



NOTICE OF PUBLIC MEETING

Notice is hereby given that:

Recent, and temporarily amended sections of Ohio's Revised Code, specifically R.C. 121.22 Public meeting - exceptions, together with orders and directives from the Ohio Attorney General and the Ohio Department of Health, as well as the safety directives from the President and Center for Disease Control regarding health risks posed by COVID-19, compel the City of North Canton to take unprecedented actions to continue the business of government while limiting gatherings so as to prevent the spread of COVID-19. Accordingly, in this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings to prevent the spread of COVID-19, the City shall hold its public meetings via teleconference; all other requirements of Ohio's Open Meetings Act, R.C. 121.22, shall be fulfilled.

Meeting notices shall provide instructions for the public on how they may hear the discussions and deliberations of all members of the public body, and in certain circumstances, address the public body themselves.

The Council of the City of North Canton shall hold the **Regular Council Meeting on Monday September 28, 2020 at 7:00 PM** via teleconference. See attached agenda for matters to be discussed.

Instructions to hear and perhaps participate in the meeting described above are as follows:

FOR THOSE WISHING TO WATCH THE MEETING:

The meetings will be livestreamed via the City's YouTube page. The livestream can be accessed at the link below and will begin at approximately 6:55 p.m., Monday, September 28, 2020.

<https://youtu.be/85bsZrcn3hI>

THOSE WISHING TO PARTICIPATE IN RECOGNITION OF VISITORS at the Council Meeting on Monday, September 28, 2020, must email a request to the Council Clerk at citycouncil@northcantonohio.gov with your **name, email and telephone number** no later than **3:00 PM Monday, September 28, 2020**.

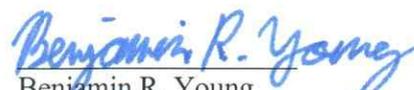
Once your email has been received, the clerk will contact you with information on how to join the meeting. Members of the public wishing to participate will be called to speak in the order requests are received by Council's office.

Residents wishing to address Council may alternatively submit a written statement to the office of Council to be entered into the public record by **emailing such statements as a word or pdf attachment to byoung@northcantonohio.gov by 5:00 pm, September 28, 2020**. Statements must include the attributed party's **name and address**.

BY THE ORDER OF THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

09/23/2020

Date


Benjamin R. Young
Clerk of Council

NORTH CANTON CITY COUNCIL REGULAR MEETING
September 28, 2020, 7:00 PM
Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Consideration**
 - 5.a Minutes from City Council on September 14, 2020.
- 6. Recognition of Visitors**
- 7. Old Business**
 - 7.a Ordinance No. 43-2020, 3rd Reading, Finance and Property Committee**

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020.
 - 7.b Ordinance No. 44-2020, 3rd Reading, Street and Alley Committee**

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with McKinley-Applegrove, LTD., thereby accepting its maintenance bond to guarantee certain maintenance improvements at The Sanctuary Phase 4 Development.
 - 7.c Ordinance No. 45-2020, 2nd Reading, Community and Economic Development Committee**

An ordinance to amend and re-title Chapter 1181, Amendments, of the Codified Ordinances to remove procedural redundancies and clarify the amendment process.
 - 7.d Ordinance No. 46-2020, 2nd Reading, Community and Economic Development Committee**

An ordinance to create Chapter 1182, Amendments to Zoning Map, of the Codified Ordinances in order to clarify the Zoning Map amendment process.
 - 7.e Ordinance No. 50-2020, 2nd Reading, Rules, Ordinance, and Claims Committee**

An ordinance to approve the 2020 Codified Ordinances of the City of North Canton; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provisions.
 - 7.f Ordinance No. 51-2020, 2nd Reading, Rules, Ordinance, and Claims Committee**

An ordinance establishing policies relating to the use of paper representation materials such as letterhead and business cards by members of City Council.
 - 7.g Resolution No. 06-2020, 2nd Reading, Rules, Ordinance, and Claims Committee**

A resolution accepting and establishing a policy for the viewing of permanent paper records maintained by the Office of City Council including Council’s Journal, the Record of

Legislation, the Codified Ordinances, and other historic documents.

- 7.h **Resolution No. 07-2020, 2nd Reading, Rules, Ordinance, and Claims Committee A** resolution acknowledging the loss of certain records of proceedings and accepting the replacements created by the Office of Council as more fully described below.

8. New Business

8.a Ordinance No. 55-2020, 1st Reading, Community and Economic Development Committee

An ordinance establishing a Designated Outdoor Refreshment Area (DORA) in the City of North Canton under Ohio Revised Code (ORC) Section 4301.82, approving related Safety and Sanitation plans, and providing for oversight and review.

8.b Ordinance No. 56-2020, 1st Reading, Community and Economic Development Committee

An ordinance amending and retitling Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton.

8.c Ordinance No. 57-2020, 1st Reading, Community and Economic Development Committee

An ordinance to create Chapter 1302, Permits, of the Codified Ordinances of the City of North Canton in order to clarify the building permit process.

8.d Ordinance No. 58-2020, 1st Reading, Community and Economic Development Committee

An ordinance amending Chapter 1303, Razing of Buildings, specifically Section 1303.07(a), Fees for Permits, of the Codified Ordinances of the City of North Canton to set fees for permits for the razing of buildings, structures, or parts thereof.

8.e Ordinance No. 59-2020, 1st Reading, Community and Economic Development Committee

An ordinance to create Chapter 1310, Contractor Registration Requirements, of the Codified Ordinances of the City of North Canton in order to clarify the process by which Contractors are registered with the City.

8.f Ordinance No. 60-2020, 1st Reading, Street and Alley Committee

An ordinance to amend and retitle Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton.

8.g Ordinance No. 61-2020, 1st Reading, Street and Alley Committee

An ordinance amending Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, specifically Sections 907.02, 907.03, and 907.06, and creating Section 907.07.

8.h Ordinance No. 62-2020, 1st Reading, Finance and Property Committee

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020, and declaring the same to be an emergency.

9. Department Reports

| | |
|-----------------------------------|---------------------|
| Deputy Director of Administration | Director of Finance |
| Director of Administration | City Engineer |
| Mayor Wilder | Council Clerk |
| Director of Law | |

10. Council Reports

| | |
|---------------------------|---------------------------|
| Ward 1 - Doug Foltz | At Large - Daryl Revoldt |
| Ward 2 - Daniel Peters | At Large - Mark Cerreta |
| Ward 3 - Stephanie Werren | At Large - Matthew Stroia |
| Ward 4 - Dominic Fonte | |

11. Final Call for New Business

12. Meetings Calendar

October 5, 2020 - Committee of the Whole
October 12, 2020 - City Council
October 19, 2020 - Committee of the Whole
October 26, 2020 - City Council

13. Adjourn

North Canton City Council
Finance and Property Committee

ORDINANCE 43 - 2020

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020.

WHEREAS, the City has received additional revenue in the form of grant funding for the purchase of ballistic vests and Municipal Road Funds for the East Maple and Portage street projects that must be appropriated before use.

