



# City of North Canton, Ohio

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## NOTICE OF MEETINGS

Mr. Daniel Peters, Chairman of the Personnel & Safety Committee and North Canton City Council, has requested a meeting of said Committee Members, Council, Mayor, Director of Administration, Director of Law, Director of Finance and Director of Administrative Services **Monday, March 19, 2012 at 6:30 p.m.** in the Council Chamber at North Canton City Hall.

The meeting will be called to order and then moved into **executive session** for the purpose of discussing collective bargaining. The executive session **will not be** open to the public.

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### Committee of the Whole Meeting Agenda Monday, March 19, 2012 – 7:00 p.m.

North Canton City Council will meet as a Committee of the Whole **Monday, March 19, 2012 at 7:00 p.m.** in the Council Chamber at North Canton City Hall.

Items will be discussed as time allows; not necessarily in the order indicated.

1. Housing Review Committee

Chairman: Dan Griffith  
Vice Chairman: Mark Cerreta  
Member: Doug Foltz

a. Registration of Vacant Properties  
Dan Griffith

2. Personnel & Safety Committee

Chairman: Daniel Peters  
Vice Chairman: Jon Snyder  
Member: Dan Griffith

a. Amendment to Section 10 of Ordinance No. 103-11 re Vacations  
Daniel Peters

b. Discussion – City Dispatching Services  
Daniel Peters

3. Street & Alley Committee

Chairman: Tim Fox  
Vice Chairman: Daniel Peters  
Member: Doug Foltz

- a. Main Street Traffic Sign Coordination Project  
Tim Fox
- b. 2012 Street Maintenance/Paving Program  
Tim Fox
- c. North Main Street Reconstruction Project – Phase VI  
Tim Fox

4. Water, Sewer & Rubbish Committee

Chairman: Mark Cerreta  
Vice Chairman: Tim Fox  
Member: Jon Snyder

- a. Water Tower Exterior Painting Project  
Mark Cerreta
- b. Donner Waterline Replacement Project  
Mark Cerreta

5. Finance & Property Committee

Chairman: Jon Snyder  
Vice Chairman: Marcia Kiesling  
Member: Mark Cerreta

- a. Financial Statement – February, 2012  
Jon Snyder
- b. Resolution re Municipal Tax Collection  
Jon Snyder
- c. Professional Services Contract re Police Department Software  
Jon Snyder

Gail M. Kalpac  
Clerk of Council

An ordinance amending PART 17 – HOUSING CODE of the Codified Ordinances of the City of North Canton, to include Chapter 1703 – Registration of Vacant Buildings and Certificates of Occupancy for Vacant Buildings.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK STATE OF OHIO:

Section 1. That PART 17 – HOUSING CODE of the Codified Ordinances of the City of North Canton, be, and is hereby amended to read as follows:

**“Chapter 1703. REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF OCCUPANCY FOR VACANT BUILDINGS**

**1703.01 DEFINITIONS**

For the purpose of this chapter, words and phrases shall have the following meanings:

(a) "Vacant building" shall be defined for the purposes of this section, as a building which is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful business operations or residential occupancy has ceased, or which is substantially devoid of content.

**1703.02 DUTIES OF OWNER.**

(a) The owner, lessee, or party in control of any vacant building, or a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building shall maintain the vacant building as follows:

(1) Grass and weeds shall be kept at a maximum height of six inches. Shrubbery must be kept trimmed and neat and kept from encroaching on or touching the building.

(2) All building exteriors shall have adequate weather protection, including paint, siding, and or similar finishes in good condition.

(3) All buildings and grounds must be secured against trespassers and rodents. This includes maintaining all exterior doors, windows and yard fencing in a good and secured condition. No boards, plywood or similar means or materials may be used to secure windows and doors. Doors, and/or windows that are deemed insecure shall be secured by their replacement with similar, new doors or window units equipped with locking hardware.

(4) Roofs on all buildings shall be in good, weather tight condition with no leakage.

(5) Any accumulated trash or debris must be removed from the property immediately.

(6) Graffiti, tagging or similar markings must be immediately removed or painted over with an exterior grade paint that matches the exterior color of the structure.

(7) Pools and spas shall be drained and kept dry. Properties with pools and spas must comply with the minimum security fencing requirements of the City.

(8) Adherence to this section does not relieve the owner or agent in control of the property of any obligations set forth in any covenants, conditions, restrictions, homeowners' association rules and regulations and/or codified ordinances or building codes which may apply to the property.

(b) Registration Required.

(1) The owner, agent, lessee, or party in control of any vacant building, or a mortgagee that has filed a foreclosure action that is currently pending regarding any vacant building shall register the building with the Superintendent of Permits & Inspections, and maintain the registration up to date.

(2) An application for registration of a vacant building shall include all of the following information on forms provided by the City:

- A. The name of the owner, agent, lessee or party in control of the property and/or foreclosing entity submitting the registration application;
- B. The direct mailing address of the applicant. P.O. boxes are not an acceptable address;
- C. A contact name, telephone number and e-mail address for the applicant;
- D. In the case of an applicant whose home or business address is located outside Stark County, the applicant shall provide the name and mailing address of a local property management company as well as the contact name, telephone number and e-mail address of the person responsible for the security, maintenance, and marketing of the property; and
- E. The fee required by this section.

(3) Registration shall remain valid for twelve months from the date of issuance. The owner, agent, lessee or party in control, or mortgagee in foreclosure, shall renew the registration upon expiration for as long as the property remains vacant.

(4) The owner, agent, lessee, party in control, or mortgagee in foreclosure of any vacant building, shall inspect the property at least one time each month on the interior and exterior of the property to verify that the requirements of this section, the Codified Ordinances of the City, and any other applicable laws are being met. A written report of such inspections shall be provided to the City upon request.

(5) Fees: The annual fee for registering a vacant building shall be two hundred dollars (\$200.00)

(c) Exemptions. Waivers exempting compliance with the provisions of this chapter can be obtained in writing on a form provided by the City under the following circumstances as long as the property is kept in safe, secure, and habitable condition in the owner's absence:

- (1) Fire damaged buildings provided clean up, repair or demolition is initiated within ninety days from the date of the fire.
- (2) Residents on an extended vacation or in an alternative temporary living arrangement with the intention of re-occupying the property.
- (3) A former owner-occupant who has moved and is actively attempting to sell a vacant home.
- (4) Estate of a deceased homeowner that is actively attempting to sell the vacant home.

**1703.03 CERTIFICATE REQUIRED.**

(a) The owner, agent, or party in control of any vacant building, shall apply for and obtain a certificate of inspection from the Superintendent of Permits & Inspections within thirty (30) days of the premises becoming a vacant building and annually thereafter.

(b) Upon selling, transferring or conveying an interest in property or entering into an agreement to sell, transfer or otherwise convey an interest in such property the owner shall provide the Certificate of Inspection to the purchaser or transferee. The certificate of inspection shall list thereon all known violations of City Ordinances found as a result of an exterior and interior inspection.

(c) The owner shall deposit in escrow a statement signed by the purchaser or transferee acknowledging receipt of the certificate of inspection, and such statement shall list thereon the date the certificate was given to the purchaser or transferee.

**1703.04 CERTIFICATE OF INSPECTION APPLICATION; INSPECTION; AND ISSUANCE.**

An application for a certificate of inspection required by this chapter shall be made upon forms supplied by the Superintendent of Permits & Inspections.

(a) The Superintendent of Permits & Inspections shall cause a general exterior and interior inspection for the dwelling structure and premises to be made.

- (b) The certificate of inspection shall contain the following information:
- (1) The street address or other identifying characteristics of the dwelling structure;
  - (2) The name and address of the owner(s); lessee or party in control;
  - (3) The authorized use and occupancy of the dwelling structure; and
  - (4) The listing of all known violations of the building code existing at the time of such inspection.

(c) Once a certificate of inspection is issued, it shall be valid for a period of one year from the date of the inspection required herein, and that certificate of inspection is only good for one transfer. In the event of resale within the one-year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

#### **1703.05 FEES.**

- (a) Fee for a certificate of inspection shall be two hundred dollars (\$200.00).
- (b) There shall be no fee for one re-inspection requested by the same owner within twelve months from the date of the initial inspection to verify correction of violations stated within the certificate of inspection. All subsequent re-inspections may be billed at twenty-five dollars (\$25.00) per inspection.
- (c) In the event of resale within the one-year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

#### **1703.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE.**

- (a) If all violations listed on the certificate of inspection are not corrected prior to transfer of title, an escrow account shall be established by a party to the transfer, in an amount not less than one thousand dollars (\$1,000) and equal to 100 percent of the estimated cost of repairs, shall be deposited therein to pay for the cost to correct all remaining violations. No party to a transfer of a vacant building shall authorize or accept such transfer without ensuring compliance with this section.
- (b) The amount to be held in escrow shall be determined by a party of the transfer procuring written estimates from at least two companies capable of performing the work, which are currently registered to do business in the City. The amount deposited into escrow shall be 100 percent of the higher of the two estimates.
- (c) If the party establishing the escrow can demonstrate to the Superintendent of Permits & Inspections that after a good faith effort he/she is unable to obtain two written estimates, the Superintendent of Permits & Inspections shall establish the amount to be placed in escrow.
- (d) If, under the terms of an agreement to sell, transfer or otherwise convey an interest in a vacant building, the party obligated to correct the specified violations is listed on the certificate of inspection: A written statement agreed upon by the obligated party, the Building Department and the party's escrow agent setting forth an agreed sum of money, which is compliant with Section 1703.07 to cover the cost of correcting the specific violations listed on the certificate of inspection, which remain uncorrected.

