

Legislative Session Minutes

March 13, 2017

COMMITTEE MEETINGS

Utility Rates

Parking Violations Bureau Legislation

Jerry Clinger - Hiawatha Pool

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
Sam Barone	First Ward	Present
John Francis	Second Ward	Present
Nancy Vail	Third Ward	Present
John Fair	Fourth Ward	Present
Susan Kahrl	At-Large	Present
John Booth	Councilman	Present
Bruce Hawkins	President	Present
Janis Seavolt	At Large	Excused

Others in Attendance: Safety Service Director Joel Daniels, Auditor Terry Scott, Law Director Rob Broeren, Engineer Brian Ball, Clerk Tanya Newell, Matt Starr, Mathias Orndorf, Samantha Scoles, Steve Oster, Brianna Cooper-Risser, Ann Thomas, Andrea McKay, Spectrum Tech Paul Glass, Cheryl Splain, Lt. Joe Pritchard, and Chuck Martin.

Mr. Fair made a motion to excuse Mrs. Seavolt, Mrs. Vail, second, Mrs. Seavolt was excused from the meeting.

INVOCATION

Was given by Lt. Joe Pritchard, of the Salvation Army.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Feb 27, 2017 7:30 PM

RESULT:	ACCEPTED [5 TO 0]
MOVER:	John L. Fair, Fourth Ward
SECONDER:	Susan Kahrl, At-Large
AYES:	Barone, Francis, Vail, Fair, Kahrl
ABSTAIN:	Booth
ABSENT:	Seavolt

RECEIVE PETITIONS AND COMMUNICATIONS

RECEIVE COMMITTEE REPORTS

LIQUOR CONTROL LICENSE

PROCLAMATION

PERSONS SPEAKING ON MATTERS NOT COVERED BY LEGISLATION

Andrea McKay and group with the Knox & Coshocton County Boards of Developmental Disabilities to give a presentation.

Brianna Cooper-Risser from Main Street Mount Vernon.

RESOLUTIONS FOR THIRD READING

RESOLUTIONS FOR SECOND READING

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2017-15

KNO-SR 13-00.00, PID NO. 95454

A RESOLUTION TO AUTHORIZE THE SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF TRANSPORTATION FOR RESURFACING AND RELATED WORK ON KNO-SR 13 WITHIN THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Streets and Public Buildings: Gottke, Starr

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	John L. Fair, Fourth Ward
SECONDER:	John F. Booth, Councilman
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-15

KNO-SR 13-00.00, PID NO. 95454

A RESOLUTION TO AUTHORIZE THE SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF

TRANSPORTATION FOR RESURFACING AND RELATED WORK ON KNO-SR 13 WITHIN THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Streets and Public Buildings: Gottke, Starr

Mr. Ball - We just paved Route 13, but the paving operation stopped at Melick Street on the south end. So what this effort is, is from there south. There are small sections of the city that overlap with 13 obviously the section in front of Lanning's is not in the city so this is a total effort of I think about \$14,000 is our share of the small sections of property that is in the city south of where the paving company completed and this would be in ODOT's fiscal year 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John L. Fair, Fourth Ward
SECONDER:	John F. Booth, Councilman
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-16

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO, TO PURCHASE A NEW BACKHOE FOR THE STREET DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASE PLAN; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Sam Barone, First Ward
SECONDER:	Nancy R. Vail, Third Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-16

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Finance and Budget: Barone, Vail

Mr. Barone - Evidently we have some holes to dig and we need a backhoe. I noticed that this was on our long-term capital plan.

Mr. Daniels - This is for the street department to be purchased through the state cooperative purchasing plan. We set aside \$115,000 for this and we are ready to move ahead at this time.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Barone, First Ward
SECONDER:	Nancy R. Vail, Third Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-17

A RESOLUTION APPROVING THE APPOINTMENT OF JIM SULZER AS AN ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS OF MOUNT VERNON, OHIO, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Barone

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Susan Kahrl, At-Large
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-17

A RESOLUTION APPROVING THE APPOINTMENT OF JIM SULZER AS AN ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS OF MOUNT VERNON, OHIO, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Barone

Mr. Daniels - I don't know Jim personally, but I understand that he is married to Cindy Cunningham who is an attorney with the Kidwell firm and he is willing to serve and comes with good recommendation.

Mr. Barone - I do know him and he comes from a very public service oriented family. His father I believe was the Mayor of Chillicothe and so he kind of knows his way around municipal government and will be a great addition.

Mr. Broeren - He works at KCH and it's important that we add another member to the BZA we've had a number of meetings recently where we've had difficulty making a quorum because of various members having to recuse themselves because of personal connections to the project that goes in front of the BZA, we also have a member who has a sick spouse and has had to miss several meetings so it's important to take this to its third reading so we can get him up and running on this Wednesday at our next meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Susan Kahrl, At-Large
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-18

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO ENTER INTO CONTRACT WITH SPECIALTY OUTDOOR SERVICES FOR TREE REMOVAL SERVICES ALONG GAMBIER STREET AND WOOSTER ROAD

WITHIN THE CITY OF MOUNT VERNON RELATED TO THE ARIEL FOUNDATION GRANT PROGRAM; AND DECLARING AN EMERGENCY.

Parks and Lands: Starr, Francis

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Susan Kahrl, At-Large
SECONDER:	John Francis, Second Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

RESOLUTION NO. 2017-18

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO ENTER INTO CONTRACT WITH SPECIALTY OUTDOOR SERVICES FOR TREE REMOVAL SERVICES ALONG GAMBIER STREET AND WOOSTER ROAD WITHIN THE CITY OF MOUNT VERNON RELATED TO THE ARIEL FOUNDATION GRANT PROGRAM; AND DECLARING AN EMERGENCY.

Parks and Lands: Starr, Francis

Mrs. Kahrl - We talked a little bit about this at our last meeting.

Mr. Ball - This is part of a bigger project, the Shade Tree has been working on identifying a contractor to start. The first wave will be Gambier and then the Wooster Road. We are going along Gambier and Wooster removing the trees, the larger trees that are becoming dangerous and then those areas will be replaced this is just for removal. Then the next phase we will go throughout the city and remove the larger, most dangerous trees and those will be put out either in different bids or smaller groups. That part hasn't been defined yet, but this will be the first phase where we need to remove the trees to get them replaced. Along Gambier between Division Street and Center Run we are looking at about 33 of the large trees and we've individually inspected each tree and made the determination. This is 100% Ariel Foundation money, but we treat it as if it is our own and that is why we go through this process. The total project will be in the neighborhood of \$45,000.