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2020, the following funds, be, and are hereby, set aside and appropriated as follows:

| | | | |
|-----------------------------------|-------------------|--------------------|-------------|
| FIRE FUND | | | |
| 204.133 | Fire Suppression | Operating Supplies | \$ 2,850.00 |
| MUNICIPAL ROAD FUND | | | |
| 211.546 | Contract Payments | | \$95,000.00 |
| TOTAL SUPPLEMENTAL APPROPRIATIONS | | | \$97,850.00 |

Section 2. That the Director of Finance, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. 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 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Street and Alley Committee

ORDINANCE 44 - 2020

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with McKinley-Applegrove, LTD., thereby accepting its maintenance bond to guarantee certain maintenance improvements at The Sanctuary Phase 4 Development.

WHEREAS, McKinley-Applegrove, LTD., the “Developer” of The Sanctuary Phase 4 Development, whose plat is recorded in Instrument Number 201912050047967 of the Stark County officials records, requests the City accept a maintenance bond in the amount of \$61,113.00, which shall bind the Developer and guarantee its performance of the certain maintenance improvements, as described in the maintenance bond, which is secured by a commercial bond, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.

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

- Section 1. That the Mayor, be, and is hereby, authorized to enter into an agreement with McKinley-Applegrove, LTD., “Developer”, to accept a maintenance bond in the amount of \$61,113.00, which shall bind the Developer and guarantee its performance of certain maintenance improvements at The Sanctuary Phase 4 Development, as described in the maintenance bond, which is secured by a commercial bond, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

**MAINTENANCE BOND
SECURED BY COMMERCIAL BOND**

This Maintenance Bond is entered into as of the 23rd day of July, 2020, by and between **McKINLEY-APPLEGROVE, LTD.**, an Ohio limited liability company, (the "Developer"), and the **CITY OF NORTH CANTON**, a municipal corporation of the state of Ohio, (the "City").

WHEREAS, the Developer is the owner and developer of an allotment located within the City of North Canton, which allotment is known as The Sanctuary Phase 4 (the "Development"), as the same is shown on the Plat recorded in Instrument Number 201912050047967 of the Stark County Official Records; and

WHEREAS, the Developer has installed certain improvements within the Development in accordance with the City's plans and specifications; and

WHEREAS, the City has agreed to accept the work performed by Developer in exchange for the Developer's acceptance of the terms and conditions contained within this Maintenance Bond; and

WHEREAS, the Developer agrees to hold and firmly bind itself unto the City in the sum of SIXTY-ONE THOUSAND ONE HUNDRED THIRTEEN DOLLARS AND 00/100 (\$61,113.00), the payment of which shall guarantee the performance of the conditions and obligations set forth herein; and

NOW, THEREFORE, the Developer agrees to be responsible for the maintenance of the improvements installed in accordance with the plans and specifications approved by the City and for providing services necessary to guarantee access to all occupied property, excluding snow removal, for a period of one (1) year from July 23, 2020. The Developer further agrees to be responsible for routine maintenance of all improvements and to repair all failures due to faulty construction as soon as they become apparent. The Developer agrees to make repairs due to erosion or abuse by utility companies installing utilities and to repair all failures for other reasons during the one (1) year period. The Developer agrees to restore the improvements at the end of the Maintenance period.

The faithful performance of conditions and obligations set forth herein is secured by a commercial bond issued by The Hartford Fire Insurance Company, in the amount of \$61,113.00.

Now, if said Developer, as a party to this instrument, shall well and truly perform the obligations stated above within the time hereinbefore set out, then this agreement and obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date first set forth above.

McKINLEY-APPLEGROVE, LTD.,
an Ohio limited liability company

CITY OF NORTH CANTON, a municipal
corporation of the State of Ohio

By: McKinley Holdings, LLC, its
Sole Member



By: William J. Lemmon, its Manager

By: _____

Print Name: _____

Title: _____

Approved as to form and content:

Timothy L. Fox, Director of Law

This instrument prepared by:

Jamie R. Minor, Esq.
Winkhart & Minor, LLC
825 South Main Street
North Canton, Ohio 44720
Phone: (330) 433-6700
Fax: (330) 433-6701



Bond No. 45BSBHW5092

Maintenance Bond

KNOW ALL MEN BY THESE PRESENTS, That we McKinley-Applegrove, Ltd.

_____, as Principal, hereinafter called Principal, and

Hartford Fire Insurance Company, a corporation organized and existing under the laws of the State of Connecticut, with it's principal office in the City of Hartford, as Surety, hereinafter called Surety, are held and firmly bound unto City of North Canton

_____, as Obligee, hereinafter called Obligee, in the sum of Sixty One Thousand One Hundred Thirteen 00/100 (\$ 61,113.00/00) Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 22nd day of July A. D. 2020.

WHEREAS, the Principal entered into a certain written contract with the Obligee dated the 14th day of June A. D. 2019 to Sanctuary Phase 4

_____, which contract is hereby referred to as the Contract.

WHEREAS, the Contract contains provisions for the correction of any defects due to defective materials or workmanship in the work performed under said Contract.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall well and truly, upon receipt of written notification from the Obligee, remedy any defects which are discovered and reported during a period of 1 year(s) from July 22, 2020, provided such defects are caused by defective materials or workmanship, then this obligation shall be void; otherwise to be and remain in full force and effect.

Any suit under this bond must be instituted before the expiration of one (1) year from the date of the written notification referred to in the paragraph above, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

The penal sum of this bond shall be reduced by and to the extent of any payment or payments made in good faith.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or its heirs, executors, administrators or successors.

Witness [Signature] (If Individual) McKinley-Applegrove, Ltd. [Signature] (Principal) (Seal)

Attest _____ (If Corporation) _____ (Title) (Seal)

_____ (Seal)
Hartford Fire Insurance Company

Attest or Witness: [Signature] (Surety)

[Signature] By Taylor D Schauer, Attorney-in-Fact (Seal)

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 BOND, T-12
 One Hartford Plaza
 Hartford, Connecticut 06155
 Bond.Claims@thehartford.com
 call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: SCHAUER GROUP INCORPORATED
 Agency Code: 45-450168

- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Todd Adams, Timothy Bentivegna, Lanasu Brandt, Peter L. Butler, Brianna Fickeisen, Deanna Kidwell, David T. Schauer, Taylor Schauer, William T. Schauer, Diane Schultz, Susan Sokol of CANTON, Ohio

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray

John Gray, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard

Kathleen T. Maynard
 Notary Public

My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of July 22, 2020

Signed and sealed at the City of Hartford.



Kevin Heckman

Kevin Heckman, Assistant Vice President

North Canton City Council
Community and Economic Development Committee

ORDINANCE 45 - 2020

An ordinance to amend and re-title Chapter 1181, Amendments, of the Codified Ordinances to remove procedural redundancies and clarify the amendment process.

WHEREAS, prior and valuable amendments to Chapter 1181 created unintended and cumbersome procedural redundancies in the amendment process, and

WHEREAS, the City wishes to separate the processes to amend the North Canton Zoning Map and the text of the North Canton Zoning Code in order to provide clarity for both processes.

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

Section 1. That Chapter 1181, Amendments, of the Codified Ordinances, be, and is hereby, amended to read as follows.

SECTION 1181.01 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, or revise Title One, Subdivision Control, and Title Three, Zoning Regulations, of this code subject to the procedures provided in this chapter.