#### **1703.07 CORRECTION OF VIOLATIONS.**

Any violations found upon inspection of the premises shall be corrected prior to issuance of the certificate of occupancy. Violations that cannot be corrected due to seasonal conditions shall not preclude the issuance of a certificate of occupancy provided that issuance of such certificate shall be upon written acknowledgment of all violations and agreement to correct all violations within six months of the inspection date. In addition, written notice must be received by the City that funds are being held in an escrow account in a sufficient amount to correct all violations, but in no case less than one thousand dollars (\$1,000). Such account shall be held by an independent escrow agent and be closed only upon written notice by the Superintendent of Permits & Inspections.

#### **1703.08 DISPERSAL OF FUNDS BY ESCROW AGENTS.**

No person acting in the capacity of an escrow agent in any real estate transaction involving the sale or transfer of a vacant building shall disperse any funds held in escrow in compliance with Section 1703.06 unless there has been compliance with Section 1703.07.

- (a) Funds shall be disbursed only upon written authorization from the Superintendent of Permits & Inspections as follows:
  - (1) The Superintendent of Permits & Inspections or his/her designee may authorize a release of funds from the escrow account established per Section 1703.06 as payment in full to a contractor as each violation is corrected, provided the amount due does not exceed the written estimate; or
  - (2) The Superintendent of Permits & Inspections or his/her designee may authorize a release of funds from the escrow account established per Section 1703.06 as payment in full to a contractor as each violation is corrected, provided that when the amount due does exceed the written estimate such release can only be made upon the Superintendent of Permits & Inspections's or his or her designee's written finding that sufficient funds will remain in escrow to correct all other remaining violations.

#### **1703.09 CERTIFICATE OF OCCUPANCY.**

At the request of the owner of property or his/her agent, the City shall issue a letter or other written document signed and dated by the Superintendent of Permits & Inspections stating that all violations listed on the certificate of inspection have been completed to the City's satisfaction, and the property is eligible for occupancy. No vacant building can be occupied until this certificate of occupancy is obtained.

#### **1703.99 PENALTY.**

Any person who violates any provision of this chapter is guilty of a Fourth Degree Misdemeanor. Every day that a violation continues shall constitute a separate and distinct offense. Unpaid registration fees and fines shall be an assessment on the property enforceable in the same manner as assessments for delinquent property taxes.

**PART FOURTEEN - HOUSING CODE****CHAPTER 1414 Registration of Vacant Buildings and Certificates of Occupancy for Vacant Buildings**

## **CHAPTER 1414**

# **Registration of Vacant Buildings and Certificates of Occupancy for Vacant Buildings**

- 1414.01 Definitions.
- 1414.02 Duties of owner.
- 1414.03 Certificate required.
- 1414.04 Certificate of inspection application; inspection; and issuance.
- 1414.05 Fees.
- 1414.06 Escrow deposit required prior to sale.
- 1414.07 Correction of violations.
- 1414.08 Dispersal of funds by escrow agents.
- 1414.09 Certificate of occupancy.
- 1414.10 Liability.
- 1414.11 Expiration.
- 1414.99 Penalty.

### **1414.01 DEFINITIONS.**

For the purpose of this chapter, words and phrases shall have the following meanings:

(a) "Vacant building" shall be defined for the purposes of this section, as a building which is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful business operations or residential occupancy has ceased, or which is substantially devoid of content.

(Ord. 11-10. Passed 3-22-10.)

### **1414.02 DUTIES OF OWNER.**

(a) The owner, lessee, or party in control of any vacant building, or a mortgagee that has filed and

is currently maintaining an open foreclosure action regarding a vacant building shall maintain the vacant building as follows:

- (1) Grass and weeds shall be kept at a maximum height of six inches. Shrubbery must be kept trimmed and neat and kept from encroaching on or touching the building.
- (2) All building exteriors shall have adequate weather protection, including paint, siding, and or similar finishes in good condition.
- (3) All buildings and grounds must be secured against trespassers and rodents. This includes maintaining all exterior doors, windows and yard fencing in a good and secured condition. No boards, plywood or similar means or materials may be used to secure windows and doors. Doors, and/or windows that are deemed insecure shall be secured by their replacement with similar, new doors or window units equipped with locking hardware.
- (4) Roofs on all buildings shall be in good, weather tight condition with no leakage.
- (5) Any accumulated trash or debris must be removed from the property immediately.
- (6) Graffiti, tagging or similar markings must be immediately removed or painted over with an exterior grade paint that matches the exterior color of the structure.
- (7) Pools and spas shall be drained and kept dry. Properties with pools and spas must comply with the minimum security fencing requirements of the City.
- (8) Adherence to this section does not relieve the owner or agent in control of the property of any obligations set forth in any covenants, conditions, restrictions, homeowners' association rules and regulations and/or codified ordinances or building codes which may apply to the property.

(b) Registration Required.

- (1) The owner, agent, lessee, or party in control of any vacant building, or a mortgagee that has filed a foreclosure action that is currently pending regarding any vacant building shall register the building with the Building Commissioner, and maintain the registration up to date.
- (2) An application for registration of a vacant building shall include all of the following information on forms provided by the City:
  - A. The name of the owner, agent, lessee or party in control of the property and/or foreclosing entity submitting the registration application;
  - B. The direct mailing address of the applicant; P.O. boxes are not an acceptable address;
  - C. A contact name, telephone number and e-mail address for the applicant;
  - D. In the case of an applicant whose home or business address is located outside Cuyahoga County, the applicant shall provide the name and mailing address of a local property management company as well as the contact name, telephone number and e-mail address of the person responsible for the security, maintenance, and marketing of the property.

E. The fee required by this section.

(3) Registration shall remain valid for twelve months from the date of issuance. The owner, agent, lessee or party in control, or mortgagee in foreclosure, shall renew the registration upon expiration for as long as the property remains vacant.

(4) The owner, agent, lessee, party in control, or mortgagee in foreclosure of any vacant building, shall inspect the property at least one time each month on the interior and exterior of the property to verify that the requirements of this section, the Codified Ordinances of the City, and any other applicable laws are being met. A written report of such inspections shall be provided to the City upon request.

(5) Fees: The annual fee for registering a vacant building shall be two hundred dollars (\$200.00).

(c) Exemptions. Waivers exempting compliance with the provisions of this chapter can be obtained in writing on a form provided by the City under the following circumstances as long as the property is kept in safe, secure, and habitable condition in the owner's absence:

(1) Fire damaged buildings: as long as clean up, repair or demolition is initiated within ninety days from the date of the fire.

(2) Extended vacationers or temporary change in living arrangements: A resident on an extended vacation or in an alternative temporary living arrangement, with the intention of re-occupying the property.

(3) A former South Euclid owner-occupant who has moved and is actively attempting to sell his/her vacant home.

(4) Estate of a deceased South Euclid homeowner which is actively attempting to sell the vacant home.

(Ord. 11-10. Passed 3-22-10.)

### **1414.03 CERTIFICATE REQUIRED.**

(a) The owner, agent, or party in control of any vacant building, shall apply for and obtain a certificate of inspection from the Building Commissioner prior to selling, transferring, or conveying any interest in or entering into an agreement to sell, transfer or otherwise convey an interest in such property and shall provide a copy of such certificate to the prospective purchaser or transferee prior to sale. A certificate of occupancy must be obtained prior to sale or transfer.

(b) An agreement to sell, transfer or otherwise convey an interest in a vacant building shall include a copy of the certificate of inspection from the Building Commissioner, in order to permit the escrow agent to comply with this chapter. The certificate of inspection shall list thereon all known violations of the City Building, Housing and/or Zoning Codes found as a result of an exterior and interior inspection.

(c) The owner shall deposit in escrow a statement signed by the purchaser or transferee acknowledging receipt of the certificate of inspection, and such statement shall list thereon the date the certificate was given to the purchaser or transferee.

(Ord. 11-10. Passed 3-22-10.)

#### **§1414.04 CERTIFICATE OF INSPECTION APPLICATION; INSPECTION; AND ISSUANCE.**

An application for a certificate of inspection required by this chapter shall be made upon forms supplied by the Building Commissioner.

(a) The Building Commissioner shall cause a general exterior and interior inspection for the dwelling structure and premises to be made.

(b) The certificate of inspection shall contain the following information:

(1) The street address or other identifying characteristics of the dwelling structure;

(2) The name and address of the owner(s); lessee or party in control;

(3) The authorized use and occupancy of the dwelling structure; and

(4) The listing of all known violations of the building code existing at the time of such inspection.

(c) Once a certificate of inspection is issued, it shall be valid for a period of one year from the date of the inspection required herein, and that certificate of inspection is only good for one transfer. In the event of resale within the one-year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

(Ord. 11-10. Passed 3-22-10.)

#### **§1414.05 FEES.**

(a) Fee for a certificate of occupancy shall be two hundred dollars (\$200.00).

(b) There shall be no fee for one re-inspection requested by the same owner within twelve months from the date of the initial inspection to verify correction of violations stated within the certificate of inspection. All subsequent re-inspections may be billed at twenty-five dollars (\$25.00) per inspection.

(c) In the event of resale within the one-year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

(Ord. 11-10. Passed 3-22-10.)

#### **§1414.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE.**

(a) If all violations listed on the certificate of inspection are not corrected prior to transfer of title, an escrow account shall be established by a party to the transfer, in an amount not less than one thousand dollars (\$1,000) and equal to 100 percent of the estimated cost of repairs, shall be deposited therein to pay for the cost to correct all remaining violations. No party to a transfer of a vacant building shall authorize or accept such transfer without ensuring compliance with this section.

(b) The amount to be held in escrow shall be determined by a party of the transfer procuring written estimates from at least two companies capable of performing the work, which are currently registered to do business in the City. The amount deposited into escrow shall be 100 percent of the higher of the two estimates.