Mrs. Kahrl - We are really grateful that we have been given this money.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Susan Kahrl, At-Large
SECONDER:	John Francis, Second Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

ORDINANCES FOR THIRD READING

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2017-08

AN ORDINANCE TO AMEND CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON TO ESTABLISH A PARKING VIOLATIONS BUREAU.

Streets and Public Buildings: Gottke, Starr

RESULT:	SECOND READING	Next: 3/27/2017 7:30 PM
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ORDINANCE NO. 2017-09
 AN ORDINANCE AMENDING SPECIFIC SECTIONS OF CHAPTERS 913
 AND 919 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT
 VERNON; AND DECLARING AN EMERGENCY.

Utilities: Menapace, Seavolt

RESULT:	SECOND READING	Next: 3/27/2017 7:30 PM
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ORDINANCES FOR FIRST READING

ORDINANCE NO. 2017-10
 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2017
 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL
 ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE
 ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

Planning and Zoning: Vail, Menapace

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Nancy R. Vail, Third Ward
SECONDER:	Sam Barone, First Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

ORDINANCE NO. 2017-10
 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2017
 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL
 ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE
 ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

Planning and Zoning: Vail, Menapace

Mrs. Vail - I have reviewed the packet of these changes that Mrs. Newell provided me and I see no problems. I had a couple of thoughts that I shared with Mrs. Newell, one being simply a reminder of something that we will need to do this year to update some dates and I see nothing else that's wrong. Much of it is, as usually the case, repeats from the ORC over which we have no control and things that must be included.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy R. Vail, Third Ward
SECONDER:	Sam Barone, First Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Seavolt

REMARKS FROM THE ADMINISTRATION

Mr. Broeren - Mentioned the "Hidden In Plain Sight" at St. Vincent de Paul School on March 14th.

REMARKS FROM COUNCIL

Mr. Booth - Thanked council members for covering him in his absence from surgery.

Mrs. Kahrl - Spoke about the drug meeting and the Main Street Mount Vernon meeting.

Mrs. Vail - Spoke about the Public Hearing at our next meeting in regards to 1199 Newark Road and spoke about being thankful for our schools.

Mr. Francis - Thanked those council members that came to the drug meeting and thanked the public for their support as well.

Mr. Barone - Thanked Steve Oster and Ann Thomas for being at the meeting tonight and bringing awareness to the community and spoke about the Celebrity Pancake Dinner.

Mr. Hawkins - Thanked the community for their attendance at the drug meeting and mentioned that there will be more following, thanked the media.

ADJOURN AT THE CALL OF THE PRESIDENT

Mr. Fair made a motion to adjourn, Mr. Booth, second, all in favor, the meeting was adjourned at 8:08 p.m.

Bruce E. Hawkins, President of Council

Tanya Newell, Clerk of Council

CD on file/tmn



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Streets and Public Buildings
Gottke, Starr
Category: Streets
Prepared By: Tanya Newell
Initiator: Tanya Newell
DOC ID: 1509

ADOPTED

ODOT RESOLUTION 2017-15

A RESOLUTION TO AUTHORIZE THE SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF TRANSPORTATION FOR RESURFACING AND RELATED WORK ON KNO-SR 13 WITHIN THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

WHEREAS, The City of Mount Vernon of Knox County, Ohio desires to act as the Local Public Agency (LPA) in the matter of the above-mentioned project, which is more specifically described below;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: Project Description. The LPA/State has identified the need for the described project: The resurfacing and related work on KNO-SR 13 within the City of Mount Vernon.

SECTION 2: Consent Statement. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

SECTION 3: Cooperation Statement. The LPA agrees to pay one hundred percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 4: Utilities and Right-of-Way Statement. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5: Maintenance. Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to Title 23, U.S.C. §116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6: Authority to Sign. The Safety Service Director of the City of Mount Vernon is hereby authorized and directed to enter into contracts with the Director of Transportation as necessary to complete the above-described project.

SECTION 7: Emergency Clause. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason of promoting highway safety within the city, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Mr. Ball - We just paved Route 13, but the paving operation stopped at Melick Street on the south end. So what this effort is, is from there south. There are small sections of the city that overlap with 13 obviously the section in front of Lanning's is not in the city so this is a total effort of I think about \$14,000 is our share of the small sections of property that is in the city south of where the paving company completed and this would be in ODOT's fiscal year 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John L. Fair, Fourth Ward
SECONDER:	John F. Booth, Councilman
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Janis Seavolt



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Finance and Budget
Barone, Vail
Category: Finance
Prepared By: Tanya Newell
Initiator: Tanya Newell
DOC ID: 1510

ADOPTED

RESOLUTION 2017-16

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO, TO PURCHASE A NEW BACKHOE FOR THE STREET DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASE PLAN; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety-Service Director for the City of Mount Vernon be and he herewith is authorized and directed to purchase a new backhoe for the Street Department through the State Cooperative Purchase Plan.

SECTION 2: This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Mr. Barone - Evidently we have some holes to dig and we need a backhoe. I noticed that this was on our long-term capital plan.

Mr. Daniels - This is for the street department to be purchased through the state cooperative purchasing plan. We set aside \$115,000 for this and we are ready to move ahead at this time.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Barone, First Ward
SECONDER:	Nancy R. Vail, Third Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Janis Seavolt



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Employee and Community Rel.
Francis, Barone
Category: Appointment
Prepared By: Tanya Newell
Initiator: Tanya Newell
DOC ID: 1511

ADOPTED

RESOLUTION 2017-17

A RESOLUTION APPROVING THE APPOINTMENT OF JIM SULZER AS AN ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS OF MOUNT VERNON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Section 1155.05 of the Codified Ordinances of the City of Mount Vernon provides that the Mayor shall appoint members of the Board of Zoning Appeals, both for full terms and unexpired terms, and

WHEREAS, Section 1155.04(b) of the Codified Ordinances provides that Council shall approve appointments of members to the Board of Zoning Appeals;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That Council approves the Mayor's appointment of Jim Sulzer, 1202 East Chestnut Street, Mount Vernon, Ohio, to the Board of Zoning Appeals, as an alternate member, to fill the unexpired term of Charles Brenneman for a five-year term commencing immediately and ending August 31, 2019.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Mr. Daniels - I don't know Jim personally, but I understand that he is married to Cindy Cunningham who is an attorney with the Kidwell firm and he is willing to serve and comes with good recommendation.

Mr. Barone - I do know him and he comes from a very public service oriented family. His father I believe was the Mayor of Chillicothe and so he kind of knows his way around municipal government and will be a great addition.