City Council may, by ordinance, rearrange, renumber, or recodify any provision of the Planning and Zoning code, or amend or revise any provisions of Title Five, Administration, of this Code through the regular legislative process as defined by the Charter and Rules of Council.

SECTION 1181.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning Ordinance, either Titles One, Subdivision Regulations, or Three, Zoning Regulations, shall be initiated by the submission to the Clerk of Council of:

- (a) a Planning Commission recommendation;
- (b) a City Council resolution; or
- (c) a written request from the Mayor.

SECTION 1181.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

(a) Submission Requirements. Requests, recommendations, or resolutions for proposed amendments shall contain at least the following information:

- (1) The proposed amendment text;
- (2) A statement of the reason(s) for the proposed amendment; and
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;

(b) Submission Process.

- (1) After the receipt of a recommendation for amendment from the Planning Commission the Clerk of Council shall add the proposed amendment to Council's docket for adoption in accordance with the adoption process set forth in the Sections 1181.07 through 1181.08.
- (2) After the passage of a resolution proposing amendments by Council the Clerk of Council shall transmit the resolution to the Planning Commission to begin the adoption process set forth in the Sections 1181.05 through 1181.08.
- (3) After the receipt of a written request for amendments from the Mayor the Clerk of Council shall transmit the request to Council. Council may then, by voice vote, recommend transmission of the request to the Planning Commission to begin the adoption process set forth in the Sections 1181.05 through 1181.08.

SECTION 1181.04 (REPEALED)

SECTION 1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of a request or resolution from the Clerk of Council, the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

- (a) Notice shall be given in one or more newspapers of general circulation in the City;
 - (b) All notices shall be made at least seven days prior to the date of the public meeting;
- and

(c) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

SECTION 1181.06 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1181.05, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment be adopted as submitted;
 - (2) That the amendment be adopted as modified by the Planning Commission;
- or
- (3) That the amendment to be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it on Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of a request or resolution from the Clerk of Council, or an extended period agreed to by City Council, the application shall be deemed denied.

SECTION 1181.07 PUBLIC MEETING AND NOTICE BY COUNCIL

Upon receipt of the recommendation from the Planning Commission, or, if the planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the resolution or request and this period has not been extended, Council shall set a time for a public meeting on the proposed amendment.

(a) Notice of the public meeting shall be given by Council according to the following:

- (1) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;
- (2) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, and the Planning Commission's recommendation, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1181.08 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1181.07, Council shall take action on the proposed amendment as follows:

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment

(b) If the initial amendment proposal originated from the Planning Commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Sections 1181.05 through 1181.06 prior to final adoption by Council.

Section 2. That Chapter 1181, Amendments, of the Codified Ordinances be, and is hereby, retitled as “Amendments to Zoning Code”.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE 46 - 2020

An ordinance to create Chapter 1182, Amendments to Zoning Map, of the Codified Ordinances in order to clarify the Zoning Map amendment process.

WHEREAS, the City wishes to separate the processes to amend the North Canton Zoning Map and the text of the North Canton Zoning Code in order to provide clarity for both processes, and

WHEREAS, to clearly define the distinct and separate processes the procedure for amending the North Canton Zoning map shall be removed from Chapter 1181, Amendments, by Ordinance 45-2020, and incorporated into a new Chapter herein.

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

Section 1. That Chapter 1182, Amendments to Zoning Map, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton to read as follows.

SECTION 1182.01 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, supplement, change, or repeal the boundaries or classification of property, as set forth on the Zoning Map adopted in this Code, according to the procedures set forth in this Chapter.

SECTION 1182.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning Map, shall be initiated by filing an application to the Clerk of Council by:

- (a) at least one owner or lessee of the property or developer with an option on such property within the area proposed to be changed or affected by said amendment;
- (b) the Planning Commission;
- (c) a City Official on behalf of the Mayor or Council.

SECTION 1182.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

(a) Discussion with Planning Commission. An owner, lessee, or developer applicant must meet with the, Chief Building Official, or designee, prior to submitting an application for an amendment to the Zoning Ordinance. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. No action shall be taken at such a meeting, and no discussions, opinions, suggestions, or recommendations of the, Chief Building Official, or designee may be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

(b) Submission Requirements. Applications for proposed amendments shall contain at least the following information:

- (1) The name, address, and phone number of the applicant and the property owner if other than the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;
- (4) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (5) Present use and zoning district;
- (6) Proposed use and zoning district; and
- (7) A vicinity map at a scale approved by the Chief Building Official showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Chief Building Officer may require;

- (8) A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including the addresses, and permanent parcel number as shown upon the County auditor's current tax list;
- (9) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
- (10) The payment of the application fee as established by Council.

(c) Referral to Planning Commission. After the filing of a completed application, except as provided in Section 1182.03(c)(1), the Clerk of Council shall transmit the application to Council. Council may then, by voice vote, recommend transmission of the application to the Planning Commission to begin the adoption process set forth in Sections 1182.04 through 1182.07.

- (1) Applications originating from the Planning Commission shall be added to Council's docket for adoption in accordance with the adoption process set forth in the Sections 1182.06 through 1182.07.

SECTION 1182.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of an application the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

(a) Whenever a proposed map amendment involves 10 or fewer parcels, written notification of the meeting shall be given by first class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;

(b) Notice shall be given in one or more newspapers of general circulation in the City;

(c) All notices shall be made at least seven days prior to the date of the public meeting;
and

(d) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

SECTION 1182.05 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1182.04, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment to be adopted as submitted;
- (2) That the amendment be adopted as modified by the Planning Commission;
or
- (3) That the amendment to be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it on Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of the application, or an extended period agreed by the applicant or City Council, the application shall be deemed denied.

SECTION 1182.06 PUBLIC MEETING AND NOTICE BY COUNCIL

Upon receipt of the recommendation from the Planning Commission, or, if the planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the application and has not extended this period, Council shall set a time for a public meeting on the proposed amendment.

- (a) Notice of the public meeting shall be given by Council according to the following:

- (1) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification of the meeting shall be given by first class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;
- (2) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;
- (3) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, maps or plans, if applicable, and the Planning Commission’s recommendation, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1182.07 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1182.06, Council shall take action on the proposed amendment as follows:

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment.

(b) If the initial amendment proposal originated from the planning commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Sections 1182.05 through 1182.06 prior to final adoption by Council.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Rules, Ordinance, and Claims Committee

ORDINANCE 50 - 2020

An ordinance to approve the 2020 Codified Ordinances of the City of North Canton; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provisions.

WHEREAS, a determination has been made that the ordinances of the City of a permanent and general nature should be recodified; and

WHEREAS, the City desires to reduce unnecessary spending, ensure timely updates, and improve accuracy by directly controlling the publication and codification of City Ordinances; and

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

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

Section 1. That the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rearranged, and consolidated into component codes, titles, chapters, and sections be, and are hereby, approved, adopted and enacted as the Codified Ordinances of the City of North Canton, Ohio, 2020.