(c) If the party establishing the escrow can demonstrate to the Building Commissioner that after a good faith effort he/she is unable to obtain two written estimates, the Building Commissioner may establish the amount of the escrow based on a schedule of fees for "Class A" violations.

(d) If, under the terms of an agreement to sell, transfer or otherwise convey an interest in a vacant building, the party obligated to correct the specified violations is listed on the certificate of inspection: A written statement agreed upon by the obligated party, the Building Department and the party's escrow agent setting forth an agreed sum of money, which is compliant with Section 1414.07 to cover the cost of correcting the specific violations listed on the certificate of inspection, which remain uncorrected.

(Ord. 11-10. Passed 3-22-10.)

#### **1414.07 CORRECTION OF VIOLATIONS.**

Any violations found upon inspection of the premises shall be corrected prior to issuance of the certificate of occupancy. However, should the buyer agree to assume all violations listed in the notice of violations, a certificate of occupancy may still be issued if the condition of the property meets minimum requirements for habitation as specified in Chapters 1401 and 1405. In such case the buyer would have six months from the date of title transfer to correct all outstanding violations. Violations that cannot be corrected due to seasonal conditions shall not preclude the issuance of a certificate of occupancy; provided that, issuance of such certificate shall be upon written acknowledgment of all violations and agreement to correct all violations within six months of the inspection date. In addition, written notice must be received by the City that funds are being held in an escrow account in a sufficient amount to correct all violations, but in no case less than one thousand dollars (\$1,000). Such account shall be held by an independent escrow agent and be closed only upon written notice by the Building Commissioner.

##### **(a) Appeals.**

(1) The Board of Appeals on Zoning and Building Standards as established by ordinance, shall be the Board of Appeals for this chapter and its powers and duties and the procedures for appeal shall be as provided in such ordinance establishing the Board.

(2) The seller or transferor, or the purchaser or transferee of a vacant building shall have the right to appeal from any order of, or written notice issued by, the Building Commissioner within thirty days from the date such notice was given, mailed or issued, and to appear before the Board within sixty days of receipt of the notice appealed from, to show cause why he/she should not comply with such notice. Such appeal must be in writing. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. However, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board.

(Ord. 11-10. Passed 3-22-10.)

#### **1414.08 DISPERSAL OF FUNDS BY ESCROW AGENTS.**

No person acting in the capacity of an escrow agent in any real estate transaction involving the sale or transfer of a vacant building, shall disperse any funds held in escrow in compliance with Section 1414.06 unless there has been compliance with Section 1414.07.

(a) Funds shall be disbursed only upon written authorization from the Building Commissioner or his/her designee as follows:

(1) The Building Commissioner or his/her designee may authorize a release of funds from the escrow account established per Section 1414.06 as payment in full to a contractor as each violation is corrected, provided the amount due does not exceed the written estimate; or

(2) The Building Commissioner or his/her designee may authorize a release of funds from the escrow account established per Section 1414.06 as payment in full to a contractor as each violation is corrected, provided that when the amount due does exceed the written estimate such release can only be made upon the Building Commissioner's or his or her designee's written finding that sufficient funds will remain in escrow to correct all other remaining violations.

(Ord. 11-10. Passed 3-22-10.)

#### **1414.09 CERTIFICATE OF OCCUPANCY.**

(a) At the request of the owner of property or his/her agent, the City shall issue a letter or other written document signed and dated by the Building Commissioner stating that all violations listed on the certificate of inspection have been completed to the City's satisfaction, and the property is eligible for occupancy. No vacant building can be occupied until this certificate of occupancy is obtained.

(b) At the request of the owner of the property or his/her agent, the City may issue a letter or other written document signed and dated by the Building Commissioner stating that specific violations listed on the certificate of inspection have been completed to the City's satisfaction. If the Building Commissioner issues such a letter or written document, it shall contain the specific violation(s) that remain outstanding, the respective cost(s) of correcting same, and be compliant with the requirements of Section 1414.07.

(Ord. 11-10. Passed 3-22-10.)

#### **1414.10 LIABILITY.**

The issuance of a certificate of occupancy does not guarantee compliance with the Building, Housing and/or Zoning Codes, nor does the Building Commissioner nor his or her duly authorized designee(s) accept any liability for non-compliance with same. Such certificate shall be considered by all parties as the City's best effort to make known to the owners and purchasers of violations known on a given property at the time the inspection is made.

(a) The City assumes no liability or responsibility for the failure to report violations that may exist and makes no guarantee whatsoever, since there may be further violations which were not detected, which may arise in the future, or which may only be determined by a licensed electrician, plumber or other specialist at the expense of the person desiring such an inspection.

(b) In issuing a certificate of inspection, the City does not thereby insure, warrant or guarantee to the holder thereof, to his/her assignees, or any other interested party that such certificate contains all of

the violations of the South Euclid Codified Ordinances, State or Federal law.

(c) In issuing a certificate of occupancy document under the provisions of this chapter, the City does not thereby insure, warrant or guarantee the quality of repair or standard of work completed in the correction of violations listed on a certificate of inspection. Such document should be construed only as a statement by the City that some or all of the violations listed on the certificate of inspection have been corrected to the City's satisfaction.

(Ord. 11-10. Passed 3-22-10.)

#### **1414.11 EXPIRATION.**

This chapter shall expire on December 31, 2016.

(Ord. 11-10. Passed 3-22-10.)

#### **1414.99 PENALTY.**

Any person who violates any provision of this chapter or of the rules and regulations issued hereunder shall be fined not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000) for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Unpaid registration fees and fines shall be an assessment on the property enforceable in the same manner as assessments for delinquent property taxes.

(Ord. 11-10. Passed 3-22-10.)

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Codified Ordinances of the City of Painesville, OhioPART THIRTEEN - BUILDING CODETITLE SEVEN - Housing CodeCHAPTER 1375 Vacant Property and Building Registration

## CHAPTER 1375

# Vacant Property and Building Registration

- 1375.01 Purpose.
- 1375.02 Definitions.
- 1375.03 Vacant property/building registration.
- 1375.04 Escrow.
- 1375.05 Inspections.
- 1375.06 Vacant building fees.
- 1375.07 Exemptions.
- 1375.08 Appeals.
- 1375.99 Penalty.

### 1375.01 PURPOSE.

The purpose of this chapter is to establish a program for identifying and registering vacant residential and commercial buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant buildings. Shifting the cost of burden from the general citizenry to the owners of the blighted buildings will be the result of this chapter.

(Ord. 11-11. Passed 2-22-11.)

### 1375.02 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall for the purpose of this chapter, have the meanings indicated in this section.

- (a) "Secured by other than normal means." A building secured by means other than those used in the design of the building.
- (b) "Unoccupied." A building which is not being used for the occupancy authorized by the owner.

(c) “Unsecured.” A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

(d) “Vacant building.” A building (excluding government-owned buildings) which is:

- (1) Unoccupied and unsecured; or
- (2) Unoccupied and secured by other than normal means; or
- (3) Unoccupied and an unsafe building as determined by the Community Development Department; or
- (4) Unoccupied and having utilities disconnected; or
- (5) Unoccupied and has housing or building code violations; or
- (6) Illegally occupied, which shall include loitering and vagrancy; or
- (7) Unoccupied for a period of time over 90 days and having an existing code violation issued by a Property Maintenance Officer; or
- (8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- (9) Unoccupied and abandoned by the property owner.

(e) “Evidence of vacancy.” Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

(Ord. 11-11. Passed 2-22-11.)

### **1375.03 VACANT PROPERTY/BUILDING REGISTRATION.**

(a) The owner shall register with the Community Development Department not later than 90 days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the City becomes a vacant building or not later than 30 days of being notified by the Community Development Department of the requirement to register based on evidence of vacancy, whichever event first occurs.

(b) The registration shall be submitted on forms provided by the Community Development Department and shall include the following information supplied by the owner:

- (1) The name(s) and address(es) of the owner or owners;
- (2) If the owner does not reside in Lake County or within ten miles of Painesville City limits,

the name and address of any third party who the owner has entered into a contract or agreement for property management. By designating an authorized agent under the provisions of this section, the owner is consenting that the third party is authorized to receive any and all notices relating to the property and conformance of any and all ordinances;

(3) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;

(4) A telephone number where a responsible party can be reached at all times during business and non-business hours; and

(5) A vacant building plan as described in division (c) of this section.

(c) The owner shall submit a vacant building plan which must meet the approval of the Chief Building Official or the Property Maintenance Officer. The plan, at a minimum, must contain information from one of the following three choices:

(1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within 30 days of acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or

(2) If the building is to remain vacant, a plan for the ensuring the building is secured in accordance with Section 1349.33 along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the building and grounds. The rehabilitation plan shall not exceed 12 months from the time they obtain permits, unless the Chief Building Official grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation.

(d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Property Maintenance Officer of any changes in information of their vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revision (s) must be in writing and must meet the approval of the Property Maintenance Officer and/or Chief Building Official.

(e) The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable Property Maintenance Codes.

(f) A new owner(s) shall register or re-register the vacant building with the Property Maintenance Officer within 30 days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Property Maintenance Officer and/or Chief Building Official.

(g) The failure of the owner of the vacant building to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the property owner from registering the property.

(h) Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

(i) The Property Maintenance Officer shall include in the file any property specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building.

(j) The registration and all associated processes must be completed in its entirety annually for as long the property remains vacant.

(Ord. 11-11. Passed 2-22-11.)

#### **1375.04 ESCROW.**

Each demolition of a vacant building requires that the owner hold in escrow with the City a deposit of ten thousand dollars (\$10,000) for a residential building and seventy-five thousand dollars (\$75,000) for a commercial building. If the amount to be set up in escrow cannot be paid in full, the City will place a lien on the property for the amount previously specified. The City will use these funds to complete the plans submitted by the owner in the event that the owner does not comply with the deadlines as previously submitted in the owner's vacant building plan. Escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign a form accepting responsibility for completing the demolition.