Mr. Broeren - He works at KCH and it's important that we add another member to the BZA we've had a number of meetings recently where we've had difficulty making a quorum because of various members having to recuse themselves because of personal connections to the project that goes in front of the BZA, we also have a member who has a sick spouse and has had to miss

several meetings so it's important to take this to its third reading so we can get him up and running on this Wednesday at our next meeting.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: John Francis, Second Ward
SECONDER: Susan Kahrl, At-Large
AYES: Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED: Janis Seavolt



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Parks and Lands
Starr, Francis
Category: Contract
Prepared By: Tanya Newell
Initiator: Tanya Newell
DOC ID: 1512

ADOPTED

RESOLUTION 2017-18

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO ENTER INTO CONTRACT WITH SPECIALTY OUTDOOR SERVICES FOR TREE REMOVAL SERVICES ALONG GAMBIER STREET AND WOOSTER ROAD WITHIN THE CITY OF MOUNT VERNON RELATED TO THE ARIEL FOUNDATION GRANT PROGRAM; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety Service Director for the City of Mount Vernon, Ohio be and herewith is authorized and directed to enter into contract with Specialty Outdoor Services for tree removal services along Gambier Street and Wooster Road within the City of Mount Vernon related to the Ariel Foundation Grant Program.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and further, that this Council deems it imperative that immediate action be taken in order to insure the continued usual daily operation of the various departments of the municipal government, the said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Mrs. Kahrl - We talked a little bit about this at our last meeting.

Mr. Ball - This is part of a bigger project, the Shade Tree has been working on identifying a contractor to start. The first wave will be Gambier and then the Wooster Road. We are going along Gambier and Wooster removing the trees, the larger trees that are becoming dangerous and then those areas will be replaced this is just for removal. Then the next phase we will go throughout the city and remove the larger, most dangerous trees and those will be put out either in different bids or smaller groups. That part hasn't been defined yet, but this will be the first phase where we need to remove the trees to get them replaced. Along Gambier between Division Street and Center Run we are looking at about 33 of the large trees and we've individually inspected each tree and made the determination. This is 100% Ariel Foundation money, but we treat it as if it is our own and that is why we go through this process. The total project will be in the neighborhood of \$45,000.

Mrs. Kahrl - We are really grateful that we have been given this money.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Susan Kahrl, At-Large
SECONDER: John Francis, Second Ward
AYES: Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED: Janis Seavolt



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Streets and Public Buildings
Gottke, Starr
Category: Streets
Prepared By: Rob Broeren
Initiator: Tanya Newell
DOC ID: 1502 B

AMENDED

ORDINANCE 2017-08

AN ORDINANCE TO AMEND CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON TO ESTABLISH A PARKING VIOLATIONS BUREAU.

WHEREAS, the City of Mount Vernon issues parking citations to enforce parking regulations in certain areas of the City; and

WHEREAS, the Ohio Revised Code requires the City to establish a Parking Violations Bureau to allow the City to adjudicate disputed parking citations and to fully collect the fines for all issued parking citations.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, STATE OF OHIO, THAT:

SECTION 1: That Section 351.98, entitled "PARKING VIOLATIONS BUREAU" be added to Chapter 351 of the Codified Ordinances, and shall read as follows:

There is hereby created in the City, in accordance with Ohio R.C. Chapter 4521, A Parking Violations Bureau to handle all parking infractions occurring within the Municipal Corporation, including parking infractions that are in violation of ordinances, resolutions or other local authorities that occur within the territory of the City.

(a) The City shall, when the same becomes necessary, appoint a violations clerk, hearing examiners and necessary clerical employees as is necessary to provide for the proper functions of the Parking Violations Bureau. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state, is employed as a law enforcement officer or formerly was employed as a law enforcement officer. The City shall not hire additional personnel to fulfill the roles of violations clerk, hearing examiner or other necessary clerical employees under this section; when necessary the City shall appoint personnel already employed by the City to these positions without any additional compensation.

(b) Parking tickets shall be as authorized in accordance with Ohio R.C. 4521.03 and, unless otherwise specified by law or the Parking Violations Bureau, the ticket shall be the Ohio Uniform Traffic Ticket, as described in Ohio R.C. 4521.03 (B), except as provided in Section 351.041(g) for handicapped parking.

(c) Violations of this chapter shall not be considered a criminal offense for any purpose and no person who commits a violation thereof shall be arrested as a result of the commission of the violation. Violations thereof shall be handled in accordance with this chapter and Ohio R.C. Chapter 4521.

(d) The time within which a person who is issued a parking ticket must answer to the charge on the ticket is fifteen (15) days. The answer shall be made by personal appearance before the Parking Violations Bureau or by mail. If by mail, the time for answering shall be extended in accordance with the Rules of Civil Procedure. No answer may be received by telephone. The answer shall consist of:

(1) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction;

(3) A denial that the person committed the parking infraction and a request for a hearing relative to the infraction. If the person desires the presence at the hearing of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(e) (1) Violations of this chapter unless otherwise specified herein, shall be punishable as listed in section 351.03 follows:

(2) No late fee will be imposed on any fine if an answer is filed in compliance with section (d) above while the appeal process is pending; however an additional one hundred dollar (\$100.00) default fine, plus costs and other administrative costs, per violation, will be charged if the citation remains unanswered after thirty (30) days from the day of issuance.

(3) The City may utilize third party collection efforts to recover unpaid fines and fees, regarding any default account. The person cited shall be responsible for any fees due to the outside or third party collection agency for their services rendered to collect on behalf of the City.

(f) The Chief of Police of the City may provide for the impoundment or the immobilization of any vehicle involved with violations of this chapter after the expiration of ten days from the date of any entry establishing judgment or default judgment. Such impoundment or immobilization shall occur through the auspices of the authorized city towing company. The Chief of Police shall establish the bond or cash deposit to secure the release of such impounded vehicle; provided, however, that the deposit shall not exceed one thousand dollars (\$1,000).

(g) The Bureau, in the event it receives an answer which contains an explanation of the circumstances surrounding the parking infraction, may eliminate or reduce such part of the fine arising out of the parking infraction as it, in its discretion, deems appropriate.

(h) A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, or a hearing examiner or referee of the Traffic Violations Bureau, whichever is applicable, in accordance with Ohio R.C. 4521.08.

(i) Failure to answer shall be punishable as an additional parking infraction and shall be subject to a fine in an amount not to exceed one hundred dollars (\$100.00), plus costs and other administrative costs, per infraction.

(j) All appeals from the Parking Violations Bureau, its orders or judgments, or any other orders

entered pursuant to this chapter, shall be made to the Mount Vernon Municipal Court, Mount Vernon, Ohio, by filing notice of the appeal to the Parking Violations Bureau and the Mount Vernon Municipal Court within fifteen (15) days of the date of the entry of the judgment and by the paying of such reasonable costs as the court requires. All appeals shall be processed in accordance with procedural and substantive provisions of Ohio R.C. 4521.08(D).