Section 2. That the provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided in Section 8 of this Ordinance. All ordinances and resolutions, or parts thereof, enacted prior to July 31, 2020, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance, except as follows:

- a. The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment to affect an indictment or prosecution therefor. For such purposes, any repeal for the purpose of revision and recodification.
- b. The repeal provided above shall not affect:
 1. The grant or creation of a franchise, license, right, easement, or privilege.
 2. The purchase, sale, lease, or transfer of property.
 3. The appropriation or expenditure of money or promise or guarantee of payment.
 4. The assumption of any contract or obligation.
 5. The issuance and delivery of any bonds, obligations, or other instruments of indebtedness.
 6. The levy or imposition of taxes, assessments, or changes.
 7. The establishment, naming, vacating, or grade level of any street or public way.
 8. The dedication of property or plat approval.
 9. The annexation or detachment of territory.
 10. Any legislation enacted subsequent to July 31, 2020.

Section 3. In accordance with Charter Section 2.05 and ORC 731.21 to 731.23, a succinct summary of this Ordinance shall be published by the Clerk of Council. The publication shall contain notice that the complete text of this Ordinance may be obtained or viewed, and the Codified Ordinances viewed, at the office of the Clerk of Council and may be viewed on the City's website, and at any other location designated by Council. The Law Director shall review the summary prior to publication to ensure that the summary is legally accurate and sufficient. The term of publication shall be once a week for two consecutive weeks.

Section 4. That each section of the Codified Ordinances without an ordinance history at the end thereof indicates that the section contains original material previously codified, or new material which is hereby enacted by this adopting ordinance.

Section 5. That through their authentication and approval the Mayor and Clerk of Council shall certify that the permanent and general ordinances of the City, as codified, are correctly set forth and constitute the Codified Ordinances of the City of North Canton, 2020.

Section 6. That the Director of Administration be, and is hereby, authorized and directed to send notice of cancellation of the Agreement for Annual Codification Supplement, by, and between, the City and The Walter H. Drane Company, dated August 5, 1998, pursuant to provision C. 2. thereof.

Section 7. 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 8. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Ordinance, Rules, and Claims Committee

ORDINANCE 51 - 2020

An ordinance establishing policies relating to the use of paper representation materials such as letterhead and business cards by members of City Council.

WHEREAS, City Council members are elected officials and employees of the City and therefore have the right to use paper representation materials utilized by other City employees, and

WHEREAS, the City has an interest in ensuring free and fair elections and preventing incumbents from having an undue advantage due to their position in office, and

WHEREAS, the City has an interest in ensuring that members of the public have access to communicate with their elected officials regardless of the individual currently in office.

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

- Section 1. That a policy, be, and is hereby, established, regulating the use of paper representation materials of the City by members of City Council.
- Section 2. That Councilmembers may utilize official City letterhead for communications provided that:
- a. A copy of all communications written using City letterhead shall be sent to, and kept on file by, the Clerk of Council.
 - b. Letterhead shall only be used for communications relating to City business.
 - c. Letterhead shall not be used to ~~discuss elections~~advocate for or against any candidate, referendums, recalls, or other votes of the electorate regarding elected officials in any capacity.
 - d. Letterhead shall not contain personal phone numbers or email addresses but shall instead contain the number for the Office of Council and the email address for the position held.
 - e. That all communications shall also comply with the provisions of Section 111.08 Survey of Constituents, of the Codified Ordinances.
- Section 3. That in order to ensure compliance with letterhead standards the Clerk of Council shall not distribute the letterhead template. Council members may draft communications and send them to the Clerk to be placed on letterhead or request the Clerk to draft communications on their behalf.
- Section 4. That Councilmembers may use City envelopes to send any communications written on City letterhead.
- Section 5. That Councilmembers may utilize City business cards to represent themselves to the public subject to the following provisions.
- a. Upon request Councilmembers may be provided with up to 500 business cards, paid for by the City, per elected term, with at least 50 of such cards to be retained by the Office of Council to distribute to members of the Public that visit Council Offices in person. Any additional cards must be paid for by the Councilmember themselves.
 - b. Business cards shall not only list personal phone numbers, but also the number for the Office of City Council.
 - c. Business cards shall not list personal emails, only the email for the position held on Council.
 - d. Business cards shall not list any titles or officers of Council such as Committee Chairman, President, or Vice President as these positions may be subject to frequent change.
 - e. Business cards may not be used as, in conjunction with, or as part of, campaigning or election materials.
- Section 6. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 7. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Resolution, Rules, and Claims Committee

RESOLUTION 06 - 2020

A resolution accepting and establishing a policy for the viewing of permanent paper records maintained by the Office of City Council including Council's Journal, the Record of Legislation, the Codified Ordinances, and other historic documents.

WHEREAS, Ohio Sunshine Law requires documents such as Council's Journal, the Record of Legislation, the Codified Ordinances, and other historic documents be viewable by the public during normal business hours upon reasonable notice, and

WHEREAS, the City has an important interest in ensuring the security and preservation of such important documents to the City's history and the functions of City government.

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

- Section 1. That in accordance with Ohio Public Records law the official Council Journal, the Record of Legislation, the official Codified Ordinances, and other historic documents maintained by the Office of Council shall be available to be viewed by the public during normal business hours of City Hall subject to the following:
- a. Appointments must be made with the Clerk of Council at least 24 hours in advance.
 - b. Appointments may only be made during regular business hours of City Hall.
 - c. Only one volume or file of records may be viewed at a time.
 - d. All members of the public must be supervised while viewing records.
 - e. Records may not be modified, disassembled, or otherwise altered in any way, including file order.
 - f. At the Clerk of Council's discretion, reasonable restrictions, such as the use of gloves and/or masks, or no-touch restrictions, may be required to view older, delicate records, in order to help prevent deterioration thereof.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Ordinance, Rules, and Claims Committee

RESOLUTION 07 - 2020

A resolution acknowledging the loss of certain records of proceedings and accepting the replacements created by the Office of Council as more fully described below.

WHEREAS, in July 2020 it was discovered that the Record of Proceedings Volume 37 covering the period from May 2011 to November 2012 was missing, and

WHEREAS, an exhaustive search of records storage locations was unable to locate the missing Volume, and

WHEREAS, the Clerk of Council, using electronically stored backups was able to fully reproduce all records which would have been maintained in the missing Volume, and

WHEREAS, the Clerk of Council has established new security and retention standards for the proper storage and maintenance of such records maintained by the Office of Council as set forth in the report Records of the Office of Council dated July 2020.

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

Section 1. That this Council does hereby acknowledge the loss of Volume 37 of the Record of Proceedings covering the period from May 2011 to November 2012 and its role in overseeing public records maintained by the Office of Council.

Section 2. That this Council hereby accepts the replacement volumes created by the Clerk of Council using electronic scans of the original documents and titled as follows:

“Record of Proceedings of the 85th Council, 1st Session : January 2011 through November 2011”

“Record of Proceedings of the 86th Council, 1st Session and 87th Council, 1st Session : December 2011 through November 2012”

“Record of Proceedings of the 87th Council, 2nd Session : December 2012”

Section 3. That the Clerk of Council has certified to Council that to the best of his knowledge and ability all records previously maintained in Volume 37 have been fully recreated and no records have been lost.

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

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

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE 55 - 2020

An ordinance establishing a Designated Outdoor Refreshment Area (DORA) in the City of North Canton under Ohio Revised Code (ORC) Section 4301.82, approving related Safety and Sanitation plans, and providing for oversight and review.