(Ord. 11-11. Passed 2-22-11.)

#### **1375.05 INSPECTIONS.**

The Community Development Department shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Property Maintenance Officer or Chief Building Official, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by a Property Maintenance Officer, Chief Building Official or his or her designee in order to enable such inspection. The Property Maintenance Officer or Chief Building Official shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

(a) Vacant properties will be externally inspected by the Property Maintenance Officer a minimum of twice per year to ensure the compliance of property maintenance codes;

(b) Vacant properties will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;

(c) Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner and prior to an issuance of an Occupancy Permit as outlined in Section 1145.05 of the Planning and Zoning Code;

(d) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of the Property Maintenance Officer or Chief Building Official.

(Ord. 11-11. Passed 2-22-11.)

### **1375.06 VACANT BUILDING FEES.**

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the City for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

(a) The owner of a vacant residential building shall pay an annual fee of two hundred dollars (\$200.00) for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of three thousand two hundred dollars (\$3,200) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(b) The owner of a vacant commercial building shall pay an annual fee of four hundred dollars (\$400.00) for the first year the building remain vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of six thousand four hundred dollars (\$6,400) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(c) The first annual fee shall be paid at the time the building is registered. If the fee is not paid, the owner shall be subject to prosecution as prescribed in Section 1349.31 of the Building Code.

(d) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this chapter within 180 days of its registry.

(e) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.

(f) Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or one thousand dollars (\$1,000), whichever is less.

(Ord. 11-11. Passed 2-22-11.)

### **1375.07 EXEMPTIONS.**

(a) A building under active construction/renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.

(b) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Community Development Department. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

(c) A building that is for sale and listed with a licensed State of Ohio realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner submits proof to the Community Development Department of such listing and for sale status.

(d) A building that has been granted an exemption pursuant to the following. Any owner of a vacant building may request an exemption from the provisions of this chapter by filing a written application with the Director of the Community Development Department who shall timely consider same. In determining whether a request for exemption should be granted, the Director shall consider the following: the applicant's prior record as it pertains to City Housing Code, Building Code, or Property Maintenance Code violations; the amount of vacant property the applicant currently has within the City; and the length of time that the building for which the exception is sought has been vacant.

(Ord. 11-11. Passed 2-22-11.)

### **1375.08 APPEALS.**

Any owner who is served a notice of vacant property registration may, within ten calendar days of receipt of such notice, apply for an exemption or appeal the findings of the Property Maintenance Officer as set forth in Section 1349.32 of the Building Code.

(Ord. 11-11. Passed 2-22-11.)

### **1375.99 PENALTY.**

Any person violating any provision of the Vacant Building Registry shall be punished as provided by Section 1349.99 of the Property Maintenance Code.

(Ord. 11-11. Passed 2-22-11.)

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**1307.01 APPLICABILITY.**

This chapter shall be applicable to all residential and commercial buildings located within the City.  
(Ord. 220-90. Passed 10-22-90.)

**1307.02 DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Chief Building Official" means the Chief Building Official of the City of Canton or his designee.

(b) "Owner" means any person who, alone or jointly or severally with others, shall have the legal or equitable title to a property and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. The term "owner" shall also include partnerships and corporations and other unincorporated associations. Any individual "owner", regardless of whether he shares ownership responsibility with other persons, any general partner of a partnership, and any officer of a corporation or unincorporated association shall have direct and personal responsibility and liability for compliance with the provisions of this chapter.

(c) "Vacant building" means any structure or part of a structure which is unoccupied and which constitutes an "unsafe building" or "public nuisance" as defined in Section 1353.21 of the Housing Code.

(Ord. 220-90. Passed 10-22-90.)

### **1307.03 REGISTRATION OF VACANT BUILDINGS; COMPLIANCE AND REQUIREMENTS.**

(a) All buildings presently located within the City which are "vacant" as defined in this chapter or which hereafter become "vacant" shall be registered by the owner thereof within thirty days from date of their last occupancy with the Chief Building Official.

(Ord. 219-2004. Passed 10-25-04.)

(b) Registration shall be made on forms supplied by the Chief Building Official and shall include:

- (1) A description of the premises;
- (2) The names and addresses of the owners of the premises;
- (3) The names and addresses of the person or persons who shall be responsible for compliance with this chapter;
- (4) The period of time for which the premises are to remain vacant; and
- (5) A plan for conforming the premises to applicable minimum housing, health, fire and safety laws and regulations.

(c) Upon registration of any building pursuant to this chapter, or when any such vacant building comes to his attention, the Chief Building Official shall cause inspections to be made of the premises to determine the condition of such building and premises and whether there exists any fire, safety or health hazards upon the premises, and shall provide notices to the owners thereof to comply with the provisions of this chapter.

(d) As a minimum requirement, all vacant buildings as defined in this chapter shall conform to the following requirements:

- (1) The interior of the building, to include any garage area, shall be cleaned and free of debris;
- (2) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed during summer months and the public sidewalks free of snow and ice during the winter months; and
- (3) No junk cars shall be parked on the premises.

(Ord. 220-90. Passed 10-22-90.)

(e) All buildings, which in addition to being "vacant" as defined in this chapter, are also open and unsecured to trespass, shall additionally meet the following requirements:

- (1) All windows and doors on the ground floor area, including basement and garage, shall be boarded up and secured with minimum one-half inch sheathing grade plywood; and
- (2) The sheathing shall be applied in a neat and orderly manner, cut to the size of the opening.

(f) The plan required in subsection (b)(5) hereof shall be reviewed and approved by the Chief Building Official and implemented and completed within six months of the date that the building is registered under this chapter. Upon application by the owner, the Board of Building Appeals may extend the period of compliance for an additional six months; provided, however, that such extension shall be granted only where the owner has demonstrated a good faith effort to comply with the plan that has been filed pursuant to this chapter.

(g) The fee for each quarter of the year or fraction thereof for which such vacant or unoccupied building is registered shall be fifty dollars (\$50.00) per calendar quarter. The owner of any building that is required to be registered by this chapter may, upon the showing of financial hardship, have the

payment of registration fees waived or deferred upon recommendation by the Board of Building Appeals. If any registration is not made within the time set forth in this chapter, the required fee shall be increased an additional ten dollars (\$10.00) each month for the period of time that the registration is delinquent.

(h) No registration shall be assignable. If the names or addresses of any of the persons required as a part of the registration statement change, a new registration statement shall be properly made within ten days from the date of such change in the same manner and form as herein prescribed. (Ord. 219-2004. Passed 10-25-04.)

**1307.04 PROHIBITION FOR FAILURE TO REGISTER.**

No person shall own a "**vacant**" building as defined in this chapter unless the building is registered with the Chief Building Official in accordance with the requirements of this chapter. (Ord. 220-90. Passed 10-22-90.)

**1307.05 NO ABROGATION OF OTHER PROVISIONS.**

This chapter does not in any manner abrogate the other provisions of the Health, Building and Housing Codes of the City pertaining to the abatement of public nuisances or unsafe buildings. (Ord. 220-90. Passed 10-22-90.)

**1307.99 PENALTY.**

See Chapter 1383 for the enforcement and penalty provisions for violations of this chapter. (Ord. 220-90. Passed 10-22-90.)

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, as amended, specifically Section 10. VACATION REGULATIONS, repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, SPECIFICALLY Section 10. VACATION REGULATIONS, be, and the same is hereby amended to read as follows:

**“GENERAL PERSONNEL REGULATIONS**

1. These Personnel Regulations shall apply to all exempt City employees and those non-exempt unclassified personnel who are not subject to a collective bargaining agreement.
2. Full-time exempt and non-exempt personnel shall work the necessary hours to properly discharge all duties involved in their respective positions, subject to the direction and discretion of the appointing authority. Part-time personnel shall work hours as scheduled.
3. All exempt and non-exempt unclassified personnel who are not subject to a collective bargaining agreement are employed “at-will”. “Unclassified personnel” means those persons identified as being in the unclassified service by R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton, Ohio.
4. “Full-time” personnel means personnel other than non-exempt Fire, E.M.S. or Seasonal personnel who are regularly scheduled to work at least thirty seven and one half (37.5) hours per week.
5. “Part-time” personnel means personnel other than non-exempt Fire and E.M.S. personnel who are regularly scheduled to work less than thirty seven and one half (37.5) hours per week and non-exempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than fifty-three (53) hours in a seven (7) day tour of duty in an individual job classification.
6. “Seasonal” personnel means persons hired by the City with the expectation that such persons' employment would last no longer than nine (9) months of any calendar year.

Section 2. **ANNUAL UNIFORM ALLOWANCE**

An annual uniform allowance of one thousand (\$1,000.00) dollars shall be paid for the positions of Chief of Police and Chief of Fire and Emergency Medical Services. An annual uniform allowance shall also be paid for the following positions, in the following amounts:

Radio Dispatcher C

First year: \$200.00 paid at time of employment. Each year thereafter, \$200.00 to be paid January 20<sup>th</sup>.

Special Patrolman

First year: \$300.00 paid at time of employment. Each year thereafter, \$300.00 to be paid January 20<sup>th</sup>.

Auxiliary Patrolman

First year: \$150.00 paid at time of employment. Each year thereafter, \$150.00 to be paid January 20<sup>th</sup>.

Section 3. **EDUCATION BENEFITS**

1. The City will provide reimbursement to full-time City employees for tuition, registration and laboratory fees upon successful completion of college, university or other educational courses which are considered applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City as determined by the responsible departmental authority.