HISTORY:

02/27/17

City Council

FIRST READING

RESULT: SECOND READING**Next: 3/27/2017 7:30 PM**



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Utilities
Menapace, Seavolt
Category: Utilities
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ADOPTED

ORDINANCE 2017-09

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF CHAPTERS 913 AND 919 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the following Sections in Chapter 913 of the Codified Ordinances of the City of Mount Vernon, User Charge and Industrial Cost Recovery, be amended to read as follows:

913.07 SERVICE CHARGES.

(a) The following User Charges shall be paid by all classes of users, and the charges shall be based on each 100 cu. ft. of flow being discharged to the sanitary sewer system.

<u>User Class</u>	<u>Effective April 1, 2009</u>	<u>Effective April 1, 2017</u>	<u>Effective January 1, 2010</u>	<u>Effective January 1, 2011</u>
All Classes	\$2.80 \$4.90		\$3.11	\$3.45

(b) Wastewater Service Availability Charge. (W.W.S.A.C.)

(1) This service charge shall apply to all customers having access to the City wastewater utility. This service charge shall include the first ~~1200~~ **400** cu. ft. of water usage as a minimum. The W.W.S.A.C. for all meter sizes shall change when there is an increase in the wastewater rate schedule and shall reflect the same amount of percent increase.

(2) Each meter size is assigned a capacity factor. The meter size and the capacity factors are shown in the following table:

METER SIZE (Inches)	CAPACITY FACTOR
5/8 & 3/4	1.00
1	1.35
1 1/2	3.10
2	5.40
3	12.30
4	21.90
6	49.10
8	87.20

(3) These factors will be applied using the 5/8 and 3/4 inch meter size as the basis (~~1200~~ **400** cu. ft. times the base wastewater rate).

(4) These service charges are in addition to the consumption charges based on the wastewater rate schedule.

(c) Minimum Charge Per Billing Period or Part Thereof.

(1) The minimum charge per single unit for any billing period or part thereof shall in no event be less than the wastewater service availability charge (W.W.S.A.C.) per billing cycle.

(2) When the City's sanitary sewer has been available for ninety days to improved lots, whether connected or not, the minimum charge shall apply and be due and payable each and every billing cycle.

(d) Multi-Units. The minimum charge for multi-units shall be based on the wastewater service availability charge for a 5/8"-3/4" meter, times the number of units.

(e) Multi-Unit Change. A unit change may be granted upon a written request to the Administrator, stating the changes that have been made to the multi-units served by the Utility. After an inspection by a representative of the Water and Wastewater Department the Administrator will make the decision upon the request for a unit change.

(f) Terms of Payment. The rates set forth are net and apply only in the event all accounts for water and wastewater service are paid on or before the date specified on the bill. If not paid, the gross rate shall apply, which is the net rate plus ten percent (10%).

(g) Responsibility of Payment of Bills. The property owner of record of the real estate to which wastewater service is furnished shall be responsible for the payment of all water and wastewater bills for such service regardless of when such bills were incurred, irrespective of who incurred such unpaid bills or who occupied the property at the time the bills were incurred. This does not include any bills incurred by a previous owner. All unpaid wastewater bills shall be assessed as a tax lien against the property involved, collectible according to law.

(h) Waiver of Minimum Charges. An owner may request the waiver of the minimum charges upon written request to the Administrator. The request may be granted provided the following requirements and conditions exist.

(1) An improved lot, that has been supplied with a sewer tap, must have been vacated and the structure removed.

(2) If an improved lot has more than one tap, the additional tap(s) must be discontinued.

In receiving a waiver of minimum charges, the owner of such property shall agree to relinquish any and all rights to the tap. If in the event the owner of the property would later request service to the discontinued tap, he shall be required to reapply for a new tap and be charged the current permit and tap charges. All cost will be borne by the owner of such property.

(i) Each industry discharging to the sanitary sewer system shall have completed and filed with the City an Industrial Waste Questionnaire containing pertinent information as to

quality of flow, characteristics of discharged wastewater, etc., New Industries shall file a fully executed questionnaire with the City prior to being issued a sewer permit.

(j) When a premises is supplied either in whole or in part with water from wells or any source other than a public water supply, such well or source of supply shall be registered in writing with the Department. The owner of the premises shall install and maintain at his expense, a meter acceptable to the Department on all such supplies, and the quantity of water used to determine the service charges shall be the quantity as measured by the meter. If the meter is not installed within six months from the date of notification in writing by the Commission, the owner or other users of the premises shall be billed double the minimum charge.

(k) Where an auxiliary meter is required for the proper determination of water subject to the service charges, such meter shall be installed only after approval has been granted by the Administrator. Such meter shall be installed, owned and maintained by the property owner. Venturi meters, flumes, weirs and other methods of measuring flow shall be used only when authorized by the Administrator. Meters which will be approved are as follows:

- (1) Meters purchased from the Department.
- (2) Meters equal or similar to subsection (k)(1) hereof, purchased elsewhere and tested by the Department.
- (3) Crest or turbine type meters of two-inch size and over, to be used where it is established the particular meter is under full head at all times; provided such meters are tested and approved for large constant flows by the Department.
- (4) Existing private meters now in place, may be continued in use on a conditional basis. If such meters are suspected of faulty registration, they are subject to a test, when so ordered by the Administrator.

Other meters shall be tested by the manufacturer of the meter and a certificate of the test shall be furnished to the Administrator. Such meters shall not be used without the written approval of the Administrator.

It is understood that where an auxiliary meter has been installed, such meter shall not be removed without the approval of the Administrator.

(l) All meters shall be installed in accordance with the standards, rules and regulations of the Department.

Where private meters are used on wells, or in an industrial water distribution system, and such meters are set behind the primary water supply meter, the aforementioned standards, rules and regulations may be modified or waived by the Administrator.

(m) Fire protection service branches shall be exempt from all service charges except for water used for purposes other than fire protection **and basic fireline service fees.**

(n) Where a sanitary or combined sewer in the area served by the City is available to any lot, parcel of land, building or premises which is improved, it is a conclusive presumption that wastewater from such lot, parcel of land, building or premises which is improved is discharged into such sewer, and the owner shall be billed the service charges as provided herein. Any lot, parcel of land, building or premises abutting a street, alley or easement in which there is a public sanitary or combined sewer shall be deemed to have available access to a sanitary sewer,

and the owner or other users of such real property shall connect to the sewer within six months from the date the owner is notified in writing by the Commission that the sewer is made available for use to their property. In the event the owner or other users of the real property are not connected on such date, the minimum charge specified under subsection (b) hereof shall be imposed upon the property. (Ord. 2009-05. Passed 3-9-09.)