WHEREAS, the Director of Administration, on September 17, 2020, filed with the Office of City Council an application for the establishment of a Designated Outdoor Refreshment Area (DORA), and

WHEREAS, notice of the receipt of such application was published by the Office of City Council in the Canton Repository, a newspaper of general circulation, on September 26, 2020 and October 3, 2020 in accordance with ORC 4301.82(C), and

WHEREAS, notice of this action before Council was published by the Office of City Council in the Canton Repository, a newspaper of general circulation, on September 27, 2020 and **October XX, 2020** in accordance with ORC 4301.82(F)(2), and

WHEREAS, the City seeks to use a DORA designation in a portion of the downtown business district to enhance commerce, improve the economic climate, create employment opportunities, and build an identity within the district.

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

- Section 1. That a Designated Outdoor Refreshment Area (DORA) as defined under Ohio Revised Code (ORC) Section 4301.82 be, and is hereby, established in the City of North Canton as depicted in the map attached hereto and incorporated herein as “Exhibit “A” encompassing not fewer than four (4) qualified permit holders.
- Section 2. That the boundaries of the DORA shall be designated by signs denoting the existence, boundaries, and limitations of the DORA to be placed at such locations as marked in “Exhibit A” attached hereto and incorporated herein.
- Section 3. That for the purposes of this ordinance “qualified permit holder” shall have the same meaning as defined in ORC 4301.82(A) or its successor provisions.
- Section 4. That within the established DORA a person may have in the person’s possession one (1) open container of beer, wine, or other intoxicating liquor at an outdoor location within the DORA provided the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
- a. The permit holder’s premises are located within the DORA; and
 - b. The permit held by the permit holder has been issued an outdoor refreshment area designation by the Ohio Division of Liquor Control.
- Section 5. That within the DORA no person shall do any of the following:
- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or other intoxicating liquor acquired elsewhere;
 - b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under Division (D) or (E) of ORC Section 4301.62;
 - c. Remove any open container of beer, wine, or intoxicating liquor from within the DORA, as established by this ordinance.
- Section 6. That within the DORA beer, wine, and intoxicating liquor shall only be served and consumed in the plastic cups, or other specially designated plastic containers produced and provided by the City.
- a. The Official DORA Cup shall be designed and distributed by the Director of Administration and shall be distinctly marked with a clear DORA logo.

- b. The Director of Administration shall provide each qualified permit holder Official DORA Cups in lots of at least 500 units and may charge such fees as are necessary to reimburse the City for the costs of producing the cups and additional fees of up to 10% of the cost of producing the cups with proceeds from such additional fees to go exclusively towards the offsetting of costs incurred by the City for the administration of the DORA.
- c. If changes are made to the Official DORA Cup, the Director of Administration shall notify all qualified permit holders of such changes at least 90 days prior to such changes taking effect.

Section 7. That the hours of operation for the DORA will be Monday through Sunday, 12:00 pm (noon) to 12:00 am (midnight).

Section 8. That City Council reserves the right to temporarily suspend all DORA operations, by vote of Council, for a period not to exceed seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA. Organizations desiring to hold a special event within the DORA must complete and submit a special events application to the Department of Administration not less than 90 days before the date of the event.

Section 9. That the City of North Canton DORA Safety Plan be, and is hereby, approved as attached hereto and incorporated herein as “Exhibit B”.

Section 10. That the City of North Canton DORA Sanitation Plan be, and is hereby, approved as attached hereto and incorporated herein as “Exhibit C”.

Section 11. That the Director of Administration be, and is hereby, authorized to amend the North Canton DORA Safety or Sanitation Plans provided notice of such changes is given to City Council at least fourteen (14) days prior to such changes taking effect.

Section 12. That beginning in 2025, and every fifth year thereafter City Council shall review the operation of the DORA and, by ordinance, either approve the continued operation of the area or dissolve the DORA. Notice of such proposed action shall be published in a newspaper of general circulation once a week for two consecutive weeks prior to its adoption by Council.

Section 13. That City Council may at any time, by ordinance, dissolve all or part of the DORA provided that notice of such proposed action is published in a newspaper of general circulation once a week for two consecutive weeks prior to its adoption by Council.

Section 14. That whosoever violates the provisions of Sections 4, 5, 6, 7, or 8 of this ordinance shall be guilty of a minor misdemeanor.

Section 15. That the Clerk of Council be, and is hereby instructed, to provide notice to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety of the establishment of the DORA and of the public health and safety requirements established herein.

Section 16. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 17. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

Exhibit A: Map of North Canton Designated Outdoor Refreshment Area (DORA)



City of North Canton DORA Safety Plan.

The Safety Plan will help maintain public safety within the City of North Canton DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA). The City of North Canton Police Department (NCPD) has multiple resources which will enable it to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) to include the downtown core business district and main street business district. NCPD has the flexibility when deploying resources and has demonstrated experience managing large crowds throughout the year.

Law Enforcement Staffing in the DORA would consist of:

1. NCPD has permanently assigned patrol officers to the road division 24 hours a day, 7 days a week. In addition, NCPD has two (2) intermediate shifts for extra patrol coverage from 11:00am to 3:00am or an additional sixteen (16) hours a day Tuesday through Sunday morning. The regularly scheduled NCPD officer(s) will be patrolling the DORA as it is within their assigned patrol responsibility.
2. To help supplement the regular scheduled NCPD officers on peak weekdays and/or weekends, extra dedicated NCPD Officers will be assigned either by the City of North Canton and/or NCPD Officers will be contracted for service through the City by liquor permit businesses within the DORA who shall pay to the City the full cost for providing the extra duty officer(s). The contracted officer('s) primary responsibility will be within the DORA.

Beginning with the commencement of the DORA continuing for a period of six (6) consecutive months, the Director of Administration of the City of North Canton (the Director), and the Chief of Police of the City of North Canton (the Chief) shall meet monthly and review the Safety Plan herein for the purpose of determining whether updates, modifications, or supplementation may be advisable or required. In the event, the Director and the Chief determine the Safety Plan should be changed, such changes shall be presented to Council for consideration and implementation. The Director and the Chief shall meet and review the Safety Plan as needed for any special events within the DORA or as other circumstances may require.

The Director and the Chief have determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Frank Kemp, Jr., Chief of Police, City of North Canton

City of North Canton DORA Sanitation Plan.

The Sanitation Plan will help maintain the appearance and public health of the DORA.

1. Rubbish, garbage, and other materials shall not be stored or allowed to accumulate in passageways, doorways, streets, or any areas of the DORA.
2. There are currently 0 trash receptacles located in the proposed outdoor refreshment area. The department of Administration plans to initially place 20 trash receptacles. If extra trash receptacles are determined necessary for a special event they shall be provided, serviced, and emptied by the event sponsor.
3. The Director of Administration (the Director) or his/her designee shall establish a pickup and disposal schedule for refuse so that the DORA is maintained in a clean and safe manner. Ongoing evaluation of additional services will be monitored, as necessary.
4. Trash receptacles may be moved, and additional trash receptacles may be added within the DORA at the discretion of the Director. Upon approval of the Director additional receptacles may be added by the city or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.
5. Each qualified permit holder located within the DORA shall be responsible for the collection of litter and trash near or around the premises occupied by the permit holder, both private areas and public areas.
6. The Director, with input from Superintendent of Street & Sewer, shall evaluate the need and frequency of street sweeping and servicing trash receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the DORA until the dissolution of the DORA.
7. The Director, with input from Superintendent of Street & Sewer, has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Mike Battershell, Superintendent of Street & Sewer, City of North Canton

North Canton City Council
Community and Economic Development Committee

ORDINANCE 56 - 2020

An ordinance amending and retitling Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton.