2. This ordinance shall not affect any instruction or training required by State Law.

3. Reimbursement for expenses permitted is contingent upon appropriation of funds.

4. Prior authorization must be given in writing by the responsible departmental authority to qualify for reimbursement. Upon successful completion of education courses so authorized, the departmental authority will authorize the reimbursement to the employee and it shall be paid by appropriated funds. Prior authorization by the departmental authority shall be conclusive that authorized educational courses are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City.

5. Under no circumstances will the employee be permitted to take education courses during the normal working hours.

Section 4. **LONGEVITY PAY PLAN**

1. That there shall be a longevity pay plan for full-time employees of the City of North Canton. Annual longevity payments of \$70.00 per year of service shall be made during the first half of the month of December to all permanent full-time employees who shall have completed at least five (5) years of continuous service and who shall be in the employ of the City as of November 30<sup>th</sup> of the year in which the longevity payment is made. Determination of longevity pay shall be from December 1<sup>st</sup> to November 30<sup>th</sup>.

2. Full-time employees of the City of North Canton, hired after August 1, 2006 shall not receive longevity pay.

Section 5. **HOLIDAY ALLOWANCES**

1. The following paid holidays will be observed by all full-time employees of the City of North Canton and City Offices will be closed on:

- |                        |                                   |
|------------------------|-----------------------------------|
| New Year's Day         | Labor Day                         |
| Martin Luther King Day | Thanksgiving Day                  |
| President's Day        | Friday after Thanksgiving Day     |
| Good Friday            | Day before or day after Christmas |
| Memorial Day           | Christmas Day                     |
| July 4 <sup>th</sup>   |                                   |

2. Holidays listed in Subsection 1. of the within Section which may fall on Saturday, which is normally not a working day, shall be observed on the preceding Friday.

3. Holidays listed in Subsection 1. of the within Section which may fall on Sunday, which is normally not a working day, shall be observed on the following Monday.

4. Holidays listed in Subsection 1. of the within Section shall be considered as a day worked for accrual of fringe benefits.

5. On or before the first day of November of each year in respect to the holiday of the day prior or the day after Christmas, the Mayor shall, by administrative order, establish which of the days shall be the paid holiday. If the Mayor fails to make such designation by November 1<sup>st</sup>, the holiday shall be deemed the day prior to Christmas.

Section 6. **PERSONAL DAY ALLOWANCES**

1. Full-time employees shall receive sixteen (16) hours personal time per year off work with compensation; such personal time to be designated by the employee with the approval of the proper departmental authority. (Can be taken in one (1) hour increments.)

2. An employee hired prior to July 1<sup>st</sup> will receive two personal days that year. An employee hired -after July 1<sup>st</sup> and prior to September 1<sup>st</sup> will receive one personal day that year and an employee hired after September 1<sup>st</sup> will receive none for that year.

3. Full-time employees shall receive in addition, a maximum of three personal days provided they have accrued a minimum of four hundred (400) hours sick leave with the City. Said three personal days to be charged to sick leave. Personal days may be taken in four (4) hour increments provided however that four (4) hours are worked that day.

Section 7. **SICK LEAVE REGULATIONS**

1. Sick leave shall be defined as an absence with pay necessitated by: 1) illness or injury to the employee; 2) exposure by the employee to a contagious disease communicable to other employees; and/or 3) illness, injury or death in the employee's immediate family.

2. Allowance for sick leave for full-time employees of the City of North Canton shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.

3. Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.

4. Upon retirement, a full-time employee of the City of North Canton hired on or before August 1, 2006, shall: (a) be paid for fifty (50%) percent of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and, (b) shall receive an additional amount equal to twenty-five percent (25%) of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum of two hundred forty (240) hours.

5. Upon retirement, an employee hired after August 1, 2006 shall be paid for twenty-five percent (25%) of accumulated unused sick time up to a maximum of two hundred forty (240) hours.

6. Sick leave shall not be used where injury is service connected, but shall be covered by disability pay: DISABILITY PAY Section of this ordinance.

7. Any sick leave day(s) shall be considered as a day(s) worked for accrual of fringe benefits.

8. Sick leave may be taken in one-quarter hour increments.

9. Sick leave shall be effective on the first day of the month following the employee's date of hire.

**Section 8: PUBLIC ACCOUNTABILITY SALARY DEDUCTION**

To the extent permitted by law, exempt employees who are entitled to accrue personal leave and sick leave will have their salary reduced for absences of less than full work days when accrued leave is not used by an employee because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.

**Section 9. RETIREMENT PROVISIONS**

1. For the purpose of administering Section 7. of the within ordinance, retirement is defined as eligible retirement as determined by the Public Employees' Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund.

2. Disability Retirement is defined as recognition of eligible disability retirement from the Public Employees' Retirement System and the Police and Firemen's Disability and Pension Fund.

**Section 10. VACATION REGULATIONS**

1. For the sole purpose of the application of this Section 10., full-time employees who were employed by the City of North Canton in a calendar year prior to January 1, 2003 shall be deemed to have a service date of January 1 of that year in that year in which their employment commenced.

2. Full-time exempt personnel may be granted a paid vacation allowance during the first year of employment up to a maximum of two calendar weeks at the discretion of the appointing authority.

A. Full-time employees having been employed less than one year, but not yet employed on January 1<sup>st</sup>, may be granted one (1) day of vacation for each full month remaining in that calendar year, to a maximum of ten (10) vacation days, effective on the first day of the first full month of employment during the calendar year, without the requirement of accrual.

B. Full-time exempt employees having been employed less than one year, but employed on January 1<sup>st</sup>, may be granted a paid vacation allowance of up to two (2) calendar weeks in that calendar year of employment, effective January 1<sup>st</sup>, without the requirement of accrual.

3. Full-time employees having been employed one through four years by January 1<sup>st</sup> shall be granted a paid vacation allowance of two calendar weeks in that calendar year of employment.

4. Full-time employees having been employed five through nine years by January 1<sup>st</sup> shall be granted a paid vacation allowance of three calendar weeks in that calendar year.

5. Paid vacation allowances for those who have been employed ten through fourteen years by January 1<sup>st</sup> shall be granted four calendar weeks and fifteen through nineteen years by January 1<sup>st</sup> shall be granted five calendar weeks; twenty years or more shall be granted six calendar weeks.

6. All vacation allowances shall be granted at a time approved by the department head and with concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office.

A vacation schedule based on the seniority standing of employees will be made up by the department head each year with vacation periods so staggered that the employee's absence will not seriously jeopardize the departmental work schedule for the year.

7. An extra day of paid vacation allowance will be permitted for all paid holidays falling within a selected vacation period.

8. When the normal work week is forty hours, the paid vacation allowance will be based thereon.

9. Three weeks of paid vacation allowance may be carried over to the next calendar year. The three weeks shall be the maximum amount which may be carried over regardless of the year to which the allowance is attributable.

10. Any employee who shall resign, retire or be laid off shall be entitled to be paid for vacation allowance earned in the previous year and eligible to be taken in the current year plus vacation earned in the current year at the pro-rata amount of one-twelfth (1/12) for each full month worked subsequent to January 1<sup>st</sup>.

11. Vacation shall be used in increments of one week or more except that vacations may be used in lesser increments when authorized by the proper departmental authority; however, vacation may not be taken in lesser increments than four hours.

Section 11. **MILITARY LEAVE**

Military leave shall be granted in accordance with all federal and state laws and specifically O.R.C. 5923.05.

Section 12. **DISABILITY PAY**

Any full time employee of the City of North Canton injured in the line of duty, whose claim is allowed by the Bureau of Workmen's Compensation, shall receive from the City the difference between the amount allowed by the Bureau of Workmen's Compensation and his or her regular pay. There shall be a twelve month limit on the amount the City shall pay.

Section 13. **FUNERAL LEAVE**

1. Three days excused absence with pay upon the death of the employee's mother, father, sister, brother, wife, husband, son, daughter, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchildren, grandchild and grandparent-in-law.

2. With permission of the department head and the concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office, the employee may be allowed one day for a funeral other than that of a relative. This time off shall not be charged against sick leave or vacation allowance but shall be leave with pay.

Section 14. **HOSPITALIZATION, MEDICAL INSURANCE, DENTAL, OPTICAL & PRESCRIPTION DRUG PROGRAMS**

Full time personnel, and those part-time personnel designated by Council, shall be eligible for medical benefits in accordance with the City's group health benefits plan, according to the terms of such plan, as amended from time to time.

Section 15. **LIFE INSURANCE**

Full time personnel, and those part-time personnel designated by Council, shall be eligible for life insurance in accordance with the City's life insurance plan, according to the terms of such plan, as amended from time to time.

Section 16. **JURY DUTY LEAVE**

1. Any employee who is called for jury duty, either Federal, County or Municipal, shall be paid his or her regular salary, less any compensation received for jury duty, as provided for in the OHIO REVISED CODE when said jury duty conflicts with her or his work schedule.

2. It is understood that Paid Jury Duty Leave will not exceed eighty hours per year without approval of City Council. It will be the employee's responsibility to present to the City the necessary documents, including pay vouchers/check from the Clerk of Courts.

Section 17. **MATERNITY LEAVE**

This policy shall apply only to those employees not eligible for maternity leave pursuant to Family Medical Leave Act of 1993 ("FMLA"). Employees eligible for FMLA maternity leave shall receive leave pursuant to that Act in the manner described in the City of North Canton Personnel Handbook. Maternity Leave shall include pregnancy, childbirth and related medical conditions.

Upon written request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, a pregnant employee may be granted a leave of absence without pay, subject to the following rules.

A. Length of Leave: Leaves of absence for maternity leave shall be limited to the period of time that the pregnant employee is unable to perform the substantial, material duties of the employee's position. This period may include reasonable pre-delivery, delivery and recovery time, as certified in writing by a physician, not to exceed one hundred and eighty days. Such leave shall not include time being requested for the purposes of child care following the recovery of the employee.

