapshot of Success

- Planted 113 new trees on city streets and other public areas
- Pruned, or had pruned by contactor, over 100 trees throughout the city
- Removed 38 dead or hazardous trees on city streets and public areas
- Continued the newly planted tree watering program
- Hosted multiple public outreach and training events throughout the year
- Responded to over 289 tree related work orders in the city
- 67 P/P tree inspections performed, of those 34 Correction Notices were sent out and closed

Respectfully Submitted,

[Signature]

Colby Sattler
Chair
Bay Village Tree Commission
City of Bay Village

Tree Preservation Ordinance

"To Preserve and Grow Our Urban Forest"

Purpose:

The purpose of this chapter is to conserve and protect to the greatest extent possible the city’s existing trees and wooded areas; to enhance and promote the community interest; to enhance and preserve economic property values and the quality of life in the city; to aid in the alleviation of erosion, siltation, and other harmful effects of land disturbing activities; to aid in controlling the quantity and intensity of stormwater runoff; to alleviate air pollution and non-point source water pollution; to conserve energy; to protect and promote the use of existing vegetation as natural visual barriers; to preserve the environmental and ecological benefit of trees on air pollution and carbon dioxide levels as well as dust filtration; to reduce energy consumption through the wind break and shade effects of trees when they are properly placed on a site; to preserve and enhance nesting areas for birds and other wildlife and to preserve movement corridors for wildlife; and to promote the public health, safety, and welfare through the preservation and replacement of trees while allowing for the reasonable development of lands in such a manner that implements the stated goals, objectives, policies and standards of the city.

Applicability:

This chapter applies to single-stem trees which have a minimum eight-inch diameter breast height (DBH) and or multiple stem trees with a combined aggregate trunk of twenty inches DBH hereinafter known as protected trees, on all public and private properties, within zoning districts.

Exemptions:

A. The requirements of this chapter shall be followed except:
   1. During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature as declared by the City or determined by the Service Director or designee.
   2. If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree, as verified prior to removal by the Service Director or designee.
   3. For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements.

B. The remediation for removal of a protected tree is exempt if the tree is dead, dying or diseased as approved prior to removal by the Service Director or designee through the permit process.

Definitions:

For the purposes of this chapter, the following definitions shall apply:

**AGGREGATE DIAMETER.** The combined sum of diameters of all stems measured individually of a multiple stem tree measured at breast height (See diameter breast height).
CALIPER. The diameter of a tree trunk six inches above the existing grade or proposed planted grade. This measurement is only used for replacement trees in this chapter.

CRITICAL ROOT ZONE. The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one foot for every inch of diameter breast height.

DIAMETER BREAST HEIGHT (DBH). The diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree. This measurement is used for existing trees.

NO DISTURB ZONE (NDZ). An area designated on a subdivision plat which shall remain free of any structures including, but not limited to, drives, garages, buildings and outbuildings, sheds, fences, swimming pools, decks, swing sets/play structures, satellite dish antennae, basketball courts, etc. The existing natural features shall not be disturbed, removed, or physically altered unless written permission is granted by the Service Director or designee. Grading activities and placement of utilities within said zones are not permitted unless written permission is granted by the Service Director or designee. Utilities may cross at right angles to the said zones or run outside and parallel it.

PROTECTED TREE. A protected tree is any tree having a diameter of 8 inches DBH or larger or having an aggregate diameter of 20 inches DBH.

REMOVE or REMOVAL. The causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, point digging or other direct or indirect action resulting in, or likely to result in, the death of a tree.

TREE. Any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or multi-stemmed trunk system, supporting a definitely formed crown.

TREE PRESERVATION AREA. The area of a parcel of land in which all trees shall be protected during all phases of construction.

TREE PRESERVATION PLAN. A proposal which includes a tree survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction and methods for ongoing maintenance, including fertilizing and pruning following ANSI A300 standards.

TREE PRESERVATION ZONE. An area designated on a subdivision plat with restrictions noted regarding the removal of trees.

TREE REMOVAL PERMIT. The permit required by this section to be issued in order to remove any protected tree within the corporate limits of the city.

TREE SURVEY. A graphic display drawn to scale, not to exceed 1" = 50', showing all existing protected trees on the site. The tree survey shall include species, DBH, and contain the outline of the critical root zone of each such tree.
The Following apply to ALL Commercial Property, Undeveloped Residential Property and All Currently Developed lots that will be divided, subdivided and or developed through the demolition of an existing dwelling or commercial structure.

Pre-Construction Activities

A. General regulations. Prior to any construction activities on a site containing protected trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the city for review and approval.

B. Site layout and design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing protected trees. Including the critical root zones of protected trees shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

(1) It shall be required, to the extent possible, that building(s), driveway(s), sidewalks, bikepaths, stormwater management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of protected trees.

(2) Any required drainage and impound plan, including stormwater management facilities, shall be developed in such a way as to avoid removal of protected trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.

(3) Every effort shall be made to preserve existing protected trees during the placement of utility service lines including auguring and boring as opposed to open cutting or trenching as appropriate.

(4) Landscape design shall include the preservation of existing protected trees.

(5) To help preserve protected trees on adjacent parcels, consideration shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development through sensitivity to the critical root zones of and protected trees. The critical root zones of protected trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

TREE REMOVAL PERMIT

(A) Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Service Director or designee.
(B) Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

1. May remove the tree(s) as provided in the permit.

2. Shall remediate the loss of the protected tree(s) according to replacement schedule unless it was exempted according to previous list of exemptions.

3. Is encouraged to remediate the removal of protected trees within affected property (tree lawn included, 547.04).

4. If the required remediation cannot be or is not desired on the affected property a fee can be paid to the Bay Village Tree Fund to plant required trees elsewhere in the city.

(C) Application for tree removal permit. The application for a tree removal permit shall contain:

1. Name and address of applicant;
2. Address of property where protected tree(s) sought to be removed is located;
3. A written statement indicating the reason for removal of the protected tree(s);
4. Name and address of contractor or other person who is proposed as having responsibility for tree removal;
5. A tree preservation plan;
6. A tree survey.

Tree Replacement Requirements and equivalent Bay Village Tree Fund Fees

Commercial:

Half the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a 24” DBH tree must be replaced with a tree or trees with a combined total of 12” caliper.

If the property is unable or unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. $20.00 per 1” DBH of protected trees removed. Minimum $175.00 no maximum.

Residential Undeveloped and Redevelopment through lot division, subdivision and demolition of existing dwelling:

Half the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a 24” DBH tree must be replaced with a tree or tree with a combined total of 12” caliper.
If the property is unable or unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. $15.00 per 1” DBH of protected trees removed. Minimum $175.00 no maximum.

The Following Applies to removal of protected trees on residential property that does not involve development through lot division or subdivision or the removal of the existing dwelling.

TREES REMOVAL PERMIT

A. Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Director or designee.

B. Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

(1) May remove the tree(s) as provided in the permit.

(2) Shall remediate the loss of the protected tree(s) according to replacement schedule unless it was exempted according to previous list of exemptions.

(3) Is encouraged to remediate the removal of protected trees within affected property (tree lawn included. 58-70)

(4) If the required remediation cannot be or is not desired on the affected property a fee can be paid to the Bay Village Tree Fund to plant required trees elsewhere in the city.

(A) Application for tree removal permit. The application for a tree removal permit shall contain:

(1) Name and address of applicant;

(2) Address of property where protected tree(s) sought to be removed is located;

(3) A written statement indicating the reason for removal of the protected tree(s);

(4) Name and address of contractor or other person who is proposed as having responsibility for tree removal;

Tree Replacement Requirements and equivalent Bay Village Tree Fund Fees

Residential – Not including development through lot division, sub division and demolition of existing dwelling.
One quarter of the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a 24" DBH tree must be replaced with a tree or trees with a combined total of 6" caliper.

If the property is unable or unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. $10.00 per 1" DBH of protected trees removed. Minimum $150.00 and up to a maximum of $1,000.00.

Compliance:

It shall be unlawful for any person, firm or corporation, including public utilities, to fail to abide by the terms of any tree preservation plan or tree removal permit issued by the city. If, in the opinion of the Service Director or designee, the necessary precautions as specified in the tree preservation plan were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order will be issued by the city until such time as the permittee complies with these precautions. Additionally, any loss of a protected tree due to non-compliance and or the failure to follow a permitted remediation plan will result in a penalty.

Penalty:

Violation of the Tree Preservation Ordinance will result in a fine twice the amount of the normal replacement requirements to the Tree Fund.