913.08 BILLING AND PAYMENT.

(a) The service charges, shall be for a period of one ~~quarter~~ **twelfth** of a year, and payment shall be made ~~quarterly~~ **monthly** on or before the date specified on the bill. Any charges not paid prior to the date specified on the bill shall be assessed a ten percent (10%) penalty. Bills shall be mailed to the owner of the real property benefited or his agent or tenant. The failure of any owner or designated agent or tenant to receive a bill promptly shall not excuse nonpayment of same as herein provided, and in the event an owner or tenant fails to receive a bill promptly, he shall obtain a bill at the Office of Water and Wastewater Department of the City of Mount Vernon. All bills shall be payable at the Office of the Water and Wastewater Department.

(b) In the event the sewer service charges are not paid within fifteen days from the penalty due date, the Sewer Commission may cause a notice to be delivered or mailed to the owner addressed as provided in the preceding section, and to the occupant of the premises, addressed at the premises, stating the amount due and demanding payment thereof within a period of at least five days of the date of such notice and stating that if such payment is not made, the sewer service shall be discontinued without further notice, and, at the expiration of such period as provided in such notice, the Commission or the duly designated employees or officers of the City may enter on such premises and cause the sewer service to be disconnected and discontinued. A charge shall be made for discontinuing or reconnecting such service on account of nonpayment of service charges, and such charges shall be billed and collected in the same manner as the service charges.

(c) Each sewer service charge levied by or pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the sanitary sewer system of the City, and if the same is not paid as hereinbefore provided, it shall be certified to the Knox County Auditor, and collected in the same manner, with interest and penalties allowed by law, as other taxes are collected pursuant to Ohio R. C. 729.49. (Ord. 2005-20. Passed 8-22-05.)

SECTION 2: That the following Sections in Chapter 919 of the Codified Ordinances of the City of Mount Vernon, Water Use and Rates, be amended to read as follows:

919.07 WATER RATES.

- (a) Fees. Rates and tap fees are set by the Safety-Service Director.
- (b) Billing. **The City will** ~~may render, at its option,~~ **bills for water and wastewater service either monthly or quarterly.**
- (c) Water Service Availability Charge (W.S.A.C.). This service charge shall apply to all customers having access to the City water utility. This service charge shall include the first

~~1200~~ **400** cu.ft. of water as a minimum. The W.S.A.C. for all meter sizes shall change when there is an increase in the block rate schedule and shall reflect the same amount of percent increase.

Each meter size is assigned a capacity factor based on the American Water Works Association's maximum flow criteria. The meter size and the capacity factors are shown in the following table:

<u>METER SIZE</u>	<u>CAPACITY FACTOR</u>
5/8" & 3/4"	1.00
1"	2.50
1 1/2"	5.00
2"	8.00
3"	16.80
4"	27.50
6"	56.30
8"	85.00
10"	130.00

These factors will be applied using the 5/8 and 3/4 inch meter size as the basis. (~~1200~~ **400** cu.ft. times the base block water rate).

These service charges are in addition to the consumption charges based on the block rate schedule.

(d) Minimum Charge Per Billing Period or Part Thereof. The minimum charge per single unit for any billing period or part thereof shall in no event be less than the water service availability charge (WSAC) per billing cycle.

When the City's water supply has been available for ninety days to improved lots, whether connected or not, the minimum charge shall apply and be due and payable each and every billing cycle.

(e) Multi-units. The minimum charge for multi-units shall be based on the water service availability charge for a 5/8" - 3/4" meter, times the number of units.

(f) Multi-unit Change. A unit change may be granted upon a written request to the Director, stating the changes that have been made to the multi-units served by the Utility. After an inspection by a representative of the Water and Wastewater Department the Director will make the decision upon the request for a unit change.

(g) Terms of Payment. The rates set forth are net and apply only in the event all accounts for water and wastewater service are paid on or before the date specified on the bill. If not paid, the gross rate shall apply, which is the net rate plus ten percent (10%).

(h) Responsibility of Payment of Bills. The property owner of record of the real estate to which water service is furnished shall be responsible for the payment of all water and wastewater bills for such service regardless of when such bills were incurred, irrespective of who

incurred such unpaid bills or who occupied the property at the time the bills were incurred. This does not include any bills incurred by a previous owner. All unpaid water bills shall be assessed as a tax lien against the property involved, collectible according to law. (Ord. 1990-55. Passed 2-11-91.)

(i) Waiver of Minimum Charges. An owner may request a waiver of the minimum charges upon written request to the Director. The request may be granted on unimproved lots and lots with vacant buildings where no consumption or availability for consumption exists.

- (1) Any consumption within a billing period will establish the need to charge the account the minimum of the W.S.A.C. which is currently in effect.
- (2) Where there has been no consumption, the meter removed and the owner or person in control of the property has requested a waiver, the W.S.A.C. will be waived. In effect access to the City water and wastewater service is discontinued and no charge will be levied against the account.
- (3) In the event that access to the City utilities are requested and the existing tap is to be utilized, a one time fee of ~~fifty dollars~~ **seventy-five dollars (\$50.00 \$75.00)** will be charged for reservicing the account.
- (4) In the event that access to the City utilities are requested and an increased service tap is required, the current tap fee for the requested service will be administered. (Ord. 1991-46. Passed 11-18-91.)

(j) Fire Protection. For all premises that are required to have a fire system that system will be supplied with water through a dedicated separate fire line from the City main line to the premises. The consumer shall install at his expense subject to the City's inspection and approval, all of the required piping system and backflow equipment.

- (1) All separate fire service lines shall be required to install all backflow equipment in an approved vault within public right-of-way or as directed by the Director. Fire line backflow equipment (D.C.D.A.) shall be equipped with a by pass meter that is plumbed to detect any loss or usage of water from the fire system.
- (2) There will be no charge for water that has been used for fire fighting purposes.
- (3) Combination fire and domestic water systems are prohibited by the City of Mount Vernon with the following exception:
If the size of the combined lines is to be 2" (inches) in diameter or less and serves three (3) or fewer fire suppression outlets.
- (4) A fire protection system shall be defined as a separate piping system to which are connected one or more of the following fire protection devices or equipment; including but not limited to fire hose, hydrants, sprinklers, fire or booster pumps, elevated storage tanks or other equipment or devices usually considered as fire protective equipment. (Ord. 2005-10. Passed 3-28-05.)

(k) Direct Sales to Tank Trucks. Direct metered sales from Utility water main will be made to tank trucks; the location, time and hour to be specified by the Water Department.