B. Physician Certificate: A pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will not be able to perform substantial, material duties of the employee's position due to pregnancy, childbirth or related medical conditions.

C. Sick Leave Usage: Upon request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, and in accordance with the rules of the City of North Canton with regard to sick leave, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time as certified by the physician's certificate that the employee isn't able to work as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence for maternity leave purposes without pay for the remainder of the period.

D. Service Credit: Authorized leaves of absence under this rule for maternity leave without pay will count as service credit for all purposes related to seniority, provided the employee has properly returned to service and is not serving a probationary period. Employees that do not return to service from a personal leave of absence for maternity leave shall not receive service credit for the time spent on such leave.

E. Employee Benefits: Hospitalization and life insurance benefits will remain in effect as long as the employee is on maternity leave as provided for herein.

F. Return to Service: Upon completion of a leave of absence for maternity leave purposes, without pay, the employee shall be returned to the same or similar position within the employee's former classification.

G. Failure to Return: An employee who fails to return to duty upon completion or valid cancellation of leave of absence without pay and without explanation to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable or their representatives, may be removed from the service of the City. An employee who fails to return to service from a leave of absence without pay and is subsequently removed from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

H. Abuse of Leave: If it is found that a leave is not actually being used for the purpose for which it was originally granted, the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, may cancel the leave and direct the employee to report for work by giving written notice to the employee.

#### Section 18: **PENSION PICKUP**

1. Any employee of the City of North Canton who is a member of the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund shall have her or his compensation reduced by an amount equivalent to that employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, and that the amount of the employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, be paid by the City of North Canton on behalf of the employee; and that the amount of the contribution so paid on behalf of the employee by the employer be added to the salary or wage of the employee in the calculation of pensions and other benefits and is subject to the City of North Canton income tax. The employee is not given the option of choosing to receive said amount directly instead of having them paid directly to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund.

2. In respect to the employee's contribution to the Public Employees Retirement System of Ohio, that contribution shall be the employee's contribution to the employee's savings fund defined at Section 145.47 of the OHIO REVISED CODE.

Section 19. **LEAVE OF ABSENCE**

Leave of Absence without pay may be granted upon written request and approval of the department head. Attendance at job related conferences, meetings, seminars, etc., which result in absence from work, require prior written request and approval from the responsible departmental authority.

Section 20. **COMPENSATION**

1. Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$3,510.86
<b>Director of Administrative Services</b>	<b>\$2,599.32</b>
Director of Finance	\$3,463.99
City Engineer	\$3,463.99
Chief of Police	\$3,210.72
Chief of Fire & EMS	\$3,210.72
Supt., Permits & Inspection	\$2,599.32
<b>Director of Permits &amp; Development</b>	<b>\$2,599.32</b>
Supt., Utilities & Services	\$2,599.32
Supt., Streets & Parks	\$2,599.32
Chief Operator- DWP	\$2,599.32
Supt. Recreation, Buildings & Grounds	\$2,599.32
Operations Managers: Recreation, Buildings & Grounds Streets & Parks Water & Sanitary Sewer Drinking Water Plant	\$ 2,465.68
Clerk of Council/Law Dept.	\$ 2,146.82
Deputy Director of Finance	\$1,962.01
<b>Administrative Assistant/Payroll Clerk</b>	<b>\$1,730.00</b>
Administrative Assistant	\$1,730.00"

A. At all times the position of Director of Permits & Development is filled, the person serving in the capacity shall also hold the title of Superintendent, Permits & Inspection at no additional compensation.

2. Part-time Schedule of Compensation: Part-time personnel shall be paid an amount equal to the amount set forth in the following schedule:

<b>Public Safety -- FIRE / EMS</b>	
Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT -- Paramedic	\$ 14.60
Fire Captain / EMT -- Basic	\$ 14.60
EMT -- Paramedic	\$ 14.60
Firefighter / EMT -- Paramedic	\$ 14.60
Firefighter / EMT -- Basic	\$ 14.13
Firefighter	\$ 14.13
EMT -- Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station:	
Firefighter / EMT - Paramedic/Basic	\$ 12.00
EMT 's manned at station will not receive Standby Wages.	
<b>Public Safety -- Police</b>	
Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96
Financial & Clerical	
Fiscal/Clerical Specialist	\$ 11.88
<b>Department of Engineering</b>	
Engineering Clerk	\$ 10.12
Special Project Inspector	\$ 16.82
<b>Building &amp; Permits</b>	
Building Inspector	\$ 24.08
<b>Municipal Swimming Pool</b>	
Pool Director*	\$5,928.25
Assistant Pool Director*	\$4,398.67
Concession Stand Mgr.*	\$4,610.85
Pool Personnel	\$ 7.40
Lifeguard I	\$ 7.65
Lifeguard II	\$ 7.94
Lifeguard/Instructor I	\$ 8.53
Lifeguard/Instructor II	\$ 8.83
Head Lifeguard I	\$ 9.11
Head Lifeguard II	\$ 9.41
Pool Maintenance	\$ 7.40
*Paid for Season	
<b>General Government</b>	
Summer I	\$ 7.40
Summer II	\$ 7.94
Intern	\$ 9.27
Skilled Worker	\$ 14.50
Hours per Skilled Worker will be limited to a maximum of 1200 per year	

<b>Recreation</b>	
Class "A" Instructor	\$ 11.00
Senior Program Director**	\$ 203.50
**Paid bi-weekly	
In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at his/her applicable hourly rate.	
There is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officer and part-time radio dispatchers.	

- Effective January 1 of each year, any employee receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

**Section 21. DRUG TESTING POLICY**

- Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be solely for administration purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be released to a third party for the use in a criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.
- Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.
- All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometry procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.
- Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second confirmatory test of the split sample done at a lab of his choosing, at this expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.
  - If all the screening and confirmatory tests are positive, then the employee involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.
  - Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.
  - An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

D. Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to his position. Such employee may be subject to random retesting upon return to his position for a period of one (1) year from the date of his return.

E. Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed ninety (90) days.

F. If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or he fails to complete a program of rehabilitation, or if he should test positive at any time within one (1) year after his return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

G. Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

H. For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one (1) year period after his return from a rehabilitation program.

5. For the purpose of implementing the provisions of this Article, each employee shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer.

Section 22. That Ordinance No. 13-11 and any and all legislation inconsistent herewith, be, and is hereby repealed.

Section 23. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 24. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely scheduling of vacation time by city employees and to ensure the continued efficient operation of the City of North Canton; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH  
Passed:

\_\_\_\_\_  
MAYOR

SIGNED: \_\_\_\_\_, 2011

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL



# City of NORTH CANTON, OHIO

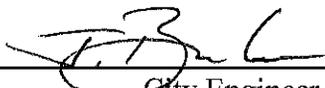
145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

## LEGISLATION REQUEST

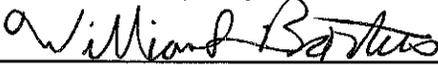
March 6, 2012

To: **Jon Snyder, President**  
City Council

Subject: **MAIN STREET TRAFFIC SIGNAL COORDINATION PROJECT**

Requested By:   
City Engineer

Date: 3/5/12

Approved By:   
Director of Administration

Date: 3/5/12

An ordinance authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor, through the Board of Control to enter into a contract for Main St. Traffic Signal Coordination Project.

Funds have been allocated in account 330.548.5229 in an amount not to exceed \$807,250.

EMERGENCY REQUESTED: Yes X No \_\_\_\_\_

**RECEIVED**

MAR 06 2012

COUNCIL OFFICE  
NORTH CANTON, OHIO

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Main Street Traffic Signal Coordination Project (Everhard to Orion), at a cost not to exceed \$807,250 and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids, according to specifications now on file in the office of the Director of Administration for the Main Street Traffic Signal Coordination Project (Everhard to Orion).

Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the Main Street Traffic Signal Coordination Project (Everhard to Orion), at a cost not to exceed \$807,250.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

330	CAPITAL IMPROVEMENT	
330.543.5229	Contract Payments	\$807,250

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely completion of the Main Street Traffic Signal Coordination Project, wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH  
Passed:

\_\_\_\_\_  
MAYOR

SIGNED: \_\_\_\_\_, 2012

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL



# City of NORTH CANTON, OHIO

145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

## LEGISLATION REQUEST

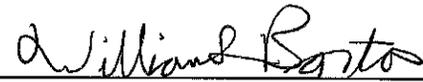
March 5, 2012

To: **Jon Snyder, President  
City Council**

Subject: **2012 Street Maintenance/Paving Program**

Requested By:   
City Engineer

Date: 3/5/12

Approved By:   
Director of Administration

Date: 3/5/12

Request: An ordinance authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor through the Board of Control to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets and alleys within the corporate limits of the City of North Canton.

Funds have been allocated as follows:

209.745.5229	\$	25,000
210.543.5229		300,000
651.767.5502		15,000
652.779.5501		25,000

EMERGENCY REQUESTED: Yes X No     

**RECEIVED**

MAR 05 2012

COUNCIL OFFICE  
NORTH CANTON, OHIO

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the resurfacing, repaving, replacement, repair and preventative maintenance of certain streets, alleys and city parking lots, at a cost not to exceed \$365,000, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets, alleys, and city parking lots.

Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets, alleys, and city parking lots, at a cost not to exceed \$365,000.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriations:

652	SANITARY SEWER OPERATING FUND	
652.779.5501	Facilities – Sewer Lines	\$ 25,000
651	WATER, EXP, REP & IMPROVEMENT	
651.767.5502	Facilities – Inside Waterlines	\$ 15,000
209	STORM SEWER LEVY	
209.745.5229	Contract Payment	\$ 25,000
210	STREET IMPROVEMENT LEVY	
210.543.5229	Contract Payments	\$ <u>300,000</u>
		\$ 365,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary in order to maintain the city streets in the proper condition for safe travel; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



# City of NORTH CANTON, OHIO

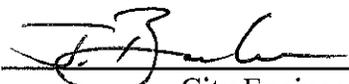
145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

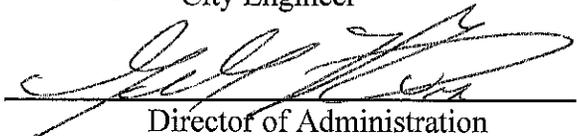
## LEGISLATION REQUEST

March 13, 2012

To: **Jon Snyder, *President***  
City Council

Subject: **North Main Reconstruction - Phase VI**  
Applegrove to Orion

Requested By:  Date: 3/13/12  
City Engineer

Approved By:  Date: 3/13/12  
Director of Administration

Request: An ordinance authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor, through the Board of Control, to enter into a contract for North Main Reconstruction Project - Phase VI.

Funds have been allocated as follows:

330.547.5225      4,010,000

EMERGENCY REQUESTED:      Yes   X        No       

**RECEIVED**

**MAR 13 2012**

COUNCIL OFFICE  
NORTH CANTON, OHIO

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the North Main Street Reconstruction Project – Phase VI, at a cost not to exceed \$4,010,000 and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids, according to the specifications now on file in the office of the Director of Administration for the North Main Street Reconstruction Project – Phase VI.

Section 2. That the Mayor of the City of North Canton, be, and is hereby authorized, through the Board of Control, to enter into a contract for the North Main Street Reconstruction Project – Phase VI, at a cost not to exceed \$4,010,000.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

332	ISSUE 2 IMPROVEMENT FUND	
330.547.5225	Professional Services	\$3,889,700
330.547.5229	Contract Payments	<u>\$ 120,300</u>
		\$4,010,000

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely completion of the North Main Street Reconstruction Project – Pave VI; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.



# City of NORTH CANTON, OHIO

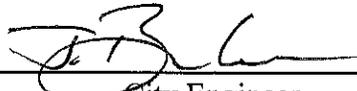
145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

## LEGISLATION REQUEST

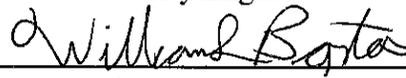
March 6, 2012

To: **Jon Snyder, President**  
*City Council*

Subject: **WATER TOWER I EXTERIOR PAINTING PROJECT**

Requested By:   
City Engineer

Date: 3/5/12

Approved By:   
Director of Administration

Date: 3/5/12

An ordinance authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor, through the Board of Control to enter into a contract for Water Tower I Exterior Painting Project.

Funds have been allocated in account 650.768.5230 in an amount not to exceed \$400,000.

EMERGENCY REQUESTED: Yes **X** No       

**RECEIVED**

**MAR 06 2012**

**COUNCIL OFFICE  
NORTH CANTON, OHIO**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Water Tower 1 Exterior Painting Project, at a cost not to exceed \$400,000, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids, according to specifications now on file in the office of the Director of Administration for the Water Tower 1 Exterior Painting project.

Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the Water Tower 1 Exterior Painting project, at a cost not to exceed \$400,000.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

650	WATER REVENUE FUND	
650.768.5230	Maintenance of Equipment	\$400,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely completion of the exterior paint of Water Tower 1; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



# City of NORTH CANTON, OHIO

145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

## LEGISLATION REQUEST

March 5, 2012

To: **Jon Snyder, President**  
City Council

Subject: **DONNER WATERLINE REPLACEMENT PROJECT**

Requested By: J. T. Bunker  
City Engineer

Date: 3/13/12

Approved By: [Signature]  
Director of Administration

Date: 3/14/12

An ordinance authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor, through the Board of Control to enter into a contract for **Donner Waterline Replacement Project**.

Funds have been allocated in account 651.767.5502 in an amount not to exceed \$125,000.

EMERGENCY REQUESTED: Yes X No       

**RECEIVED**

MAR 05 2012

COUNCIL OFFICE  
NORTH CANTON, OHIO

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the Donner Avenue NW Waterline Replacement Project (West Maple Street to Florence Street NW), at a total cost not to exceed \$125,000 and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids, according to specifications now on file in the office of the Director of Administration for the Donner Avenue NW Waterline Replacement Project (West Maple Street to Florence Street NW).

Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the Donner Avenue NW Waterline Replacement Project (West Maple Street to Florence Street NW), at a total cost not to exceed \$125,000.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

651	WATER EXP, REPL & IMPROVEMENT FUND	
651.767.5502	Facilities – Outside Waterlines	\$125,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely completion of the Donner Avenue NW Waterline Replacement Project; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

CITY OF NORTH CANTON  
FUND CASH POSITION  
FOR THE MONTH ENDING February 29, 2012

C/W: 3/19/12  
Item 5a

	Beginning Year Balance	MTD Receipts	YTD Receipts	MTD Exp'd/Exp	YTD Exp'd/Exp	Unexpended Balance
101 GENERAL FUND	2,521,121.28	\$ 89,293.39	\$ 169,958.50	\$ 362,623.44	\$ 838,409.56	1,852,670.22
TOTAL GENERAL FUND	2,521,121.28	89,293.39	169,958.50	362,623.44	838,409.56	1,852,670.22
SPECIAL REVENUE FUNDS:						
203 INCOME TAX FUND	822,480.49	443,157.59	1,071,599.03	31,001.30	66,865.49	1,827,214.03
204 FIRE OPERATING FUND	34,947.61	59.39	21,212.89	32,409.70	94,886.33	<38,725.83>
205 EMS OPERATING FUND	<2,713.38>	48,330.69	105,156.87	88,516.53	197,761.36	<95,317.87>
206 COMPUTER TRUST FUND	16,003.44	379.00	379.00	266.94	2,485.66	13,896.78
207 EMPLOYMENT AND EDUCATION FUND	11,023.71	25.00	508.00	0.00	0.00	11,531.71
208 STREET CONST M & R FUND	340,001.18	58,522.74	126,615.35	99,450.70	138,354.62	328,261.91
209 STORM SEWER IMPROVE LEVY FUND	466,097.38	206.89	206.89	28,390.77	46,811.50	419,492.77
210 STREET IMPROVE LEVY FUND	527,417.22	204.17	204.17	20,548.10	23,908.10	503,713.29
211 MUNICIPAL ROAD FUND	7,252.46	0.00	0.00	0.00	0.00	7,252.46
212 GENERAL TRUST FUND	16,198.58	0.00	0.00	0.00	247.88	15,950.70
213 LAW ENFORCEMENT TRUST FUND	26,172.09	3,124.20	3,124.20	150.00	400.00	28,896.29
214 COMPENSATED ABSENCES FUND	417,332.13	0.00	0.00	0.00	0.00	417,332.13
215 CONTINUING PROF EDUCATION FUND	540.00	0.00	0.00	0.00	0.00	540.00
TOTAL SPECIAL REVENUE	2,682,752.91	554,009.67	1,329,006.40	307,734.04	571,720.94	3,440,038.37
CAPITAL PROJECT FUNDS:						
330 CAPITAL IMPROVEMENT FUND	3,116,368.09	164,694.48	164,694.48	513,449.98	718,638.10	2,562,424.47
331 PARK DEVELOPMENT FUND	144.43	0.00	0.00	0.00	0.00	144.43
332 ISSUE 2 IMPROVEMENT FUND	164,020.98	0.00	0.00	0.00	0.00	164,020.98
333 HOOVER DISTRICT IMP. FUND	<40,102.33>	0.00	0.00	7,104.50	12,558.81	<52,661.14>
TOTAL CAPITAL PROJECT FUNDS	3,240,431.17	164,694.48	164,694.48	520,554.48	731,196.91	2,673,928.74
ENTERPRISE FUNDS:						
650 WATER REVENUE FUND	2,624,232.22	489,186.37	943,262.89	246,880.33	856,800.77	2,710,694.34
651 WATER EXP, REPLACE & IMP FUND	1,206,679.49	0.00	0.00	208,311.29	294,484.09	912,195.40
652 SEWER REVENUE FUND	1,730,111.25	229,228.28	454,205.25	157,384.34	298,255.60	1,886,060.90
654 GARBAGE SERVICE FUND	273,915.13	84,284.63	158,530.27	4,164.05	80,136.08	352,309.32
TOTAL ENTERPRISE FUNDS	5,834,938.09	802,699.28	1,555,998.41	616,740.01	1,529,676.54	5,861,259.96
INTERNAL SERVICE FUNDS:						
761 INSURANCE FUND	702,976.95	6,344.50	112,887.57	104,185.69	177,015.94	638,848.58
TOTAL INTERNAL SERVICE FUNDS	702,976.95	6,344.50	112,887.57	104,185.69	177,015.94	638,848.58
TRUST & AGENCY FUNDS						
870 NORTH CANTON CTC ESCROW FUND	657,000.00	0.00	0.00	0.00	0.00	657,000.00
871 PERMIT FEE FUND	45.65	47.60	212.09	164.49	261.32	<3.58>
873 REQUIRED DEPOSITS FUND	49,869.16	850.00	1,790.54	249.02	404.56	51,165.14
TOTAL TRUST & AGENCY FUNDS	706,914.81	897.60	1,912.63	413.51	665.88	708,161.56
TOTAL ALL FUNDS	15,689,135.21	1,617,938.92	3,334,457.99	1,912,251.17	3,848,685.77	15,174,907.43