Addendum:

Tree Maintenance: Given the prevalence of issues stemming from poor pruning practices, including the spread of Oak wilt, it is required that all property owners and contractors adhere to ANSI A300 standards for tree maintenance in Bay Village.

Tree Selection: For residents and contractors planting trees outside the confines of this ordinance, it is highly recommended to plant non-invasive tree species such as those found in The Cleveland Tree Plan.
ORDINANCE
NO.: DRAFT

INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 547
REGARDING TREES

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

SECTION 1. That Codified Ordinance Section 547 which presently reads as follows:

CHAPTER 547
Trees

547.01 Trees on or overhanging public property and diseased trees and trees on private property.
547.02 Trees abutting or fronting public property.
547.03 Cutting, injuring or interfering with trees.
547.04 Approval to plant trees in public streets.
547.05 Interfering with tree roots.
547.06 Protecting trees during building construction.
547.07 Placing deleterious substances near trees.
547.08 Attaching electric wires to trees.
547.09 Fastening electric wires against contact with trees.
547.10 Compliance to remove electric wire required.
547.11 Planting of certain trees prohibited.
547.12 Removing, killing poplar trees.
547.13 Interfering with City planting, caring or removing of trees.
547.14 Authority of Public Service Director.
547.15 Written order; noncompliance; assessment of costs.
547.99 Penalty.

CROSS REFERENCES
Park trees, shrubbery and lawns - see GEN. OFF. 539.03(b)
Destruction of shrubs, trees or crops - see GEN. OFF. 541.06

EDITOR’S NOTE: For the Master Street Tree Plan, consult Ordinance 60-130, on file in the Clerk’s office.
547.01 TREES ON OR OVERHANGING PUBLIC PROPERTY AND DISEASED TREES AND TREES ON PRIVATE PROPERTY.

The owner of every lot or parcel of land within the City upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk or being found to have an infectious disease shall conform to the regulations herein provided; otherwise, the Director of Public Services and Properties and/or the Director of Building or their designated agents (hereinafter the "Director") shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land:

(a) The owner shall trim or cause to be trimmed the tree, plant or shrubbery so that a clear height of eight feet between the lowest branches of the same and the street or sidewalk is maintained.

(b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.

(c) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, or pedestrians using such street or sidewalk.

(d) The Director is authorized to inspect any tree or part thereof within the City which is suspected of being infected, diseased, or dead. If upon such inspection there is reason to believe a tree or part thereof is dead or a disease is present, the following action shall be taken by the Director:

(1) On City-owned property, the Director shall issue a written report to the Mayor who shall immediately order the removal of the tree and trimmings in such a manner as to prevent as fully as possible the spread of any disease and/or a hazardous condition.

(2) On private property, a written "notice of violation" shall be issued to the property owner. The notice may be served by delivering it personally to the owner, or by sending it first class mail to the owner's last known place of business or residence. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the real estate involved. Posting for 72 hours shall be considered legal notice. Such "Notice of Violation" shall contain an order to cut or destroy such tree or part thereof and abate the violation within the time limitations specified in said "Notice of Violation".

In the event such owner does not comply with the "Notice of Violation, the Director shall cause such tree or part thereof to be cut and removed together with any clean-up work required.

(Ord. 09-62. Passed 8-10-09.)

547.02 TREES ABUTTING OR FRONTING PUBLIC PROPERTY.

The owner of any parcel of land or lot which abuts or fronts upon any street or public ground, in front of which trees are planted and growing shall trim and care for such trees in the manner provided in Section 547.01 and upon his failure to comply the Director may cause such work to be done and assess the cost thereof against the owner of such lot or parcel. In complying with this section, it shall be unnecessary to obtain the permit required in Section 547.03.

(Ord. 09-62. Passed 8-10-09.)
547.03 CUTTING, INJURING OR INTERFERING WITH TREES.
No person shall, without the written permit of the Director, cut, prune, break, climb with spurs, injure or remove any living tree in a public highway; or cut, disturb, or interfere in any way with the main roots of any tree on the public street; or place any rope, sign, poster or other fixture on a tree or guard in a public street; or injure, misuse or remove any device placed to protect such tree on a public street, except in case of immediate necessity for the protection of life or property. (Ord. 09-62. Passed 8-10-09.)

547.04 APPROVAL TO PLANT TREES IN PUBLIC STREETS.
(a) No shade or ornamental tree or shrub shall be planted in any of the public streets of the City, except as is provided in the Master Street Tree Plan heretofore adopted by the City. Any such planting shall first require the written approval of the Director, and such written approval shall designate the species of trees to be planted, the required spacing, the required minimum planting size, all as specified in the Master Street Tree Plan for the City as such Plan now exists, or as it may be amended hereafter from time to time. The Director of the City shall prepare a street planting plan indicating the streets and tree locations for each year's scheduled planting program. The plan shall be presented to the City Council for approval each year prior to implementation.

(b) The Director shall make a recommendation to City Council on the yearly tree plan relative to the impact of the tree planting on overhead utility wires and poles, and all underground utilities and services. If the Director has concerns on any portion of the tree planting plan, he shall modify the tree plan to eliminate the service concerns.

(c) No tree shall be planted under electric lines on any of the public streets of the City, which at the estimated full growth will exceed twenty-five (25) feet in height.

(d) Trees planted on any of the public streets of the City shall be planted no closer than thirty (30) feet apart unless specifically approved by the Director.

(e) Trees planted in the public right of way shall be planted no closer than fifteen (15) feet from all utility poles unless specifically approved by the Director.
(Ord. 09-62. Passed 8-10-09.)

547.05 INTERFERING WITH TREE ROOTS.
No person shall, without the written permission of the Director, place or hereafter maintain upon the ground in a public street any stone, cement, or other substance which shall impede the free passage of water and air to the roots of any tree in such street, without leaving an open space of ground outside of the trunk of such tree in area not less than four square feet. (Ord. 09-62. Passed 8-10-09.)

547.06 PROTECTING TREES DURING BUILDING CONSTRUCTION.
In the construction of any building the owners thereof shall place protective fencing around all nearby trees on the public street as shall effectually prevent injury to them. There shall be one foot of protective fenced area for every eleven inches in diameter of affected trees. Nothing shall be permitted inside the perimeter fencing. (Ord. 09-62. Passed 8-10-09.)
547.07  PLACING DELETERIOUS SUBSTANCES NEAR TREES.
   No person shall cause any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substance deleterious to trees to come in contact with the soil surrounding the roots of any trees upon any public place in the City, in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.
   (Ord. 09-62. Passed 8-10-09.)

547.08  ATTACHING ELECTRIC WIRES TO TREES.
   No person shall, without the written permit of the Director, attach any electric wire to any tree growing or planted upon any public street of the City.
   (Ord. 09-62. Passed 8-10-09.)

547.09  FASTENING ELECTRIC WIRES AGAINST CONTACT WITH TREES.
   Every person having any wire charged with electricity running through or across a public street shall securely fasten such wire or wires so that they shall not come in contact so as to injure any tree therein. (Ord. 09-62. Passed 8-10-09.)

547.10  COMPLIANCE TO REMOVE ELECTRIC WIRE REQUIRED.
   Every person having any wire charged with electricity running through or across a public street, shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the Director, in order to take down or prune any trees growing in a public street, within twenty-four hours after the service upon the owner of such wire, or his agent, of a written notice to remove the wire or the electricity therefrom.
   (Ord. 09-62. Passed 8-10-09.)

547.11  PLANTING OF CERTAIN TREES PROHIBITED.
   No person shall plant any variety of trees which are commonly known as poplars (populas sp., aka aspens, cottonwood), box elder (acer negundo, aka ash leaf maple), siberian elm (almus pumila aka piss elm), alianthus (alanthus altissima aka tree of heaven, skunk tree, weed tree, stink tree), willows (salix sp) and thorne varieties of honey locust (gleditsia triacanthos) in the public right of way. (Ord. 09-62. Passed 8-10-09.)

547.12  REMOVING, KILLING POPLAR TREES.
   Any person who is the owner of any poplar tree (populas species aka aspens) that stands within the lines of any street in the public right-of-way shall cause the same to be removed, killed or girdled. The stump must be totally removed and ground.
   (Ord. 09-62. Passed 8-10-09.)

547.13  INTERFERING WITH CITY PLANTING, CARING OR REMOVING OF TREES.
   No person shall prevent, delay or interfere with the Director or other City employee in the planting, pruning, spraying or removing of a tree on the public street, or in the removal of stone, cement or other substance from about the trunk of a tree.
   (Ord. 09-62. Passed 8-10-09.)
547.14 AUTHORITY OF PUBLIC SERVICE DIRECTOR.
In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, in accordance with the provisions of this chapter, then the Director is authorized and it is declared to be his duty to have enforced the provisions of this chapter, and to cause to be trimmed or removed such tree, plant or shrub, or part thereof.
(Ord. 09-62. Passed 8-10-09.)