(Ord. 1990-55. Passed 2-11-91.)

919.08 RULES OF THE WATER DEPARTMENT.

(a) Application for Services.

- (1) Application for water service shall be made in writing at the office of the Engineering Department on its standard form. It shall be the responsibility of the Director to supervise and direct the operation of the Water and Wastewater Department, including the administration of these rules and regulations.
 - (2) All applications involving an original or new service line installation shall be made by and only in the name of the property owner. By this application, the owner shall be deemed to assent, agree and commit himself to all rules and regulations and charges relating to the furnishing and utilization of water service. Subsequent applications may be made by the tenant occupying the premises to be served with water. However, such application will in no way relieve the property owner from being responsible for all water used on such premises.
 - (3) Where the consumer's requirements are usual, the Utility reserves the right to require a suitable contract from the consumer for a reasonable period of time so as to protect the Utility's investment required to render the service involved. See subsection (1) hereof.
 - (4) There shall be set forth on the application the class of service to be furnished; i.e., whether residential, commercial, industrial or as defined in the rate schedule.
 - (5) The City reserves the right to require that all future dwelling units be individually metered and plumbed before water service is established. For new installations, the City further reserves the right to require that each separate building have separate service and meters; also for new buildings designed for multiple occupancy that each occupancy unit be separately metered.
 - (6) For a fire line service, see subsection (j) hereof. No new or additional fire service line extensions may be made except where consumer purchases one hundred percent (100%) of his water requirements from the City Utility unless by special agreement as per Section 919.04.
 - (7) The consumer shall advise the utility of the purpose for which the water will be used and the probable quantity required. The minimum and other charges shall be determined by the size of the meter service installation as set forth in the rate schedule.
 - (8) Where the application for service requires a tap and a new service line the consumer will make a cash payment in advance before work is commenced to cover the expense involved.
- (Ord. 1997-08. Passed 5-19-97)

(b) Tap and Service Line Installation.

- (1) The Utility will make the necessary tap and will furnish, install and maintain the service line extending from the water main to the consumer's

side of the meter/meter yoke when the meter is located outside in the meter pit. When the meter is located inside the consumer's building, the Utility's responsibility ends at the curb stop. The curb stop will be installed by the Utility in the utility easement or right-of-way.

- (2) In the case of a new multiple lot subdivision or development, all taps and service lines must be installed at the time the water mains are installed. The service line installed shall extend from the main to and include the curb stop. The installation will conform to the standards and specifications of the utility.
(Ord. 1997-08. Passed 5-19-97.)
- (3) In all cases where new water mains are being installed, every owner will be required at his expense to have installed by the utility, at that time the tap, service line, service shut off valve and box for each lot, regardless of when the lot is to be occupied. The appropriate minimum charges as per Sections 919.07 will be made.
- (4) For further details as to the other facilities to be installed by consumer and utility and use of service by consumer, see subsections (h) and (i) hereof.
(Ord. 1990-55. Passed 2-11-91.)
- (5) In all cases where an existing property is being redeveloped, rehabilitated, the owner shall be required to bring all service lines up to the City's current standards. (i.e. inside meters to outside installations into pits, installation of approved backflow prevention as either containment or DCDA, separate services as fire and domestic lines, etc.)
- (6) For service laterals to trailers, meters shall be placed in pits at the City's easements. All service lines laid from the curb shut-off are required to be minimum 3/4" K-type soft copper, with flared fittings to the service shut-off valve beneath the trailer connecting to the structure shall consist of material approved by the Ohio Plumbing Code.
(Ord. 2005-10. Passed 3-28-05.)

(c) Meter Installation.

- (1) The meter installation to record consumer's consumption requirements shall be located outdoors in a meter pit in the utility easement or right-of-way by the utility and shall be so located so that the meter will not be subject to freezing under normal water use conditions of the consumer. Any freezing of meter, due to the premises being unoccupied and/or no water use, shall be the responsibility of the owner. When it is impossible for the water meter to be installed in the pit, the location shall be determined by the Water and Sewer Commission.
- (2) The Utility will furnish, install, maintain and own all the meter housings, curb stops, meter mounting yokes, meters and accessory equipment.
- (3) In the event the meter is located inside the consumer's building, all of the piping, valves and appurtenances on the consumer's side of the curb stop shall be furnished, installed, maintained and owned by the consumer. In the event the meter is located outdoors in the meter pit, all other piping,

valves and appurtenances on the consumer's side of the meter/meter yoke shall be furnished, installed, maintained and owned by the consumer.
(Ord. 1997-08. Passed 5-19-97.)

(d) Use of Service.

- (1) Due to health considerations and on account of possible contamination of the utility's water supply, no cross connections whatsoever will be permitted between another or foreign water supply and/or piping system and utility's water supply and/or piping system. Further, no connection of any kind whatsoever will be permitted that would make it possible for any other water supply sources, including drainage, wastewater or other contamination, to enter utility's water system. The utility also reserves the right to refuse to furnish service or to discontinue service after same has been once established where possible water contamination can result from use of the water service by the consumer.
- (2) For fire protection service see subsections (j) and (i) hereof.

(e) Billings and Payments.

- (1) All bills for water and wastewater service may be rendered monthly ~~or quarterly~~, at the option of the Utility and is payable on or before that date specified on the bill. If not paid, the gross rate shall apply, which is the net rate plus ten percent (10%). Failure to receive a bill will not entitle the consumer to the net rates nor the remission of any charge for nonpayment within the time specified.
- (2) In the event of the stoppage of or the failure of any water meter to register the full amount of water consumed, the consumer will be billed for such billing period on an estimated consumption basis which will be based upon consumer's normal use of water in the similar period during the time the meter was registering correctly.
- (3) In the case of a question arising as to the accuracy of the meter, the consumer shall request the utility to test the meter. If the meter is found to be correct within two percent (2%) the utility shall reserve the right to charge the consumer ~~fifteen~~ **sixty** dollars (~~\$15.00~~ **\$60.00**) within the City limits for making such a test; otherwise, the expense of the test shall be borne by the utility. Any adjustment to be made where a meter inaccuracy in excess of two percent is found shall not cover a period of water usage in excess of one year.
- (4) All meter readings and billings shall be in either 100 or 1,000 cubic feet, depending upon the size of the meter.
- (5) For service involving a partial billing period and where either the initial billing period after service is first established or the final billing period up to the time of discontinuance of service by the consumer is less than the regular billing period, the following billing procedure will apply:
 - A. When service is initially established to the consumer or where the consumer's account is being transferred from one location to

another and the period of service involves seven days or less of the utility's regular billing period, the consumer's initial usage at the new location will be carried over into the succeeding regular billing period at that location and shall be combined with and considered as part of same.