WHEREAS, the City wishes to adopt the most current versions of the Residential Code of Ohio and Building Code of Ohio, and

WHEREAS, the City wishes to create clarifying provisions to address identification and plan review fees, and

WHEREAS, the City wishes to create provisions establishing standards for the sanitation of project sites.

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

Section 1. That Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton be, and is hereby, amended to read as follows:

SECTION 1301.01 ADOPTION OF RESIDENTIAL CODE OF OHIO

This chapter does hereby approve, adopt, and enact the most current edition of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one-, two- and three-family dwellings, their appurtenances and accessory structures in the jurisdiction of the City; and providing for the issuance of permits therefor providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

SECTION 1301.02 ADOPTION OF OHIO BUILDING CODE

This chapter does hereby approve, adopt, and enact the most current edition of the Ohio Building Code of Ohio regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of all non-residential structures, their appurtenances and accessory structures in the jurisdiction of the City; and providing for the issuance of permits therefor providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

SECTION 1301.03 ADDRESS IDENTIFICATION

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than four (4) inches high with a minimum stroke width of ½ inch. Where required by the Fire Chief, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

SECTION 1301.04 PLAN REVIEW FEES

The Plan Review Fee as required by Chapter 1171 shall be paid upon submittal of plans for Plan Review. After the initial plan review all fees incurred by the City shall be reimbursed by the applicant prior to issuance of the permit.

SECTION 1301.05 RUBBISH AND DEBRIS

(a) All residential construction sites shall provide approved containment system for all construction rubbish and debris. The construction site, both internal and external, shall be kept in a reasonable manner consistent with a safe and sanitary work site environment.

(b) All non-residential construction sites shall provide an approved containment system for all construction rubbish and debris. The construction site, both internal and external, shall be kept in a reasonable manner consistent with a safe and sanitary work site environment.

(c) Violations occurring as a result of noncompliance may result in the issuance of a stop work order until the site is brought into compliance.

SECTION 1301.06 PORTABLE/TEMPORARY SANITATION FACILITIES

All portable and temporary sanitation facilities shall be placed and contained within the construction property and shall not be located in the public right of way. No portable or temporary sanitation facility shall be located in proximity to any other adjacent structures so as to cause a nuisance. Portable and temporary sanitation facilities shall not cause noxious odors to affect adjacent properties.

Section 2. That Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton be, and is hereby, retitled "Building Code".

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE 57 - 2020

An ordinance to create Chapter 1302, Permits, of the Codified Ordinances of the City of North Canton in order to clarify the building permit process.

WHEREAS, the City wishes to create provisions to more clearly govern the issuance of permits for the construction, movement, alteration of, addition to, or excavation of buildings within the City.

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

Section 1. That Chapter 1302, Permits, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton and shall read as follows.

CHAPTER 1302 - PERMITS

SECTION 1302.01 REQUIRED

(a) No building or structure shall be constructed, moved, altered, added to or enlarged and no excavation for a foundation shall be made nor shall any interior unfinished area be finished until a permit (hereinafter called a building permit) for such building shall have been issued by the Chief Building Official. Nor shall an owner or authorized agent construct, enlarge, alter, repair, move, demolish or change the use or occupancy of a building or structure, erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done until application has been made to the Chief Building Official and the appropriate permit issued.

(b) The following work for new construction and additions shall be completed within 12 months from date of permit issuance:

- (1) All exterior finished surfaces and materials, including but not limited to doors, windows, roofing, siding, brick veneer, fireplaces, chimneys, soffits, fascia, porches and appurtenant structures, steps and/or stairs shall be installed per the approved plans.
- (2) All paved and/or improved surfaces, public and private shall be completed.
- (3) All yard areas shall be final graded, drainage systems completed and grass or sod fully planted/installed.

(c) The work included with permits for plumbing, mechanical, electrical shall be completed within 6 months from date of permit issuance.

(d) An extension of time in writing may be requested from the Chief Building Official providing that for cause, extensions of time periods shall not exceed 180 days each may be granted. The Chief Building Official shall either approve the request or refer the same to the Zoning and Building Standards Board of Appeals for review and approval or denial.

SECTION 1302.02 APPLICATIONS FOR PERMITS

(a) All applications for permits shall be made on forms furnished by the Chief Building Official and shall be accompanied by a plat drawn to scale showing the actual dimensions of each lot upon which construction of a building or structure is proposed, the size and location of each such building or structure upon each such lot, and such plans drawn to scale, specifications and other information as may be necessary to enable the Chief Building Official to determine that the proposed building or structure and use of land will conform to the provisions of this Building Codes and the Zoning Code.

(b) All applications shall expire six months from the date of submittal.

SECTION 1302.03 CHANGE IN PLANS.

Following the granting of a permit, no alteration in the proposed building or structure as represented by the plat, plans, and specifications filed shall be made without application for another permit in accordance with Section 1302.02.

SECTION 1302.04 CONDITIONS FOR THE ISSUANCE OF PERMITS.

(a) The Chief Building Official shall not issue a permit for the construction, alteration, addition, conversion or repair of any building or structure in the City unless and until the following determinations are made:

- (1) It is determined by the Chief Building Official that said construction, alteration, addition, conversion or repair is so planned and proposed that same when completed shall comply with this Code as amended, and if alteration, addition, conversion or repair is proposed, the existing building or structure, alteration, addition, conversion or repair will comply with the Codified Ordinances of North Canton as amended. The Chief Building Official is hereby authorized and directed to require the filing of such plans, specifications, details and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (2) It is determined by the Chief Building Official that said building or structure being constructed, altered, added to, converted or repaired will upon completion of the work proposed comply with the Planning and Zoning code as amended.
- (3) It is determined that said building or structure to be constructed, altered, added to, converted or repaired will, upon completion of the work proposed, be so located on the land and of such character that it will not substantially injure the appropriate or existing use or the value of the neighboring property. The Chief Building Official is hereby authorized and directed to require the filing of such reports, specifications, details and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (4) It is determined that said construction of the work proposed, be so located on the land to have an adverse impact on any protected areas within jurisdiction of the United States Army Corps. of Engineer or Ohio Environmental Protection Agency. The Chief Building Official is hereby authorized and directed to require the filing of such reports, specifications, details and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (5) It is determined that projects located in the floodplain have been reviewed and approved by the Floodplain Administrator.
- (6) It is determined that all the applicable fees have been paid in accordance with Section 1171.06 Schedule of Fees.

SECTION 1302.05 PERMIT ISSUANCE WHEN PROHIBITING LEGISLATION
PENDING.