547.15 WRITTEN ORDER; NONCOMPLIANCE; ASSESSMENT OF COSTS.
When the Director finds it necessary to order the trimming or removal of trees or shrubs upon public property as provided in Section 547.02, or upon private property as provided in Section 547.01, he shall serve a written order upon the owners of the lot or parcel of land by mailing a copy of such order to the last known address of the owner by first class mail. The order shall set forth a time limit, not to exceed fifteen days, for compliance. In case of extreme danger to person or property compliance may be required immediately or the danger may be removed by the City without notice. Upon failure to comply with the order within the specified time, the City may remedy the condition or contract with others for such purpose and charge the cost thereof to the owner. The person remedying the condition shall be authorized to enter upon the premises for that purpose. If the cost of remedying the condition is not paid within ten days after a statement is mailed, such cost shall be levied against the property upon which the hazard exists, shall constitute a lien thereon and shall be certified to the County Auditor to be collected in the same manner as other taxes. The levying of such an assessment shall not affect the owner's liability for a fine as hereinafter provided. (Ord. 09-62. Passed 8-10-09.)

547.99 PENALTY.
Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.
(Ord. 09-62. Passed 8-10-09.)

be and the same is amended to read:

CHAPTER 547
TREES

547.01 Purpose.
547.02 Definitions.
547.03 Trees on or overhanging public property and diseased trees and trees on private property.
547.04 Boundary-line trees
547.05 Trees abutting or fronting public property.
547.06 Cutting, injuring or interfering with trees.
547.01 PURPOSE.

The purpose of this chapter is to conserve and protect to the greatest extent possible the City's existing trees and wooded areas; to enhance and promote the community image; to enhance and preserve economic property values and the quality of life in the City; to aid in the alleviation of erosion, siltation, and other harmful effects of land-disturbing activities; to aid in controlling the quantity and intensity of storm water runoff; to alleviate air pollution and non-point source water pollution; to conserve energy; to protect and promote the use of existing vegetation as noise and visual buffers; to preserve the environmental and ecological benefit of trees on air pollution and carbon dioxide levels as well as dust filtration; to reduce energy consumption through the wind break and shade effects of trees when they are properly placed on a site; to preserve and enhance nesting areas for birds and other wildlife and to preserve movement corridors for wildlife; and to promote the public health, safety, and welfare through the preservation and replacement of trees while allowing for the reasonable development of lands in such a manner that implements the stated goals, objectives, policies and standards of the City.

Tree Maintenance: Given the prevalence of issues stemming from poor pruning practices, including the spread of oak wilt, it is required that all property owners and contractors adhere to ANSI A300 standards for tree maintenance in Bay Village.
Tree Selection: For residents and contractors planting trees outside the confines of this ordinance; it is highly recommended to plant non-invasive tree species such as those found in The Cleveland Tree Plan.

547.02 DEFINITIONS.
For the purposes of this chapter, the following definitions shall apply:
(a) “Aggregate Diameter” means the combined sum of diameters of all stems measured individually of a multiple stem tree measured at breast height (See diameter breast height).
(b) “Caliper” means the diameter of a tree trunk six inches above the existing grade or proposed planted grade. This measurement is only used for replacement trees in this chapter.
(c) “Critical Root Zone” means the area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one foot for every inch of diameter breast height.
(d) “Diameter Breast Height (DBH) means the diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree. This measurement is used for existing trees.
(e) “Protected Tree” means a protected tree is any tree having a diameter of 8 inches DBH or larger or having an aggregate diameter of 20 inches DBH.
(f) “Remove” or “Removal” means the causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
(g) “Tree” means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or multi-stemmed trunk system, supporting a definitely formed crown.
(h) “Tree Preservation Plan” means a proposal which includes a tree survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction, and methods for ongoing maintenance, including fertilizing and pruning following ANSI A300 standards.
(i) “Tree Removal Permit” means the permit required by this section to be issued in order to remove any protected tree within the corporate limits of the city.
(j) “Tree Survey” means a graphic display drawn to scale, not to exceed one inch (1” ) = fifty feet (50’), showing all existing protected trees on the site. The tree survey shall include species, DBH, and contain the outline of the critical root zone of each such tree.

547.03 TREES ON OR OVERHANGING PUBLIC PROPERTY AND DISEASED TREES ON PRIVATE PROPERTY.
The owner of every lot or parcel of land within the City upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk or being found to have an infectious disease shall conform to the regulations herein provided; otherwise, the Director of Public Services and Properties and/or the Director of Building or their designated agents (hereinafter the "Director") shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land:
(a) The owner shall trim or cause to be trimmed the tree, plant or shrubbery so that a clear height of eight feet between the lowest branches of the same and the sidewalk is maintained, and a clear height of fourteen feet between the lowest branches of the same and the street is maintained.

(b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.

(c) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, or pedestrians using such street or sidewalk.

(d) The Director is authorized to inspect any tree or part thereof within the City which is suspected of being infected, diseased, or dead. If upon such inspection there is reason to believe a tree or part thereof is dead or a disease is present, the following action shall be taken by the Director:

1. On City-owned property and in a public street, immediately order the removal of the tree and trimmings in such a manner as to prevent as fully as possible the spread of any disease and/or a hazardous condition.

2. On private property, a written "Notice of Violation" shall be issued to the property owner. The notice may be served by delivering it personally to the owner, or by sending it first class mail to the owner's last known place of business or residence. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the real estate involved. Posting for 72 hours shall be considered legal notice. Such "Notice of Violation" shall contain an order to cut or destroy such tree or part thereof and abate the violation within the time limitations specified in said "Notice of Violation". In the event such owner does not comply with the Notice of Violation, the Director shall cause such tree or part thereof to be cut and removed together with any clean-up work required.

547.04 BOUNDARY-LINE TREES

A tree is a boundary-line tree when the boundary line passes through any portion of the trunk of a tree at the point where the trunk emerges from the ground. Responsibilities for a boundary-line tree are as follows:

(a) When a boundary-line tree is on the line between private properties, the owners shall be equally responsible to maintain the tree.

(b) A boundary-line tree between the right-of-way or City-owned and private property the City shall be responsible to maintain the tree.

547.05 TREES ABUTTING OR FRONTING PUBLIC PROPERTY.

The owner of any parcel of land or lot which abuts or fronts upon any street or public ground, in front of which trees are planted and growing shall trim and care for such trees in the manner provided in Section 547.03 and upon his failure to comply the Director may cause such work to be done and assess the cost thereof against the owner of such lot or parcel. In complying with this section, it shall be unnecessary to obtain the written permission required in Section 547.06.
547.06 CUTTING, INJURING OR INTERFERING WITH TREES.
No person shall, without the written permission of the Director, cut, prune, break, climb with spurs, injure or remove any living tree in a public highway; or cut, disturb, or interfere in any way with the main roots of any tree on the public street; or place any rope, sign, poster or other fixture on a tree or guard in a public street; or injure, misuse or remove any device placed to protect such tree on a public street, except in case of immediate necessity for the protection of life or property.

547.07 APPROVAL TO PLANT TREES IN PUBLIC STREETS.
(a) No shade or ornamental tree or shrub shall be planted in any of the public streets of the City, except as is provided in the Master Street Tree Plan heretofore adopted by the City. Any such planting shall first require the written approval of the Director, and such written approval shall designate the species of trees to be planted, the required spacing, the required minimum planting size, all as specified in the Master Street Tree Plan for the City as such Plan now exists, or as it may be amended hereafter from time to time. The Director of the City shall prepare a street planting plan indicating the streets and tree locations for each year's scheduled planting program. The plan shall be presented to the City Council for approval each year prior to implementation.
(b) The Director shall make a recommendation to City Council on the yearly tree plan relative to the impact of the tree planting on overhead utility wires and poles, and all underground utilities and services. If the Director has concerns on any portion of the tree planting plan, he shall modify the tree plan to eliminate the service concerns.
(c) No tree shall be planted under electric lines on any of the public streets of the City, which at the estimated full growth will exceed twenty-five (25) feet in height.
(d) Trees planted on any of the public streets of the City shall be planted no closer than thirty (30) feet apart unless specifically approved by the Director.
(e) Trees planted in the public right of way shall be planted no closer than fifteen (15) feet from all utility poles unless specifically approved by the Director.
(f) The City may cause the removal of any existing tree in the right-of-way that does not conform with the Master Street Tree Plan

547.08 INTERFERING WITH TREE ROOTS.
No person shall, without the written permission of the Director, place or hereafter maintain upon the ground in a public street any stone, cement, or other substance which shall impede the free passage of water and air to the roots of any tree in such street, without leaving an open space of ground outside of the trunk of such tree in area not less than four square feet.