- B. For all other service furnished for a partial billing period, including all final bills, the bill shall be calculated in accordance with the rate blocks and charges, including prorated minimum charges, as set forth in the applicable rate schedule.
- (6) A consumer who intends to move from the premises or discontinue the use of water or in any way terminate his liability hereunder, shall give the utility reasonable notice of such intention and the consumer and/or owner shall be liable for all water that may be used upon the premises until such notice is given and the utility has made the final reading.
- (7) Adjustment may be made to water billings by the Water and Wastewater Commission on the presentation of evidence sufficient to prove the excessive water use was due to damage to the underground service line from the primary structure served to the shut-off valve.

(f) Responsibility of Payment of Bills by Property Owner. The present owner of record of the real estate to which water service is furnished shall be responsible for the payment of all water bills for such service, irrespective of who incurred such unpaid bills or when such bills were incurred or who occupied the property at the time the bills were incurred. (This does not include any bills incurred by a previous owner.) All unpaid water bills shall be assessed as a tax lien against the property involved, collectible according to law.

- (1) All gross bills and other charges due for water service, if not paid within ninety days after the same are due and payable, shall become a lien upon the premises being supplied and/or having the ability to be served by the water utility. Such a lien shall be certified to the Auditor of Knox County, at which time the lien shall vest and the Auditor shall place same on the tax duplicate of the County, together with the interest and penalties allowed by law and be collected in the same manner as other taxes.
- (2) After such certification to the County Auditor, the Director is authorized to shut off water service to such premises until all unpaid water service charges have been paid.

(g) Access to Premises. Any identified representative or employee of the Water and Wastewater Department shall at all reasonable hours have access to the premises of the consumer for the purpose of examining pipes, meters, connections and other appurtenances involving the utility's water supply and for the further purpose of examining, replacing, repairing or removing any meter, piping, instrument or connection that is part of the utility's water system; also to ascertain that all requirements as to "Use of Service" as set forth in subsection (d) hereof are complied with.

(h) Utility's Installation.

- (1) The utility will make and install the necessary water service tap as provided in subsection (b) hereof after the required cash payment or deposit has been made.
 - (2) The utility shall not be required to furnish service to the consumer until a reasonable time after the application has been accepted by an authorized agent of the utility. (Ord. 1990-55. Passed 2-11-91.)
 - (3) The Utility will operate, maintain, and repair the service line and appurtenances extending from the main to and including the curb stop, and meter. When the meter is located outside in the meter pit, the Utility will install and maintain any part of the service line on the City's side of the meter. (Ord. 1997-08. Passed 5-19-97.)
 - (4) No person other than an employee of the Water and Wastewater Department shall tap a water main or extend a service in the street from the main to the curb; provided however, that where a developer is making a number of taps, the Director may, at his discretion, permit the developer to make his own taps, provided such taps are made in accordance with the specifications of the Water and Wastewater Commission.
 - (5) All service lines from the main to the structure service shall be of not less than three-fourths inch inside diameter of Type K soft copper pipe.
 - (6) Normal maintenance and repair of the meter will be done by the Water and Wastewater Department at its expense. However, extraordinary maintenance and repairs caused by freezing, backup of hot water through meter or by other negligence on the part of consumer shall be paid for by consumer. The utility shall bill the consumer for all materials, including replacement of meter, if necessary, labor, transportation and other properly chargeable expense.
- (i) Consumer's Installation.
- (1) The utility reserves the right to refuse service or to discontinue service after establishing the consumer's installation is of such nature that it would jeopardize, contaminate or otherwise affect the service to other consumers.
 - (2) Consumer's installation shall conform to State or National Plumbing Code or other governmental authority having jurisdiction over same, and regular water service shall not be established until consumer's installation is inspected and approved by the Utility.
 - (3) All consumers shall have shutoff valves installed at a suitable location to be specified by the utility before service is established or reconnected. (Ord. 1990-55. Passed 2-11-91.)
 - (4) When the meter is located outside in the meter pit, the service line and all connections extending from the consumer's side of the meter/meter yoke shall be furnished, installed, maintained and owned by the property owner. When the meter is located inside the consumer's building, the service line and all connections extending from the curb stop to and throughout the consumer's premises shall be furnished, installed, maintained, operated and owned by the property owner. (Ord. 1997-08. Passed 5-19-97.)

- (5) All property owners shall maintain, at their expense, their service line and connection in good repair. All service lines shall be located below the frost line, four feet below grade, in order to protect them from the frost or other damage.
- (6) Consumer shall have an adequate number of valves and drain valves and his piping so arranged that water can be drained so as to prevent freezing of the meter.
- (7) The City reserves the right to require the consumer to install in his water piping system a suitable check valve, the installation of which shall be approved by utility, so as to prevent hot water excessive pressures from entering utility's system. If the water meter is damaged by hot water, steam, rough use, or any cause other than natural wear and usage, the consumer shall be charged the amount of the repair. The amount shall be placed upon the water and wastewater bill of the consumer for the succeeding month and shall be due and payable within the payment period specified for bills. If the amount of charges is not paid within the time provided for the payment of such bill, the water service may be discontinued as in other cases for nonpayment of bill.
- (8) In order to avoid possible contamination of the utility's water supply, under no condition will any cross connection be permitted between any piping of consumer and any other sources of water supply or drainage. When any such cross connections exist, the utility reserves the right to immediately shut off, without notice, its water service to the consumer involved in which event service will be reestablished until the condition, at owner's expense, is corrected to the Director's satisfaction.
- (9) No person without a written permit from the Director is allowed to turn a stop cock, hydrant, or valve of the utility other than as provided; excepting, however, members of the Fire Division in the performance of their duties. In case trouble occurs between the main and the shutoff valve or in the meter the Water and Wastewater Department should be called.

(j) Fire Protection Service. Where water main extensions are required solely for the purpose of providing only fire protection to the consumer, the consumer shall pay the entire cost of such special mains including any special or check meters required as provided for in the rate schedule. In no event will special extensions of water mains be made to provide fire protection service, unless the consumer agrees in writing to purchase one hundred percent (100%) of his other water requirements from the utility.

(k) Temporary Service. Whenever the service requested by the consumer is temporary, special short term or emergency, the written application or contract for such service shall specify the period of service, the character of service and the consumer shall pay for all extra charges involved in connection with the installation and removal of the service and connections together with all material, labor and other expenses incidental thereto.

- (1) Temporary service shall be defined as water service that is to be furnished to establishments or for purposes that are, in the opinion of the Director, considered to be nonpermanent in character.