The Chief Building Official shall issue no building or occupancy permit for any building, structure, use, or change of use during the period in which an ordinance or other measure which would forbid the action authorized under such permit is pending before the Council pursuant to its own action, has been recommended to the Council by the Planning Commission, or is before the Planning Commission for its recommendation having been referred to the Planning Commission by the Council, or referendum is pending thereon; provided, however, that no permit shall be withheld for more than 90 days after application therefore due to such ordinance or other measure being pending.

SECTION 1302.06 STORM WATER QUALITY.

(a) All construction shall be in compliance with the most recent version of the Stark County Storm Water Quality Regulations as adopted by City Council.

SECTION 1302.07 CONNECTION OF SERVICE UTILITIES.

A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Chief Building Official.

SECTION 1302.08 TEMPORARY CONNECTION.

The Chief Building Official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

SECTION 1302.09 AUTHORITY TO DISCONNECT SERVICE UTILITIES.

The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure or service to the building, structure or system regulated by this code and the referenced standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by this Code. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 1302.10 ORDERS TO SUSPEND WORK.

Whenever, in the opinion of the Chief Building Official, by reason of defective, reckless, careless or other illegal work in violation of a provision or requirement of this Code, the continuance of a building operation is contrary to public welfare and safety, or when the required permit has not been obtained or has not been posted as required, the Chief Building Official may order, either orally or in writing, all further work to be stopped and may require suspension of work until the condition(s) in violation has been remedied.

SECTION 1302.11 POSTING OF PERMIT.

(a) No operations requiring a permit shall be commenced until the permit card therefor is posted in a conspicuous place, near the front of the premises and in such a position as to permit the Chief Building Official, or their designee, to make the required entries thereon regarding inspection or the work. The card shall be preserved and remain posted until the completion of the work for which it was issued.

SECTION 1302.99 PENALTY; LEGAL ACTION.

(a) Whoever violates any provision of Part 13 of this Code or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined no less than \$250.00 nor more than \$1,000.00 for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of Part 13 of this Code or other applicable laws, ordinances, rules or regulations or the orders or determinations of the Chief Building Official, Fire Chief, the City Engineer, or the Zoning and Building Standards Board of Appeals. The City may elect to recover all costs associated with this Section by certifying the costs to the County Auditor for collection.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE 58 - 2020

An ordinance amending Chapter 1303, Razing of Buildings, specifically Section 1303.07(a), Fees for Permits, of the Codified Ordinances of the City of North Canton to set fees for permits for the razing of buildings, structures, or parts thereof.

WHEREAS, The City wishes to raise the fees for permits regarding the razing of buildings, structures, or parts thereof to more adequately reflect the costs incurred by the City in issuing such permits.

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

Section 1. That Chapter 1303, Razing of Buildings, specifically Section 1303.07(a), Fees for Permits, of the Codified Ordinances fo the City of North Canton be, and is hereby, amended to read as follows.

SECTION 1303.07 FEE FOR PERMITS

(a) The fees for permits to raze a building or structure or any part thereof, shall be in the amount stated as follows:

| Permit | Fee |
|--|----------|
| 1. Permit for a structure comprised of more than a total of 200 square feet of floor or ground area classified as not having been a dwelling or commercial building. | \$75.00 |
| 2. Permit for single dwelling. | \$150.00 |
| 3. Permit for a duplex or double house. | \$200.00 |
| 4. Permit for business, commercial, public, or semi-public building. | \$250.00 |

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE 59 - 2020

An ordinance to create Chapter 1310, Contractor Registration Requirements, of the Codified Ordinances of the City of North Canton in order to clarify the process by which Contractors are registered with the City.

WHEREAS, the City wishes to condense all provisions governing Contractor registration into a single Chapter for clarity of understanding, and

WHEREAS, the City wishes to update Contractor registration requirements to conform to current best practices of the industries affected.

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

Section 1. This Chapter 1310, Contractor Registration Requirements, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton and shall read as follows.

CHAPTER 1310 – CONTRACTOR REGISTRATION REQUIREMENTS

SECTION 1310.01 DEFINITIONS

As used in this Chapter;

(a) “Contractor” means an individual, partnership, corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. “Contractor” includes, without limitation, entities considered to be general Contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a “Contractor” for purposes of this Chapter.

(b) “General Contractor” means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other Contractors working on the same project.

(c) “Trade Contractor” means an individual, partnership, corporation, joint venture or other entity which is limited to a single trade, including but not limited to: plumbing, mechanical, electrical, fire alarm, fire suppression, siding, wallboard, fences, roofing, or insulation.

(d) “Engineering Contractor” means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any publicly owned land or publicly owned building or any portion thereof and may also coordinate other Contractors working on the same project which is located in the public right-of-way or public property.

SECTION 1310.02 REGISTRATION

(a) All Contractors shall register with the Chief Building Official prior to performing any work in the City. No person shall allow a Contractor who has failed to register with the Chief Building Official to perform any work in the City.

(b) A Contractor seeking to be registered shall submit the following to the Chief Building Official:

- (1) A completed application for registration on a form prescribed by the Chief Building Official;
- (2) The Contractor's certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$500,000.00 for Trade Contractors or \$1,000,000.00 for all other contractors, and showing the City of North Canton as a Certificate Holder. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Chief Building Official throughout the term of the registration. The Contractor shall be liable for any damages, injuries or other liability caused by his negligent operations or in the performance of his work and/or contract. The City and its officers or agents are saved harmless from any claims arising from the negligence of the Contractor.

- (3) A copy of the current qualification certificate issued pursuant to R.C. Chapter 4740 by the Ohio Construction Industry Licensing Board to the Contractor or an employee of the Contractor, if such a certificate is required for the Contractor's trade;
- (4) A completed Regional Income Tax Agency (R.I.T.A.) registration form;
- (5) A valid Workers Compensation Certificate issued by the Ohio Bureau of Workers Compensation or a completed Sole Proprietor Waiver on a form prescribed by the Chief Building Official; and
- (6) A registration fee in the amount of one hundred fifty dollars (\$150.00).

(c) Upon submission of the items required above, the Chief Building Official shall issue a registration certificate. The Chief Building Official may deny an application for registration if the Contractor fails to submit any of the items required above; the Contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the Contractor has at any time violated any provision of this Chapter.

SECTION 1310.03 TERM AND RENEWAL

(a) A registration certificate issued pursuant to Section 1310.02 shall be effective from the date of issuance until December 31 of the same year.

(b) A registration certificate must be renewed each year pursuant to Section 1310.02.

SECTION 1310.04 1310.04 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS

A registered Contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

SECTION 1310.05 1310.05 SUSPENSION AND REVOCATION

(a) The Chief Building Official may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

- (1) The Contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the state.
- (2) The Contractor's qualification certificate issued by the Ohio Construction Industry Licensing Board is suspended or revoked;
- (3) The holder of the qualification certificate issued by the Ohio Construction Industry Licensing Board becomes disassociated with the Contractor and a qualification certificate of another employee of the Contractor is not submitted to the Chief Building Official within 90 days after the disassociation;
- (4) The Contractor fails to maintain liability insurance coverage as required pursuant to Section 1310.02(b)(2); or
- (5) The Contractor violates any provision of this Chapter.

(b) An order of the Chief Building Official suspending or revoking a contractor's registration certificate shall be effective upon written notice served either personally to the contractor or through overnight delivery service to the address on file.