547.09 PROTECTING TREES DURING BUILDING CONSTRUCTION.
In the construction of any building the owners thereof shall place protective fencing around all nearby trees on the public street as shall effectually prevent injury to them. There shall be a protective fence erected around the critical root zone of affected trees. Nothing shall be permitted inside the fencing protecting the critical root zone.
547.10 PLACING DELETERIOUS SUBSTANCES NEAR TREES.
No person shall cause any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substance deleterious to trees to come in contact with the soil surrounding the roots of any trees upon any public place in the City, in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.

547.11 ATTACHING ELECTRIC WIRES TO TREES.
No person shall, without the written permission of the Director, attach any electric wire to any tree growing or planted upon any public street of the City.

547.12 FASTENING ELECTRIC WIRES AGAINST CONTACT WITH TREES.
Every person having any wire charged with electricity running through or across a public street shall securely fasten such wire or wires so that they shall not come in contact so as to injure any tree therein.

547.13 COMPLIANCE TO REMOVE ELECTRIC WIRE REQUIRED.
Every person having any wire charged with electricity running through or across a public street, shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the Director, in order to take down or prune any trees growing in a public street, within twenty-four hours after the service upon the owner of such wire, or his agent, of a written notice to remove the wire or the electricity therefrom.

547.14 INTERFERING WITH CITY PLANTING, CARING OR REMOVING OF TREES.
No person shall prevent, delay or interfere with the Director or other City employee in the planting, pruning, spraying or removing of a tree on the public street, or in the removal of stone, cement or other substance from the area around the trunk of a tree.

547.15 AUTHORITY OF PUBLIC SERVICE DIRECTOR.
In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, in accordance with the provisions of this chapter, then the Director is authorized and it is declared to be his duty to have enforced the provisions of this chapter, and to cause to be trimmed or removed such tree, plant or shrub, or part thereof.

547.16 COMMERCIAL PROPERTY, UNDEVELOPED RESIDENTIAL PROPERTY AND PROPERTIES FORMED BY DIVISION, SUB-DIVISION OR DEMOLITION OF EXISTING DWELLING.

Pre-Construction Activities

(a) General regulations. Prior to any construction activities on a site containing protected trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the City for review and approval.

(b) Site layout and design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing
protected trees. Protection of the critical root zones of protected trees shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

1. It shall be required, to the extent possible, that building(s), driveway(s), sidewalks, bike paths, storm water management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of protected trees.

2. Any required drainage and grading plan, including storm water management facilities, shall be developed in such a way as to avoid removal of protected trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.

3. Every effort shall be made to preserve existing protected trees during the placement of utility service lines including auguring and boring as opposed to open cutting or trenching as appropriate.

4. Landscape design shall include the preservation of existing protected trees.

5. To help preserve protected trees on adjacent parcels, consideration shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development through sensitivity to the critical root zones of said protected trees. The critical root zones of protected trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

Tree Removal Permit

(a) Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Service Director or designee.

(b) Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

1. May remove the tree(s) as provided in the permit.

2. Shall remediate the loss of the protected tree(s) according to replacement schedule unless it was exempted according to list of exemptions, in 547.18.

3. Is encouraged to remediate the removal of protected trees within affected property (tree lawn included, 547.07).

4. If the required remediation cannot be or is not desired on the affected property a fee can be paid to the Bay Village Tree Fund to plant required trees elsewhere in the city.

(c) Application for tree removal permit. The application for a tree removal permit shall contain:

1. Name and address of applicant;

2. Address of property where protected tree(s) sought to be removed is located;

3. A written statement indicating the reason for removal of the protected tree(s);

4. Name and address of contractor or other person who is proposed as having responsibility for tree removal;

5. A tree preservation plan.

6. A tree survey.
Tree Replacement Requirements and Equivalent Bay Village Tree Fund Fees:

**Commercial Properties**

Half the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a twenty-four inch (24”) DBH tree must be replaced with a tree or trees with a combined total of twelve-inch (12”) caliper.

If the property is unable to accommodate or owner unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. Twenty Dollars ($20.00) per one-inch (1”) DBH of protected trees removed. Minimum One Hundred Seventy-Five Dollars ($175.00); no maximum.

**Undeveloped Residential Property and Properties formed by Division, Sub-Division or Demolition of Existing Dwelling**

Half the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a twenty-four inch (24”) DBH tree must be replaced with a tree or tree with a combined total of twelve-inch (12”) caliper.

If the property is unable to accommodate or owner unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. Fifteen Dollars ($15.00) per one-inch (1”) DBH of protected trees removed. Minimum One Hundred Seventy-Five Dollars ($175.00); no maximum.

547.17 REMOVAL OF PROTECTED TREES ON RESIDENTIAL PROPERTY, EXCLUDING PROPERTIES FORMED BY DIVISION, SUB-DIVISION OR DEMOLITON OF EXISTING DWELLING.

Tree Removal Permit

(a) Issuance. No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any protected tree without first procuring a tree removal permit from the city. Tree removal permits authorizing the removal of a protected tree may be issued by the Service Director or designee.

(b) Receipt of tree removal permit. Upon receipt of a tree removal permit, the permittee:

1. May remove the tree(s) as provided in the permit.
2. Shall remediate the loss of the protected tree(s) according to replacement schedule unless it was exempted according to the list of exemptions in 547.18.
3. Is encouraged to remediate the removal of protected trees within affected property (tree lawn included, 547.07).
4. If the required remediation cannot be or is not desired on the affected property a fee can be paid to the Bay Village Tree Fund to plant required trees elsewhere in the city.
Application for tree removal permit. The application for a tree removal permit shall contain:

1. Name and address of applicant;
2. Address of property where protected tree(s) sought to be removed is located;
3. A written statement indicating the reason for removal of the protected tree(s);
4. Name and address of contractor or other person who is proposed as having responsibility for tree removal;

Tree Replacement Requirements and Equivalent Bay Village Tree Fund Fees:

**Residential Property – Not including development through lot division, sub division and demolition of existing dwelling**

One quarter of the total inches at DBH removed of protected trees must be replaced from an approved list provided by the Service Director or designee on affected property in equivalent caliper inches. For example: the removal of a 24-inch DBH tree must be replaced with a tree or trees with a combined total of 6-inch caliper.

If the property is unable to accommodate or owner unwilling to replace according to the above requirements compliance can be met with a monetary deposit to the Bay Village Tree Fund. Ten Dollars ($10.00) per one-inch DBH of protected trees removed. Minimum One Hundred Fifty Dollars ($150.00) and up to a maximum of One Thousand Dollars ($1,000.00).

**547.18 EXEMPTIONS.**

(a) The requirements of this chapter shall be followed except:

1. During a period of emergency, such as a tornado, ice storm, flood or other such extreme act of nature as declared by the Director.
2. If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree as verified prior to removal by the Director.
3. For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements.

(b) The remediation for removal of a protected tree is exempt if the tree is dead, dying or diseased as approved prior to removal by the Director through the permit process.

**547.19 COMPLIANCE.**

It shall be unlawful for any person, firm or corporation, including public utilities, to fail to abide by the terms of any tree preservation plan or tree removal permit issued by the city. If, in the opinion of the Director, the necessary precautions as specified in the tree preservation plan were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order will be issued by the city until such time as the permittee complies with these precautions. Additionally, any loss of a protected tree due to non-compliance and or the failure to follow a permitted remediation plan will result in a penalty.
Additionally, when the Director finds it necessary to order the trimming or removal of trees or shrubs upon public property as provided in Section 547.07, or upon private property as provided in Section 547.06, he shall serve a written order upon the owners of the lot or parcel of land by mailing a copy of such order to the last known address of the owner by first class mail. The order shall set forth a time limit, not to exceed 30 days for compliance. In case of extreme danger to person or property compliance may be required immediately or the danger may be removed by the City without notice. Upon failure to comply with the order within the specified time, the City may remedy the condition or contract with others for such purpose and charge the cost thereof to the owner. The personremedying the condition shall be authorized to enter upon the premises for that purpose. If the cost ofremedying the condition is not paid within ten days after a statement is mailed, such cost shall be levied against the property upon which the hazard exists, shall constitute a lien thereon and shall be certified to the County Auditor to be collected in the same manner as other taxes. The levying of such an assessment shall not affect the owner’s liability for a fine as hereinafter provided.