- (2) The rate to be charged for such temporary service shall be that specified in the City's commercial schedule.

(1) Line Extensions. Extensions of the utility's water mains will be determined by the Water and Wastewater Commission and the consumer shall pay such cost of extensions as provided in Water and Wastewater Commission's "Line Extension Policy". Where a consumer, group of consumers or developer pay for the cost of a special extension, the terms and security of payments shall be as prescribed and shall meet approval of the Water and Wastewater Commission.

(m) Utility's Liability. The utility will use reasonable diligence in supplying a regular and uninterrupted supply of water but shall not be liable for damages in case such supply should be interrupted or fail by reason of an act of God, the public enemy, accidents, strikes, legal processes, other governmental interferences, breakdowns or injury to the machinery or water distribution lines of the Utility or for extraordinary repairs.

(n) Consumer's Liability.

- (1) The consumer as referred to throughout this chapter is defined as the owner inasmuch as the property owner is, according to law, responsible for payment of all bills and is the owner of the necessary piping and connections beyond the service shut off.
- (2) The consumer shall be responsible for any tampering, interfering with or breaking of the seals of meters or other equipment of the utility installed on the consumer's premises and will be held liable for same including any illegal diversion of water according to law.
- (3) The consumer agrees that no one except the employees of the Water and Wastewater Department shall be allowed to make any internal or external adjustment of any meter or any other piece of apparatus which is the property of the utility.
- (4) Only employees of the Water and Wastewater Department shall have the authority to turn the water service on or off at the shutoff valve and no other person shall be permitted to turn such water on or off without first having authorization for a permit from the Director in each and every instance.

(o) Other Use of Water Service. No person shall take water for private usage from any public building or from any fountain, hydrant or other opening without the written consent of the Director.

(p) Discontinuation of Service. The utility reserves the right to discontinue the supply of water for any of the following reasons:

- (1) The nonpayment of water and wastewater bills, including other charges referred to herein.
- (2) For repairs or unavoidable shortage or interruptions in the source of supply.

- (3) If the consumer's water consumption or requirements or connections are detrimental to the water system as supplied to other consumers or to utility's water system in general.
- (4) For fraud or illegal diversion of water. Whenever service is discontinued for nonpayment of accounts or fraudulent misrepresentation, a charge will be made by the utility to cover the cost of disconnection and reconnection when same is again established.

(q) New Paving; Water Connection Shall Be Made to Unserved Lots. Where a street is to be paved, the property owners of all lots for which a water connection and service line is not already installed shall be required, as provided by Ohio law, to make the necessary water tap connection, pay the tap fee and conform to the other requirements as are set forth in these general rules.

(Ord. 1990-55. Passed 2-11-91.)

919.09 WATER AND WASTEWATER BILLING CREDIT FOR REGISTERED SENIOR CITIZENS.

(a) In an effort to relieve the increase in costs that are becoming daily a greater problem for the elderly who are living on a fixed income, and further, to encourage others to join with the City in giving similar consideration to those same individuals in respect to their charges for business services, the Utility will extend a discount credit in the amount of ~~three dollars (\$3.00) on the water and three dollars (\$3.00) on wastewater charges per billing quarter~~ **one dollar (\$1.00) on the water side and one (\$1.00) on the waste water charges for monthly billing.** This credit shall apply only to the principal residence of the senior citizen.

(Ord. 1999-31. Passed 10-25-99.)

(b) In order to be eligible for such credit, any and all consumers of the Utility who have reached the age of sixty-five years shall make application therefor to the Water and Wastewater Department of the City. In order to facilitate the implementation of the program, the Water and Wastewater Department is herewith authorized and directed to proceed in the following manner:

- (1) To establish procedures commensurate with the powers and duties of the Water and Wastewater Department for the acceptance of any and all applications made pursuant to the terms, provisions and conditions hereof and to aid and expedite the determination of eligibility for the credit provided for hereunder.
- (2) To design, prepare and adopt any and all necessary forms, applications and/or other written instruments necessary and incidental to the implementation of this program.

(Ord. 1990-55. Passed 2-11-91.)

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Ordinance shall, therefore, become effective upon its date of passage and

approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

02/27/17

City Council

FIRST READING

RESULT:**SECOND READING****Next: 3/27/2017 7:30 PM**



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 03/13/17 7:30 PM
Dept: Planning and Zoning
Vail, Menapace
Category: Planning and Zoning
Prepared By: Tanya Newell
Initiator: Tanya Newell
DOC ID: 1504

ADOPTED

ORDINANCE 2017-10

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2017 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish an annual revision; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Mount Vernon, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2016-17	7-28-16	129.14
2016-19	8-22-16	183.051, 183.091
2016-21	11-28-16	911.01 to 911.13, 913.01 to 913.11, 914.01 to 914.10, 919.01 to 919.11
2016-23	12-27-16	505.11, 549.08, 931.04, 931.05

SECTION 2. That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.04	Bicycle; Motorized Bicycle; Moped. (Amended)
301.19	Motorcycle. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
335.021	Ohio Driver's License Required for In State Residents. (Added)
335.09	Display of License Plates. (Amended)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

501.06	Limitation of Criminal Prosecution. (Amended)
505.071	Cruelty to Companion Animals. (Amended)
513.02	Gift of Marihuana. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04	Possessing Drug Abuse Instruments. (Amended)
513.05	Permitting Drug Abuse. (Amended)
513.07	Possessing or Using Harmful Ingredients. (Amended)
513.08	Illegally Dispensing Drug Samples. (Amended)
513.11	Possessing Nitrous Oxide in Motor Vehicle. (Amended)
513.12	Drug Paraphernalia. (Amended)
513.121	Marihuana Drug Paraphernalia. (Amended)
513.13	Counterfeit Controlled Substances. (Amended)
525.15	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
537.051	Menacing by Stalking. (Amended)
537.10	Telecommunications Harassment. (Amended)
537.17	Criminal Child Enticement. (Amended)
541.04	Criminal Mischief. (Amended)
541.10	Vehicular Vandalism. (Amended)

Fire Prevention Code

1519.04 Fireworks Possession, Sale or Discharge Prohibited. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: This Ordinance is hereby declared to be an emergency measure and necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Mrs. Vail - I have reviewed the packet of these changes that Mrs. Newell provided me and I see no problems. I had a couple of thoughts that I shared with Mrs. Newell, one being simply a reminder of something that we will need to do this year to update some dates and I see nothing else that's wrong. Much of it is, as usually the case, repeats from the ORC over which we have no control and things that must be included.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy R. Vail, Third Ward
SECONDER:	Sam Barone, First Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Booth
EXCUSED:	Janis Seavolt