SECTION 1310.06 1310.06 APPEALS

If the Chief Building Official denies a Contractor's application for registration, suspends or revokes a Contractor's registration certificate, or denies renewal of a registration certificate, the Contractor shall have the right to appeal to the Zoning and Building Standards Board of Appeals. The Contractor shall submit a notice of appeal to the Zoning and Building Standards Board of Appeals within five days from the receipt of the order of the Chief Building Official. The decision of the Zoning and Building Standards Board of Appeals shall be final.

SECTION 1310.07 1310.07 EXEMPTIONS

No registration shall be required for: The occupying owner, and immediate family of the occupying owner, of a residential unit who personally performs the work at such residence, provided that the work must comply with all other requirements of the Building Code and a notarized affidavit is provided on a form prescribed by the Chief Building Official.

SECTION 1310.08 1310.07 WORK WITHOUT PERMITS/REGISTRATION

In addition to the penalties provision in Section 1309.99 any Contractor performing work without the required permit(s) as required by Chapters 1309 and 907, zoning certificate(s) as required by Chapter 1173, and/or Contractor registration(s) as required by Chapter 1310 of this Code shall be assessed an administrative fee at a rate double the established fees for the Contractor registration and required approvals.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Street and Alley Committee

ORDINANCE 60 - 2020

An ordinance to amend and retitle Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton.

WHEREAS, the City wishes to update the permit and fee requirements for work in the public right-of-way, and

WHEREAS, contractor registration procedures are to be standardized and condensed into Chapter 1310 of the Codified Ordinances by Ordinance __-2020.

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

Section 1. That Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton, be, and is hereby, amended to read as follows:

909.01 REGISTRATION REQUIRED

All contractors shall register in accordance with Chapter 1310 of this Code prior to performing any work in the City.

909.02 (REPEALED)

909.03 (REPEALED)

909.04 CONSTRUCTION PERMITS; FEES.

- (a) Permits. Before proceeding with the construction of sidewalks, curbs, gutters and driveways which enter or abut public rights of way, a permit shall first be obtained by the owner or his agent from the Superintendent of Permits and Inspection or its successor.
- (b) Fees. The Superintendent of Permits and Inspection, or his successor, shall make out the permits required and collect a fee for new construction of fifty dollars (\$50.00) and for replacement construction, fifty dollars (\$50.00) therefor.

909.05 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor; a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2. That Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton be, and is hereby, retitled as "Contractor Registration".

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Street and Alley Committee

ORDINANCE 61 - 2020

An ordinance amending Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, specifically Sections 907.02, 907.03, and 907.06, and creating Section 907.07.

WHEREAS, the City seeks to streamline the process by which City streets, alleys, or right-of-ways may be excavated in the course of construction and City improvement projects.

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

Section 1. That Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, be, and is hereby, amended as follows.

a. Section 907.02, Street Opening Permit; Fee; Exceptions, is amended to read as follows:

SECTION 907.02 STREET OPENING PERMIT; FEE; EXCEPTIONS

- (a) Before excavation is made, a street opening permit must be obtained from the Superintendent of Permits and Inspection. The cost of such a permit shall be one hundred dollars (\$100.00) for each excavation. Utilities operating under franchise and performing work with their own employees within the City shall pay no permit fee for openings, but must report all openings to the Superintendent of Permits and Inspection and follow the specifications and procedures of this chapter.
- (b) The work to be done under the permit, and the restoration of the rights of way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, and the surrounding areas, including trench backfill, paving and its foundations in accordance with any applicable Laws and the standards established by the City Engineer, and must inspect the area of the work and use reasonable care to maintain the same condition for 180 days thereafter.
- (c) The Superintendent of Permits and Inspection shall not issue any street opening permit until all requirements of this chapter have been satisfied as determined by the City Engineer and no opening of streets shall be commenced until a street opening permit is obtained from the Superintendent of Permits and Inspection.
- (d) A street opening permit is not required for the replacement of existing sidewalks located in the public right-of-way.

b. Section 907.03, Deposit Required, is amended to read as follows:

SECTION 907.03 DEPOSIT REQUIRED

- (a) All persons, firms or corporations, except franchised utility companies performing work with their own employees and the City of North Canton, upon obtaining a street opening permit, shall make a deposit in the form of a performance bond or certified check in an amount determined by the City to be sufficient to cover the cost of restoring the Rights of Way in accordance with any applicable Laws and the standards established by the City Engineer. If, one hundred eighty days after completion of the Restoration of the Rights of Way, the City determines that the Rights of Way have been properly restored, the surety on the Construction Bond shall be released.
- (b) If within 3 days of notice from the City, any deficiency not corrected by the permittee in accordance with standards and materials specified by the City, the City shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. After being notified by the City, all deposits shall be forfeited and cause the City to complete the work. The forfeiture of a deposit shall not prejudice the City from pursuing any additional cost incurred by the City.

(c) Deposits shall be held for one hundred eighty (180) days after final inspection to ensure quality of work.

c. Section 907.06, Replacement of Permanent Pavement, is amended as follows:

SECTION 907.06 TRAFFIC CONTROL

(a) Brick Pavements and Blacktop Streets. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to a depth of eight inches. The remaining granular backfill surface shall be leveled, tamped and moistened. Six inches of concrete base shall be placed on the prepared granular backfill. After the concrete has set, two inches of asphaltic concrete surface shall then be compacted on the concrete base. All blacktop joints shall be sealed. Based on the existing pavement thickness and the average daily traffic, the City Engineer may specify a different pavement replacement section.

(b) Concrete Pavements. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to such a depth that seven a minimum of eight inches of Portland cement concrete pavement can be placed.

d. That Section 907.07, Traffic Control, is created and shall read as follows:

SECTION 907.07 TRAFFIC CONTROL

(a) Individuals who receive permits shall notify the City of North Canton Police Department with no less than 24 hours prior notice of any planned disruption in traffic patterns.

(b) All traffic safety and control shall be in accordance with the latest version of the Ohio Manual of Uniform Traffic Control Devices as adopted by the Ohio Department of Transportation.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Finance and Property Committee

ORDINANCE 62 - 2020

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020, and declaring the same to be an emergency.

WHEREAS, the City has received additional revenue in the form of sponsorships/donations for the Farmers Market that must be appropriated before use, and

WHEREAS, the City must change the appropriation of existing funds to cover the expenses of the City's legal services contract, and

WHEREAS, the City is obligated to meet certain compensation requirements related to the recent departure of the former Director of Law.

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2020, the following funds, be, and are hereby set aside and appropriated as follows:

GENERAL FUND

| | | | |
|---------|---------|------------------|-------------|
| 101.622 | Law | Wages & Benefits | \$ 4,125.00 |
| 101.622 | Law | Prof. Services | \$48,750.00 |
| 101.623 | Council | Wages & Benefits | \$15,525.00 |

GENERAL TRUST FUND

| | | | |
|---------|-----------------|--------------|-------------|
| 212.416 | Farmer's Market | Sponsorships | \$ 7,500.00 |
|---------|-----------------|--------------|-------------|

TOTAL SUPPLEMENTAL APPROPRIATIONS \$75,900.00

Section 2. That the Director of Finance, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. 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 4. 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 prompt payment of the City's obligation relating to the new legal services contract, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____