547.99 PENALTIES.

Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined not less than Twenty-Five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

Violation of Sections 547.16 and 547.17 shall result in a fine twice the amount of the normal replacement requirements to the Tree Fund outlined in the respective sections and shall supersede the penalties listed in this section.

and present Section 547 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 will be in full force and take effect at the earliest time permitted by law.

PASSED:

______________________________
PRESIDENT OF COUNCIL
APPROVED:

__________________________________________

MAYOR

11/23/16 LL/jm
Memorandum

To: Mayor and City Council
From: Renee Mahoney, Director of Finance
Date: 5/14/2019
Re: Tax Budget

The Ohio Revised Code requires that City Councils adopt a tax budget for the next fiscal year no later than July 15th of the current year and that the adopted tax budget be submitted to the County Budget Commission no later than July 19, 2019. The tax budget represents the City’s first estimate of its anticipated financial resources and needs for the coming fiscal year. The primary purpose of the tax budget is to demonstrate to the County Budget Commission the City’s need to levy property taxes to fund the basic operations of the City for the coming fiscal year (2020).

The Cuyahoga County Budget Commission implemented the prescribed alternate tax budget format in order to gather basic fiscal data from the County’s governments while streamlining the process. The City of Bay Village’s 2020 Tax Budget has been prepared in the prescribed format and is attached. This format includes four separate schedules and the approved resolution adopting the 2020 Tax Budget.

Revised Code also stipulates that the tax budget be made available for public inspection. A copy of the proposed 2020 Tax Budget will be made available on the City website and at the front reception desk prior to final adoption and submission to the Budget Commission.

In any given budget year funding needs will always exceed current revenue. In the tax budget the additional need is demonstrated by showing a shortfall between expected revenues and expenditures. If the need demonstrated was less than estimated revenue then the Cuyahoga County Budget Commission could elect to certify a decrease in the estimate. This need is expressed by showing that operating disbursements exceed estimated operating revenues. The additional need in excess of anticipated General Fund resources for the budget year is shown below:

<table>
<thead>
<tr>
<th>General Fund 2020 Tax Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Estimated Revenue</td>
</tr>
<tr>
<td>Total Estimated Expenditures</td>
</tr>
<tr>
<td>Shortfall (Additional Need)</td>
</tr>
</tbody>
</table>

Explanation of the various levies that you will see in Schedule 1:
Currently the City has 3 voted levies per the City’s Charter (see Article X attached). These are levies that the citizen of Bay Village voted in on various dates:

Section 10.1: A tax not to exceed 9 mills for the purposes of general operating expenses. The City currently levies 8.26 mills; 6.88 to fund General Fund and .69 to each Police pension and Fire Pension Funds.
Section 10.1 (A) Parks and Recreation levy of .5 mills which the City levies the full amount.

Section 10.1 (B) Paramedic Unit levy of 2.5 mills of which the City currently collects 2.25.

The other amount levied per the Tax Budget is an inside millage of 3.89 mills. This amount is levied per the allotment to levy up to 10 mills for operation of the City as provided by the Constitution of the State of Ohio and is levied without a vote of the citizens. This 10 mill limitation also takes into account the portion allocated to the schools and the County. Historically the City has allocated this inside millage to cover the annual payments in relation to debt.

The 2020 Tax Budget expenditures were based on the 2019 operating budget with increases of 2.5% to reflect wage increases applied. These expenditures do not represent the final estimate of the 2020 operating budget. These figures will be refined within the budget process that will begin in September 2019.

Often people ask how much revenue would be generated by taking the extra .25 mills for the Paramedic Levy – estimate is about $158,000.

Additional revenue generated by taking the extra .74 from Section 10.1 would be about $469,000.

My recommendation is to leave the tax levies as is for 2020. The City is operating sufficiently at this time with the current taxes levied.

I would ask Council to consider first reading of the attached budget at the May 20, 2019 Council meeting with adoption no later than June 24, 2019.

Residents often ask how property taxes are calculated. Here is an example:

$100,000 home:

1. Take 35% of Fair Market Value = $35,000
2. Multiply #1 by the Residential millage for Bay Village (161.01) = $5,635.35
3. 35,000 x .16101 = $5,635.35
4. Reduce by the 920 Reduction (.457125) 5,635.35 * .40378 = 2,576
5. Reduce by 10.8% if owner occupied and non-business (5635.35 *.1080 = $609)
6. $5,635-2,576-609 = $2,450 – estimate for full year

Or for a residential property simply take the Market Value multiplied by the Tax as a Percentage of Market Rate (2.72%) = $100,000 * .0272 = $2,720

May 14, 2019
SECTION 9.8 PUBLIC IMPROVEMENTS.
Public improvements of all kinds may be made by the appropriate department either by the direct employment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as provided in the next preceding section either for a closed price or upon a unit basis.

ARTICLE X

TAXATION

SECTION 10.1 LIMITATION ON RATE OF TAXATION.
For the purpose of paying the current operating expenses of the Municipality and for the purpose of paying any other expense which may lawfully be included within the general levy for the general fund of the Municipality, including the purposes of police and fire pensions, the Council, without a vote of the people, shall have the power to levy on the property in the Municipality listed and assessed for taxation, a tax not to exceed 9 mills on the dollar of assessed valuation, the provision to be effective as an amendment on January 1, 1961. (Ord. 60-64; approved by voters 11-8-60.)

SECTION 10.1(A) LEVY FOR PARKS AND RECREATION.
For purposes of paying towards the expense of the Department of Parks and Recreation, the Council, without a vote of the people, shall have the power to levy on the property of the Municipality listed and assessed for taxation, a tax not to exceed one-half mill on the dollar of assessed valuation. This provision shall be in addition to the limitation provided in present Section 10.1 of the Charter. This provision shall be effective on January 1, 1975. (Ord. 72-144; approved by voters 11-7-72.)

SECTION 10.1(B) CREATION OF A PARAMEDIC UNIT; LIMITATION ON RATE OF TAXATION.
There is established within the Department of Public Safety an emergency Paramedic Unit, and Council shall provide for its organization by ordinance. For purposes of paying toward the capital and operating expenses of the Unit, the Council, without a vote of the people, shall have the power to levy on the property of the Municipality listed and assessed for taxation, a tax not to exceed two and one-half mills on the dollar of assessed valuation beginning with the 1986 tax year. This provision shall be in addition to the limitation provided in present Section 10.1 and present subsection 10.1(A) of the Charter. (Ord. 86-11; approved by voters 5-6-86)
CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
2018 Tax Budget
For The Year Ending December 31, 2018

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit
CITY OF BAY VILLAGE

For the Fiscal Year Commencing
JANUARY 1, 2020

Fiscal Officer Signature ___________________________ Date June 25, 2019

COUNTY OF CUYAHOGA

Background
Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281
Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties
The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action
On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline
For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.
<table>
<thead>
<tr>
<th>Purpose</th>
<th>Fund</th>
<th>Number Of Years</th>
<th>Levy Type</th>
<th>Collection Begins/Ends</th>
<th>Rate Authorized</th>
<th>$ Amount Requested Of Budget Commission</th>
<th>$ Amount $4,425,232</th>
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<tbody>
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<td>1/1/19 - 12/31/19</td>
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<td>Police Pension Special Revenue Fund</td>
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<td>$9,583,714</td>
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For the Year Ending December 31, 2019
CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
Division of Taxes Levied
(List All Levies of The Taxing Authority)

Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies

2019 Tax Budget
### CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
#### 2019 Tax Budget
For The Year Ending December 31, 2019

