

RESOLUTION NO. 14-39
INTRODUCED BY: Mr. Lee

First Reading 4-7-14

A RESOLUTION
**AUTHORIZING THE MAYOR TO ACCEPT THE GRANT AWARDED BY
OHIO LOCAL GOVERNMENT INNOVATION FUND FOR PHASE II OF THE
WESTSHORE REGIONAL FIRE DISTRICT STUDY IN THE SUM OF \$100,000.00,
AND DECLARING AN EMERGENCY**

WHEREAS, the purpose of the Grant is to provide for the hiring of a project manager whose duties include reviewing the structure and organization of a four city regional fire district; and

WHEREAS, the awarding of the grant will also provide for examination of the challenges and best practice solutions for the consideration of a regional fire district; and

WHEREAS, the funds received through this grant will be used for a comprehensive assessment of operational and organizational issues, the development of a comprehensive implementation plan and recommendations, including consolidation recommendations, stages of consolidation and implementation considerations to meet current and future service goals;

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

SECTION 1. That the Mayor is hereby authorized in the name of the City of Bay Village to accept the Grant awarded by Ohio Local Government Innovation Fund in the sum of One Hundred Thousand Dollars (\$100,000.00).

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

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

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

**AN ORDINANCE
AMENDING CHAPTER 125 OF THE CODIFIED ORDINANCES BY ENACTING
AMENDED SECTION 125.21 RELATING TO THE ESTABLISHMENT OF A PRIVATE
PROPERTY MAINTENANCE FUND,
AND DECLARING AN EMERGENCY**

WHEREAS, due to the establishment of a Private Property Maintenance Fund, it is necessary to amend Chapter 125.21 regarding Sidewalk Construction & Repair Fund;

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

SECTION 1. That Codified Ordinance 125.21 of the Codified Ordinances of the City of Bay Village which presently reads as follows:

“125.21 SIDEWALK CONSTRUCTION AND REPAIR FUND.

There is established under Ohio R.C. 5705.12 and subject to the approval of the Bureau of Inspection and Supervision of Public Offices of the State of Ohio, a Sidewalk Construction & Repair Fund. Such Fund is to receive moneys to be utilized for the construction and repair of sidewalks under Codified Ordinance Section 543.01. Receipts for such Fund shall be the charges established for the cost of such construction and repair.”

be and the same is amended to read:

“125.21 PRIVATE PROPERTY MAINTENANCE FUND.

There is hereby established under Ohio R.C. 5705.12 and subject to the approval of the Auditor of State of Ohio a Private Property Maintenance Fund. Such Fund is to receive moneys to be utilized for the construction and repair of sidewalks under Codified Ordinance section 543.01, the collection and costs associated with tree removal under Codified ordinance section 547.15 and any payments for City Services as indicated in Codified Ordinance section 521.11.”

and present 125.21 is hereby repealed.

SECTION 2. The Current Sidewalk Repair and Maintenance Fund will be dissolved and any remaining funds will be transferred to the new Private Property Maintenance Fund (Fund 245).

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.

SECTION 4. 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 reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

4/4/14-1

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 521.11 REGARDING
PAYMENT OF FEES FOR CITY SERVICES,
AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 125 the establishment of a Private Property Maintenance Fund, it is necessary to amend Chapter 521.11 payment of fees for City Services.

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

SECTION 1. That Codified Ordinance Subsection 521.11 which presently reads as follows:

521.11 PAYMENT OF FEES FOR CITY SERVICES.

The owner may pay such fees as are charged in accordance with Section 521.10 to the Director of Finance within thirty days after receipt of such statement of costs without further cost or penalty. If the fee is not paid when due, the Director of Finance shall certify to the County Auditor the proceedings taken under Sections 521.07 through 521.10 together with a statement of the charges for such services as listed in Section 521.10, together with a penalty of ten dollars (\$10.00) and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry and shall be collected as other taxes and returned to the City General Fund as provided by Ohio R.C. 731.54. (Ord. 73-194. Passed 12-17-73.)

be and the same is amended to read:

521.11 PAYMENT OF FEES FOR CITY SERVICES.

The owner may pay such fees as are charged in accordance with Section 521.10 to the Director of Finance within thirty days after receipt of such statement of costs without further cost or penalty. If the fee is not paid when due, the Director of Finance shall certify to the County Auditor the proceedings taken under Sections 521.07 through 521.10 together with a statement of the charges for such services as listed in Section 521.10, together with a penalty of ten dollars (\$10.00) and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry and shall be collected as other taxes and returned to the **Property Maintenance Fund** as provided by Ohio R.C. 731.54.

and present 521.11 is hereby repealed.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure

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

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

II 4/4/14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 543.01 REGARDING
CONSTRUCTING, CLEANING AND REPAIRING SIDEWALKS,
AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 125 the establishment of a Private Property Maintenance Fund, it is necessary to amend Chapter 543.01 regarding constructing, cleaning, and repairing sidewalks.

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

SECTION 1. That Codified Ordinance Subsection 543.01 which presently reads as follows:

543.01 CONSTRUCTING, CLEANING AND REPAIRING SIDEWALKS.

(a) It shall be unlawful for the owner of any lot or land abutting upon any street to refuse, fail or neglect to construct, repair, or keep in repair and free from nuisance and obstruction, the sidewalk in front of such lot or land after due notice of a resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction or the abatement of such nuisance. Construction shall conform with the provisions of Chapters 903 and 1343 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City with the General Fund as provided in subsection (b) hereof. (Ord. 84-71. Passed 7-2-84.)

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Director of Finance shall certify to the County Auditor for recording such lien in the following manner:

(1) If the amount of construction or repair is equal to or less than 500 square feet, the amount due shall be divided into two semiannual payments and collected within the immediate tax year. The Director of Finance shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1st of the current year, but in no event an amount less than twenty dollars (\$20.00).

(2) If the amount of construction or repair is greater than 500 square feet, the amount due shall be divided into four semiannual payments and collected one-half within the immediate tax year and one-half in the next following tax year. The Director of Finance shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1st of the current year, but in no event an amount less than twenty dollars (\$20.00).

(Ord. 10-91. Passed 10-4-10.)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.
(Ord. 84-71. Passed 7-2-84.)

be and the same is amended to read:

(a) It shall be unlawful for the owner of any lot or land abutting upon any street to refuse, fail or neglect to construct, repair, or keep in repair and free from nuisance and obstruction, the sidewalk in front of such lot or land after due notice of a resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction or the abatement of such nuisance. Construction shall conform with the provisions of Chapters 903 and 1343 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City with the **Property Maintenance Fund** as provided in subsection (b) hereof.

and present 543.01(a) is hereby repealed.

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

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

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

ll 4/4/14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 547.15 REGARDING
WRITTEN ORDER; NONCOMPLIANCE; ASSESSMENT OF COSTS
AND DECLARING AN EMERGENCY

WHEREAS, due to the implementation of new Chapter 125 the establishment of a Private Property Maintenance Fund, it is necessary to amend Chapter 547.15 regarding written order; noncompliance assessment of costs.

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

SECTION 1. That Codified Ordinance Subsection 547.15 which presently reads as follows:

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.)

be and the same is amended to read:

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 **including an administrative charge** 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.

and present 547.15 is hereby repealed.

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

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

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

4/4/14 II

RESOLUTION NO. 14-45
INTRODUCED BY: Mr. Clark

First Reading 4-7-14

A RESOLUTION
**ADOPTING UPDATED FORMAL POLICIES GOVERNING THE USE OF CELL
PHONES BY EMPLOYEES OF THE CITY OF BAY VILLAGE, AND AMENDING
RESOLUTION 04-153**

WHEREAS, Council passed Ordinance No. 04-153 adopting formal policies governing the use of cell phones by employees of the City of Bay Village; and

WHEREAS, an update to the City cell phone policy is needed;

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

SECTION 1: That the Updated Policies Governing the Use of Cellphones by Employees of the City of Bay Village dated January 1, 2014, are adopted as a proper public purpose.

SECTION 2: Resolution 04-153 is hereby amended.

SECTION 3: That the Director of Finance is hereby authorized to pay the invoices in connection with expenditures by authorized persons from the appropriate account.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 5: That this resolution shall be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

03/07/14 II