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CITY OF NORTH CANTON

FUND BALANCE RECONCILIATION

FEB 29, 2012

Consolidated Fund Balance		\$15,174,907.43
Less Treasury Investments Held at Cost:		
	<u>INTEREST</u>	<u>PRINCIPAL</u>
Federal Gov't Securities (UBS)	0.00	10,026.34
StarOhio	\$20.80	\$596,613.20
Chase Money Market	395.93	5,001,419.74
North Canton CIC Escrow	0.00	657,000.00
First Merit Money Market	720.63	4,559,444.04
Sweep Account	101.22	0.00
	<u>\$1,238.58</u>	<u>\$10,824,503.32</u>
Total Treasury Investments		<u>10,824,503.32</u>
Checking Account Balance		<u>\$4,350,404.11</u>
Bank Balance:	Checking Account:	\$3,610,252.24
	SWEEP	<u>1,085,000.00</u>
		4,695,252.24
Minus:	Outstanding Checks:	(\$268,812.93)
Misc Adjustments		(268,812.93)
ACH CHECK FREE	(\$367.86)	
ACH CHECK FREE	(\$55.66)	
ACH ONLINE	(140.22)	
ACH METAVANTE	(340.86)	
ACH HUNTINGTON	(55.00)	
NSF CHECK BALANCE	546.28	
INCOME TAX TRANSIT	(357.81)	
EMS ON LINE IN TRANS-medica	(191.08)	
CIC ESCROW IN TRANSIT	0.00	
OPERS IN TRANSIT	(46,386.96)	
NON CONF TOTAL 1.31	59.83	
MISC BANK CREDITS		
AULTCARE ADMIN FEE	(16,070.50)	
EMS ON LINE IN TRANS	<u>(12,675.36)</u>	
		(\$76,035.20)
		<u>(76,035.20)</u>
Adjusted Bank Balance		<u>\$4,350,404.11</u>

Respectfully submitted,



Karen S. Alger  
Director of Finance

CITY OF NORTH CANTON  
 INVESTMENT REGISTER  
 FOR THE CALENDAR YEAR 2012

PURCHASE DATE	FINANCIAL INSTITUTION		SECURITY/ ACCOUNT NUMBER	INTEREST RATE	PAR AMT/ CARRYING VALUE	JAN. 1, 2012 BOOK VALUE	PURCHASED 2012	REDEEMED 2012 PRINCIPAL	INTEREST	DATE OF MATURE	DAYS HELD	REVENUE /PAYIN ORDER NUMBER	BALANCE
12/31/11	PAINE WEBBER, INC.	FINMA POOL	CLM9153J	7.00	27,026.34		10,026.34	0.00	0.00		60		
12/31/11	STAROHIO		12794	VARIOUS	596,592.40		596,592.40	0.00	14.88		30	110797	
1/31/12	CHASE	MONEY MKRT	3003159104	0.10	5,001,023.81		5,001,023.81	0.00	436.85		30		
1/31/12	NORTH CANTON CIC ESCROW		5922003646	VARIOUS	657,000.00		657,000.00	0.00	0.00		30		
1/31/12	FIRSTMERT BANK	MONEY MKRT	58490000040	0.10	4,559,640.98		4,559,920.35	0.00	720.63		30		
1/31/12	FIRSTMERT BANK	SWEEP	1080 4424	VARIOUS	0.00		0.00	0.00	101.22		30	110797	
1/31/12	BALANCE				\$10,841,283.53		\$10,823,562.90	\$0.00	\$1,273.58				\$10,823,562.90
2/29/12	PAINE WEBBER, INC.	FINMA POOL	CLM9153J	7.00	27,026.34		10,026.34	0.00	0.00		60		
2/29/12	STAROHIO		12794	VARIOUS	596,613.20		596,613.20	0.00	20.80		30		
2/29/12	CHASE	MONEY MKRT	3003159104	0.10	5,001,419.74		5,001,419.74	0.00	395.93		30		
2/29/12	NORTH CANTON CIC ESCROW		5922003646	VARIOUS	657,000.00		657,000.00	0.00	0.00		30		
2/29/12	FIRSTMERT BANK	MONEY MKRT	58490000040	0.10	4,560,164.67		4,559,640.98	0.00	523.69		30		
2/29/12	FIRSTMERT BANK	SWEEP	1080 4424	VARIOUS	0.00		0.00	0.00	100.98		30		
2/28/12	BALANCE				\$10,842,223.95		\$10,824,700.26	\$0.00	\$1,041.40				\$10,824,700.26

**RESOLUTION OF SUPPORT**

A Resolution by the Mayor and Council for the City of North Canton, expressing their opposition to any effort by the State of Ohio to take over the collection of municipal income taxes in Ohio, and declaring an emergency.

**WHEREAS:** City income tax is the largest source of revenue for all municipalities and any disruption or interference with current collection processes will be harmful to the financial operations; and,

**WHEREAS:** The prospect of the state control of the municipal income tax collection presents numerous administrative difficulties including, but not limited to: how the state will administer local tax ordinances; how retention of access to tax records will be handled; the timing and frequency of distribution of collected revenues to municipalities; the report of tax collections to municipalities; and the impact of planned budget and staffing cuts on the Ohio Department of Taxation's ability undertake and properly perform such significant new responsibilities; and,

**WHEREAS:** In the wake of sweeping reductions in the Local Government Fund, municipalities cannot afford another potential loss in revenue.

**NOW, THEREFORE BE IT RESOLVED,** that we, the Mayor and Council for the City of North Canton, hereby declare our strong opposition to any effort by the State of Ohio to take over the collection of municipal income taxes in Ohio; and urges its Ohio State Legislators to reject and oppose any amendment to pending bills or introduction of any new legislation that proposes to transfer collection and/or control of municipal income taxes to the State of Ohio Department of Taxations.

Section 1. That the Council of the City of North Canton supports and endorses passage of the proposed sales tax issue for Stark County, Issue 29.

Respectfully submitted,

\_\_\_\_\_  
David J. Held, Mayor

\_\_\_\_\_  
Doug Foltz, Ward 1

\_\_\_\_\_  
Jon Snyder, President of Council

\_\_\_\_\_  
Daniel Peters, Ward 2

\_\_\_\_\_  
Marcia Kiesling, Vice President of Council

\_\_\_\_\_  
Tim Fox, Ward 3

\_\_\_\_\_  
Mark Cerreta, Council-At-Large

\_\_\_\_\_  
Dan Griffith, Council-At-Large



**Presented by the Summit County Mayors Association**

**A Resolution opposing any effort by the State of Ohio to take over the collection of municipal income taxes in Ohio, and declaring an emergency.**

**Whereas**, income tax is the largest source of revenue for all municipalities and any disruption or interference with current collection processes will be harmful to the financial operations; and

**Whereas**, the prospect of the state control of the municipal income tax collection presents numerous administrative difficulties including, but not limited to: how the state will administer local tax ordinances; how retention of access to tax records will be handled; the timing and frequency of distribution of collected revenues to municipalities; the reporting of tax collections to municipalities; and the impact of planned budget and staffing cuts on the Ohio Department of Taxation's ability to undertake and properly perform such significant new responsibilities; and

**Whereas**, in the wake of sweeping reductions in the Local Government Fund, municipalities cannot afford another potential loss in revenue.

**Now, Therefore Be It Resolved**, that we, members of the Summit County Mayors Association, which also includes the cities of Canton and North Canton in Stark County and the cities of Ravenna and Streetsboro in Portage County, hereby declare its strong opposition to any effort by the State of Ohio to take over the collection of municipal income taxes in Ohio; and urges its Ohio State Legislators to reject and oppose any amendment to pending bills or introduction of any new legislation that proposes to transfer collection and/or control of municipal income taxes to the State of Ohio Department of Taxation.

The Executive Director of the Summit County Mayors Association is directed to send copies of this resolution to the Governor, Ohio State Treasurer and local representatives of the Ohio Legislature.

This resolution shall be in effect immediately and be in force upon its passage and approval by the members of the Summit County Mayors Association.

Resolution passes on Tuesday, Jan. 24, 2012

Don Kuchta, President  
Mayor, City of Macedonia

Al Bollas, Vice President  
Mayor, City of New Franklin

Bill Goncy, Treasurer  
Mayor, Village of Boston Heights

Sam Alonso, Secretary  
Mayor, Village of Reminderville

Mayor Don Kuchta, President • Louis Berroteran, Executive Director



145 North Main St. · North Canton, OH 44720  
Phone: 330-499-8223 Fax: 330-305-0603

**CITY OF NORTH CANTON**  
**Michael J. Grimes**  
Director of Administration

**Legislation Request**

✓ To: Jon Snyder, Council President  
Date: March 14, 2012  
Subject: Professional Service Agreement For Police Computer Services

Requesting an ordinance authorizing through the Board of Control to enter into a professional service agreement with Creative Microsystems Incorporated for police computer services for updating the current software for the computer aided dispatch and records management systems. To include a new mobile interface module, installation, training, licenses, 24-hour support and warranties. The agreement is not to exceed one hundred eighteen thousand (\$118,000) dollars.

EMERGENCY REQUESTED  YES  NO

Respectfully,

Michael J. Grimes

c: Director of Finance  
Director of Law  
Chief of Police

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NORTH CANTON, OHIO

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement by and between the City of North Canton and Creative Microsystems Inc., for the purchase and upgrade of the current software for the computer aided dispatch and records management systems, for use by the Police Department, in an amount not to exceed \$118,000.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a professional services agreement by and between the City of North Canton and Creative Microsystems Inc., for the purchase and upgrade of current software for the computer aided dispatch and records management systems, for use by the Police Department, in an amount not to exceed \$118,000.

Section 2. That said software shall include installation, new mobile interface module, training, licenses, 24-hour technical support and warranties.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

330	CAPITAL IMPROVEMENT FUND	
330.101.5500	Equipment	\$100,000
101	GENERAL FUND	
101.101.5500	Equipment	<u>\$ 18,000</u>
		\$118,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.