### STATEMENT OF FUND ACTIVITY
(List All Funds Individually)

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Beginning Fund Balance</th>
<th>Estimated Unencumbered Fund Balance</th>
<th>Property Taxes and Local Government Revenue</th>
<th>Other Sources Receipts</th>
<th>Total Resources Available for Expenditures</th>
<th>Total Estimated Expenditures &amp; Encumbrances</th>
<th>Ending Estimated Unencumbered Balance</th>
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<tbody>
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<tr>
<td>Total General Funds</td>
<td>2,921,646</td>
<td>4,740,617</td>
<td>8,229,238</td>
<td>15,891,501</td>
<td>13,090,237</td>
<td>2,801,264</td>
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<tr>
<td>Special Revenue Fund Group</td>
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<td></td>
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<td></td>
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<tr>
<td>Paramedic</td>
<td>38,568</td>
<td>1,447,205</td>
<td>-</td>
<td>1,485,773</td>
<td>1,485,594</td>
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<td>Parks and Recreation</td>
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<td>321,801</td>
<td>586,579</td>
<td>973,180</td>
<td>972,049</td>
<td>1,132</td>
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<td>Community Gym Fund</td>
<td>73,407</td>
<td>-</td>
<td>9,348</td>
<td>82,755</td>
<td>15,000</td>
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<td>Gift Cards</td>
<td>26</td>
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<td>Play in Bay</td>
<td>881</td>
<td>-</td>
<td>-</td>
<td>881</td>
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<tr>
<td>Bay Family Services</td>
<td>500</td>
<td>-</td>
<td>48,748</td>
<td>49,248</td>
<td>48,748</td>
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<tr>
<td>Community Diversion Program</td>
<td>3,154</td>
<td>-</td>
<td>6,000</td>
<td>9,154</td>
<td>5,000</td>
<td>4,154</td>
<td></td>
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<tr>
<td>Bay Bike and Skate Park</td>
<td>918</td>
<td>-</td>
<td>-</td>
<td>918</td>
<td>-</td>
<td>918</td>
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<tr>
<td>Tennis Court Maintenance</td>
<td>900</td>
<td>-</td>
<td>10,000</td>
<td>10,900</td>
<td>10,000</td>
<td>900</td>
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<td>Equipment Replacement</td>
<td>286</td>
<td>-</td>
<td>-</td>
<td>286</td>
<td>-</td>
<td>286</td>
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<tr>
<td>Private Property Maintenance</td>
<td>10,166</td>
<td>-</td>
<td>57,000</td>
<td>67,166</td>
<td>67,000</td>
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<tr>
<td>State Highway</td>
<td>18,520</td>
<td>-</td>
<td>58,520</td>
<td>77,040</td>
<td>70,000</td>
<td>7,040</td>
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<tr>
<td>Street Maintenance and Repair</td>
<td>153,570</td>
<td>-</td>
<td>1,274,050</td>
<td>1,427,620</td>
<td>1,418,109</td>
<td>11,511</td>
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<tr>
<td>Police Pension</td>
<td>53,120</td>
<td>443,810</td>
<td>-</td>
<td>496,930</td>
<td>469,625</td>
<td>27,305</td>
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<tr>
<td>Fire Pension</td>
<td>16,720</td>
<td>443,810</td>
<td>129,500</td>
<td>590,030</td>
<td>575,710</td>
<td>14,320</td>
<td></td>
</tr>
<tr>
<td>Accrued Benefits</td>
<td>286,500</td>
<td>-</td>
<td>-</td>
<td>286,500</td>
<td>140,000</td>
<td>146,500</td>
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<tr>
<td>Endowment Trust</td>
<td>2,345</td>
<td>-</td>
<td>4,950</td>
<td>7,295</td>
<td>5,000</td>
<td>2,295</td>
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<tr>
<td>Senior Programs</td>
<td>17,000</td>
<td>-</td>
<td>41,500</td>
<td>58,500</td>
<td>49,500</td>
<td>9,000</td>
<td></td>
</tr>
</tbody>
</table>
# Statement of Fund Activity

*List All Funds Individually*

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Beginning Estimated Unencumbered Fund Balance</th>
<th>Property Taxes and Local Government Revenue</th>
<th>Other Sources Receipts</th>
<th>Total Resources Available for Expenditures</th>
<th>Total Estimated Expenditures &amp; Encumbrances</th>
<th>Ending Estimated Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Law Enforcement Trust</td>
<td>1,000</td>
<td>-</td>
<td>-</td>
<td>1,000</td>
<td>-</td>
<td>1,000</td>
</tr>
<tr>
<td>Drug Fine</td>
<td>4,300</td>
<td>-</td>
<td>2,300</td>
<td>6,600</td>
<td>4,000</td>
<td>2,600</td>
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<tr>
<td>Alcohol Intervention</td>
<td>900</td>
<td>-</td>
<td>1,400</td>
<td>2,300</td>
<td>1,500</td>
<td>800</td>
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<tr>
<td>DARE</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grant Commission</td>
<td>545</td>
<td>-</td>
<td>-</td>
<td>545</td>
<td>-</td>
<td>545</td>
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<tr>
<td>Federal Equitable Sharing</td>
<td>4,000</td>
<td>-</td>
<td>10,000</td>
<td>14,000</td>
<td>10,000</td>
<td>4,000</td>
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<tr>
<td>Community House Renovation</td>
<td>10,373</td>
<td>-</td>
<td>-</td>
<td>10,373</td>
<td>-</td>
<td>10,373</td>
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<tr>
<td>Grants Fund</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Special Revenue Funds</strong></td>
<td><strong>762,699</strong></td>
<td><strong>2,656,426</strong></td>
<td><strong>2,239,895</strong></td>
<td><strong>5,659,019</strong></td>
<td><strong>5,345,121</strong></td>
<td><strong>313,899</strong></td>
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</tbody>
</table>

**Debt Service Fund Group**

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Beginning Estimated Unencumbered Fund Balance</th>
<th>Property Taxes and Local Government Revenue</th>
<th>Other Sources Receipts</th>
<th>Total Resources Available for Expenditures</th>
<th>Total Estimated Expenditures &amp; Encumbrances</th>
<th>Ending Estimated Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Retirement Fund</td>
<td>5,121,083</td>
<td>2,502,057</td>
<td>2,583,300</td>
<td>10,206,440</td>
<td>6,128,025</td>
<td>4,080,415</td>
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<tr>
<td>Bond Retirement Special Fund</td>
<td>19,104</td>
<td>-</td>
<td>-</td>
<td>19,104</td>
<td>-</td>
<td>19,104</td>
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<tr>
<td><strong>Total Debt Service Funds</strong></td>
<td><strong>5,140,187</strong></td>
<td><strong>2,502,057</strong></td>
<td><strong>2,583,300</strong></td>
<td><strong>10,225,544</strong></td>
<td><strong>6,128,025</strong></td>
<td><strong>4,099,519</strong></td>
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</table>

**Capital Project Fund Group**

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Beginning Estimated Unencumbered Fund Balance</th>
<th>Property Taxes and Local Government Revenue</th>
<th>Other Sources Receipts</th>
<th>Total Resources Available for Expenditures</th>
<th>Total Estimated Expenditures &amp; Encumbrances</th>
<th>Ending Estimated Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Capital Fund</td>
<td>60,559</td>
<td>-</td>
<td>1,000,000</td>
<td>1,060,559</td>
<td>1,000,000</td>
<td>60,559</td>
</tr>
<tr>
<td>Bassett Road</td>
<td>4,897</td>
<td>-</td>
<td>-</td>
<td>4,897</td>
<td>-</td>
<td>4,897</td>
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<tr>
<td>Walker Road</td>
<td>7,780</td>
<td>-</td>
<td>-</td>
<td>7,780</td>
<td>220</td>
<td>7,560</td>
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<tr>
<td>Public Improvement</td>
<td>110,500</td>
<td>-</td>
<td>-</td>
<td>110,500</td>
<td>-</td>
<td>110,500</td>
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<tr>
<td>Infrastructure Improvement Fund</td>
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<td>-</td>
<td>-</td>
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<td>1,049,830</td>
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<tr>
<td>Municipal Buildings Improvement</td>
<td>1,355,000</td>
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<td>-</td>
<td>1,355,000</td>
<td>-</td>
<td>1,355,000</td>
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<tr>
<td>Public Buildings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Capital Project Funds</strong></td>
<td><strong>2,588,566</strong></td>
<td><strong>-</strong></td>
<td><strong>1,000,000</strong></td>
<td><strong>3,588,566</strong></td>
<td><strong>1,000,220</strong></td>
<td><strong>2,588,346</strong></td>
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**Enterprise Fund Group**

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Beginning Estimated Unencumbered Fund Balance</th>
<th>Property Taxes and Local Government Revenue</th>
<th>Other Sources Receipts</th>
<th>Total Resources Available for Expenditures</th>
<th>Total Estimated Expenditures &amp; Encumbrances</th>
<th>Ending Estimated Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming Pool</td>
<td>45,000</td>
<td>-</td>
<td>415,000</td>
<td>460,000</td>
<td>425,273</td>
<td>34,728</td>
</tr>
</tbody>
</table>
# Statement of Fund Activity

(List All Funds Individually)

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Beginning Estimated Unencumbered Fund Balance</th>
<th>Property Taxes and Local Government Revenue</th>
<th>Other Sources Receipts</th>
<th>Total Resources Available for Expenditures</th>
<th>Total Estimated Expenditures &amp; Encumbrances</th>
<th>Ending Estimated Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Fund</td>
<td>42,060</td>
<td>-</td>
<td>2,493,000</td>
<td>2,535,060</td>
<td>2,512,214</td>
<td>22,847</td>
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<tr>
<td>Total Enterprise Funds</td>
<td>87,060</td>
<td>-</td>
<td>2,908,000</td>
<td>2,996,060</td>
<td>2,937,486</td>
<td>57,574</td>
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<tr>
<td>Internal Service Fund Group</td>
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<tr>
<td>Health Insurance</td>
<td>942,926</td>
<td>-</td>
<td>1,469,890</td>
<td>2,412,616</td>
<td>1,462,433</td>
<td>950,183</td>
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<td>General Insurance</td>
<td>47,230</td>
<td>-</td>
<td>160,000</td>
<td>207,230</td>
<td>154,570</td>
<td>52,660</td>
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<td>Workers Compensation</td>
<td>351,360</td>
<td>-</td>
<td>111,130</td>
<td>462,490</td>
<td>110,000</td>
<td>352,490</td>
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<td>Total Internal Service Funds</td>
<td>1,341,516</td>
<td>-</td>
<td>1,740,820</td>
<td>3,082,336</td>
<td>1,727,003</td>
<td>1,355,333</td>
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<tr>
<td>Trust Funds</td>
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</tr>
<tr>
<td>Unclaimed Monies</td>
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<td>-</td>
<td>1,000</td>
<td>2,400</td>
<td>2,400</td>
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<tr>
<td>Cahoon Income</td>
<td>21,720</td>
<td>-</td>
<td>500</td>
<td>22,220</td>
<td>-</td>
<td>22,220</td>
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<td>Cahoon Park Trust</td>
<td>92,000</td>
<td>-</td>
<td>500</td>
<td>92,500</td>
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<td>92,500</td>
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<tr>
<td>Cahoon Library</td>
<td>57,000</td>
<td>-</td>
<td>500</td>
<td>57,500</td>
<td>-</td>
<td>57,500</td>
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<tr>
<td>Waldeck Estate Trust</td>
<td>165,423</td>
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<td>500</td>
<td>165,923</td>
<td>8,215</td>
<td>157,708</td>
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<td>Dwyer Fund</td>
<td>55,000</td>
<td>-</td>
<td>1,000</td>
<td>56,000</td>
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<tr>
<td>Total Trust Funds</td>
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<td>4,000</td>
<td>396,543</td>
<td>20,615</td>
<td>375,928</td>
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<tr>
<td>Security Deposit Funds</td>
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<td></td>
</tr>
<tr>
<td>Building Deposit Fund</td>
<td>100,000</td>
<td>-</td>
<td>30,000</td>
<td>130,000</td>
<td>30,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Security Deposit Fund</td>
<td>3,500</td>
<td>-</td>
<td>22,000</td>
<td>25,500</td>
<td>22,000</td>
<td>3,500</td>
</tr>
<tr>
<td>Total Security Deposit Funds</td>
<td>103,500</td>
<td>-</td>
<td>52,000</td>
<td>155,500</td>
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<td>103,500</td>
</tr>
<tr>
<td>TOTAL ALL FUNDS</td>
<td>$13,337,717</td>
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<td>$18,757,253</td>
<td>$41,994,069</td>
<td>$30,298,707</td>
<td>$11,695,362</td>
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</tbody>
</table>

CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
2019 Tax Budget
For The Year Ending December 31, 2019
### CITY OF BAY VILLAGE, CUYAHOGA COUNTY, OHIO
#### 2019 Tax Budget
For The Year Ending December 31, 2019

**UNVOTED GENERAL OBLIGATION DEBT**
(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
(Do Not Include General Obligation Debt Being Paid By Other Sources)

<table>
<thead>
<tr>
<th>Fiscal Officer Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>June 25, 2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Purpose Of Bonds Or Notes</th>
<th>Date Of Issue</th>
<th>Final Maturity Date</th>
<th>Principal Amount Outstanding At The Beginning Of The Calendar Year</th>
<th>Amount Required To Meet Calendar Year Principal &amp; Interest Payments</th>
<th>Amount Receivable From Other Sources To Meet Debt Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002 Various Purpose</td>
<td>2002</td>
<td>December 1, 2022</td>
<td>$390,000</td>
<td>$149,370</td>
<td></td>
</tr>
<tr>
<td>2011 Police Station Refinance</td>
<td>2011</td>
<td>December 1, 2031</td>
<td>875,000</td>
<td>154,563</td>
<td></td>
</tr>
<tr>
<td>2012 Police Station Refinance</td>
<td>2012</td>
<td>December 1, 2030</td>
<td>1,965,000</td>
<td>290,160</td>
<td></td>
</tr>
<tr>
<td>2012 Various Purpose</td>
<td>2012</td>
<td>December 1, 2022</td>
<td>240,000</td>
<td>84,320</td>
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</tr>
<tr>
<td>2014-18 Various Purpose</td>
<td>06/07/18</td>
<td>June 5, 2020</td>
<td>5,300,000</td>
<td>5,300,000</td>
<td></td>
</tr>
</tbody>
</table>

| Totals                    |              |                     | $8,770,000.00                                                   | $5,978,413.00                                                   | $0.00                                                   |
VOTED DEBT OUTSIDE 10 MILL LIMIT

(Bonds Or Notes Must Actually Be Issued In Order To Commence Collection Of Property Taxes For Debt Service)

Fiscal Officer Signature ___________________________________________________________ Date  June 25, 2019

SCHEDULE 4

<table>
<thead>
<tr>
<th>Purpose Of Notes Or Bonds</th>
<th>Authorized By Voters On MM/DD/YY</th>
<th>Date Of Issue</th>
<th>Final Maturity Date</th>
<th>Principal Amount Outstanding At The Beginning Of The Calendar Year</th>
<th>Amount Required To Meet Calendar Year Principal &amp; Interest Payments</th>
<th>Amount Receivable From Other Sources To Meet Debt Payments</th>
</tr>
</thead>
</table>

Note: The City has no debt in this category.
<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Bond</th>
<th>Area 1</th>
<th>Area 2</th>
<th>Area 3</th>
<th>Area 4</th>
<th>Area 5</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Pavements, Inc.</td>
<td>Bond</td>
<td>$7,000.00</td>
<td>$7,750.00</td>
<td>$1,250.00</td>
<td>$9,750.00</td>
<td>$5,000.00</td>
<td>Project Total: $30,750</td>
</tr>
<tr>
<td>Specialized Construction, Inc.</td>
<td>Bond</td>
<td>$35,670.00</td>
<td>$34,371.00</td>
<td>$7,448.00</td>
<td>$38,916.00</td>
<td>$23,382.00</td>
<td>Project Total: $139,787</td>
</tr>
</tbody>
</table>

Project Total: $139,787
2019
ASPHALT PAVEMENT CRACK SEAL PROGRAM
CITY STREET MAP

LAKE ROAD (US - ROUTE 6)
- AREA 1 (AVON LAKE BORDER TO BRADLEY ROAD)
- AREA 2 (PORTER CREEK ROAD TO CAHOON ROAD)
- AREA 3 (BRYSON LANE TO DOVER CENTER ROAD)
- AREA 4 (DOVER CENTER ROAD TO COLUMBIA ROAD)
- AREA 5 (CLAGUE ROAD TO ROCKY RIVER BORDER)
Memo

To: Council Members
From: Jonathan Liskovec, Director of Public Services and Properties
Date: 5/16/2019
Re: Award of Crack Seal Contract

Earlier this spring, the city publicly advertised for the contractor installed portion of the 2019 Crack Seal program. The city received two (2) bids by the date and time specified in the bidding documents. After initial review, we determined that we needed some follow up information from each vendor and issued a questionnaire to both vendors. This questionnaire was completed and returned by both vendors and allowed us to better understand each contractor’s means, methods and pricing strategies. After a very thorough review of both bids, contact of references and the received completed questionnaires, we are making the recommendation to award the 2019 Crack Seal Program to American Pavements Inc. for all five (5) requested areas for a contract amount of $30,750.00.
ORDINANCE NO. 19-43
INTRODUCED BY: Mr. Winzig

ORDINANCE
AMENDING CHAPTER 539 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE BY ENACTING SECTION 539.07(i) RELATING TO PROHIBITING SMOKING IN PARKS AND DECLARING AN EMERGENCY

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Chapter 539.07 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Section 539.07(i) which shall read as follows:

“Chapter 539 - PARK REGULATIONS

539.01 - Short title.

This chapter shall be known and may be cited as the "Bay Village ordinance regulating conduct in public parks."

(Ord. 70-41. Passed 4-6-70.)

539.02 - Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) City means the City of Bay Village.

(b) Director means a person immediately in charge of any park area and its activities and to whom all park attendants of such area are responsible.

(c) Park means a park reservation, playground, beach, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation, including Cahoon Memorial Park.

(d) Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

(e) Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City parks.

(Ord. 70-41. Passed 4-6-70.)

539.03 - Park property.
No person in a park shall:

(a) Buildings and other property.

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notice or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, grounds or park property or appurtenances whatsoever, either real or personal.

(2) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(3) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downtimber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, without the prior written consent of the Director.

(4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands without the prior written consent of the Director.

(b) Trees, shrubbery, lawns.

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant, or dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without the prior written consent of the Director.

(2) Climbing trees, etc. Climb any tree or walk or stand or sit upon monuments, vases, fountains, railings, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Wild animals, birds, etc.

(1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird; nor collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.

(2) Feeding. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.
(d) Deer.

(1) Hunting. Hunting of deer is permitted as part of the City's Deer Management Plan as approved by the Ohio Division of Wildlife.

(Ord. 70-41. Passed 4-6-70.)

(Ord. No. 17-92, § 1, 12-11-2017)

539.04 - Sanitation.

No person in a park shall:

(a) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(b) Refuse and trash. Have brought into a park or dump, deposit or leave in a park any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 70-41. Passed 4-6-70.)

539.05 - Traffic.

No person in a park shall:

(a) State motor vehicle laws apply. Fail to comply with all applicable provisions of the State and City motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.

(b) Enforcement of traffic regulations. Fail to obey all law enforcement officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(c) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(d) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.
(e) Operation confined to roads. Drive any vehicle on any area except the park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(f) Parking.

   (1) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

   (2) Full-parking. Full-park on a road or driveway at any time.

   (3) Night parking. Leave a vehicle standing or parked after sunset without lights clearly visible on any driveway or road area except legally established parking areas.

   (4) Emergency procedure. Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

   (5) Double-parking. Double-park any vehicle on any road or parkway unless directed by a park official.

   (6) Muffler required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(g) Bicycles.

   (1) Confined to roads. Ride a bicycle on other than a vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any area reserved for pedestrian use.

   (2) Operation. Ride a bicycle other than on the right-hand side of the road as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their vehicles with reasonable regard to the safety of others.

   (3) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

   (4) Immobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

   (5) Night operation. Ride a bicycle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red tail light or red reflector plainly visible from at least 200 feet from the rear of, such bicycle.

(h) Snowmobiles prohibited. The operation of snowmobiles in any park is hereby prohibited.
539.06 - Recreational activities.

No person in a park shall:

(a) Bathing and swimming.

(1) Designated areas. Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(2) Certain hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as are designated by the Director for such purposes for each individual area.

(3) Structure on beach. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(4) Bath houses. Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(b) Boating.

(1) Designated areas. Bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(2) Operation of boats. Navigate, direct or handle any boat in such manner as to unjustifiably or unnecessarily annoy or frighten or endanger any other person, or fail to operate any boat in accordance with the laws, rules and regulations of the State regarding the operation of watercraft.

(c) Picnic areas and use.

(1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
(2) Availability. Violate the regulation that use of the individual fireplaces, together with tables and benches, follows generally the rule of "first come, first served."

(3) Nonexclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(4) Duty of picnicker. Leave a picnic area before the fire is completely extinguished; trash or refuse shall not be burned in fireplaces.

(d) Camping. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon or the like.

(e) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelines or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor.

(f) Horseback riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken, properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

(Ord. 70-41. Passed 4-6-70.)

539.07 - Behavior.

No person in a park shall:

(a) Intoxicating beverages.

(1) Prohibition. Bring intoxicating liquor, alcoholic beverages or beer into a park, nor shall any person have upon his person, in his possession or under his control, or buy or sell or drink, alcoholic beverages or beer at any time in a park.

(2) Drunkenness. Enter a park or be in a park under the influence of intoxicating liquor or beer.

(b) Fireworks and explosives. Bring into a park or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This section shall not apply to persons to
whom the Fire Chief has granted a permit for the discharge of fireworks pursuant to Section 549.11.

(c) Domestic animals. Allow a dog or other domestic animal to run at large in a park.

(d) Fires. Build or attempt to build a fire except in a fireplace provided for such purpose or in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(e) Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

(f) Games of chance. Gamble in any manner whatsoever, or participate in or abet any game of chance.

(g) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(h) Remain in a park after closing hours. Enter, be in or remain in a park after the designated closing hour of such park.

(Ord. 70-41. Passed 4-6-70.)

(i) Smoking prohibited. Smoke tobacco, natural, synthetic, powder or manufactured substances use smokeless tobacco, or use an electronic or vaporized smoking device in any City park, playground, trail, beachfront or recreation facility owned by the City or within 100 feet of sporting fields, spectator area, the entrances to all recreation facilities, and all sport and play areas including natural and man-made trails, unless within a City-designated smoking area.

539.08 - Merchandising, advertising and signs.

No person in a park shall:

(a) Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing without approval pursuant to the established rules and regulations by the Department of Parks and Recreation and approval by City Council or Cahoon Park Trustees.

(Ord. 75-88. Passed 6-16-75.)

(b) Advertising. Announce, advertise, or call public attention in any way to any article or service for sale or hire except with the prior consent of the Director.
(c) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park except with the prior consent of the Director.

(Ord. 70-41. Passed 4-6-70.)

539.09 - Park operating policy.

(a) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the hours between 5:00 a.m. and 11:00 p.m. unless otherwise specified for each individual park by the Director. The opening and closing hours for each individual park shall be posted therein for the public information. The Director may allow the use of any park, during the hours such park is normally closed, by persons or groups designated in advance by such Director. No boating, bathing, games or sports shall be permitted in Cahoon Memorial Park on Sunday.

(b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(Ord. 70-41. Passed 4-6-70.)

539.10 - Enforcement.

(a) Officials. The Director, park attendants and all other law enforcement officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) Ejectment. The Director and any park attendant or police officer shall have the authority to eject from the park any person acting in violation of this chapter.

c) Fees and charges. The Director has the duty to collect fees and charges for any activity for which fees and charges are made by the Recreation Department, and any person failing to pay the same, or who acts in violation of this chapter shall be subject to penalty as provided in Section 539.99.

(Ord. 77-92. Passed 8-15-77.)

539.11 - Use of Cahoon Memorial Park.

Only residents or their invited guests may use Cahoon Memorial Park. No person who is not a resident of the City or an invited guest of such resident shall use the facilities of Cahoon Memorial Park.

(Ord. 70-41. Passed 4-6-70.)

539.12 - Trustees.
Nothing in this chapter shall be deemed to abrogate, restrict, modify, alter or change the rights, duties or obligations of the Trustees of the Cahoon Memorial Park as set forth in the Will of Ida Maria Cahoon dated June 16, 1917. (See page 28D of the Preliminary Unit).

(Ord. 70-41. Passed 4-6-70.)

539.99 - Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 79-82. Passed 6-18-79.)”

and present 539.07 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, 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

__________________________
MAYOR

05.07.19 jt
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
FIRSTENERGY SOLUTIONS CORP. (FES), FOR THE SUPPLY
OF UTILITY SERVICES TO THE INHABITANTS OF THE CITY OF
BAY VILLAGE AS GOVERNMENTAL AGGREGATORS,
AND DECLARING AN EMERGENCY

WHEREAS, by and through Ordinance No. 10-13 Council authorized all
necessary actions to effect a governmental electricity aggregation program pursuant to
the Ohio Revised Code; and

WHEREAS, on May 4th, 2010, the electors of the City of Bay Village voted to
approve the City’s authority to aggregate for the provision of competitive retail electric
service; and

WHEREAS, by and through Ordinance 19-44 Council authorized Amendment to
the Electric Power Aggregation Plan of Operation and Governance regulating
competitive retail electric service; and

WHEREAS, the City’s consultant Sustainable Energy Services Inc. recommends
that an agreement be entered into with FirstEnergy Solutions Corp. (FES), for the supply
of utility services to the inhabitants of the City of Bay Village as governmental
aggregators;

NOW THEREFORE, 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 FirstEnergy Solutions Corp. (FES), for the supply of utility services to
the residents of the City of Bay Village as more fully set forth in the Master Agreement
on file with the City of Bay Village with such revisions which may be approved by the
Mayor and the Director of Law.

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 establish a program for competitive utility
services, wherefore this ordinance shall be in full force and take effect immediately upon
its passage and approval by the Mayor.
Ordinance - FirstEnergy Solutions Corp.

PASSED:

____________________________
PRESIDENT OF COUNCIL

____________________________
CLERK OF COUNCIL

APPROVED:

____________________________
MAYOR

05.16.19 jt