



## VILLAGE OF EVENDALE ADOPTED ORDINANCES AND RESOLUTIONS

The following ordinances and resolutions were adopted by the Council of the Village of Evendale at its Regular Council Meeting on September 12, 2017.

**ORD. #17-54**

AN ORDINANCE AMENDING THE EVENDALE CODE OF ORDINANCES PART TEN, TITLE SIX, REGARDING MAINTAINING AREA BETWEEN AN OWNERS'S PROPERTY AND THE STREET AND DECLARING AN EMERGENCY.

Unanimously approved

**ORD. #17-65**

ORDINANCE APPROVING A TRANSFER FROM THE GENERAL FUND TO APPROPRIATE FUNDS TO SUPPLEMENT THE COMMUNITY ENVIRONMENT PERSONNEL EXPENSES AND DECLARING AN EMERGENCY. Unanimously

approved

**ORD. #17-66**

AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE A PROGRAM UNDER THE DIRECTION OF THE POLICE CHIEF USING SELECTED VILLAGE OF EVENDALE POLICE OFFICERS AND OTHER SPECIFICALLY APPROVED VILLAGE PERSONNEL TO REDUCE THE PRESENCE OF COYOTES IN THE VILLAGE AND DECLARING AN EMERGENCY Unanimously approved

**ORD. #17-67**

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECREATION CENTER ROOF RE-PAINTING PROJECT AND APPROVING A TRANSFER FROM THE CONTINGENCY FUND AND MAKING AN ADDITIONAL APPROPRIATION TO THE BUILDING MAINTENANCE FUND AND DECLARING AN EMERGENCY.

Unanimously approved

**ORD. #17-68**

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE FIRE DEPARTMENT DRIVEWAY REPLACEMENT PROJECT AND DECLARING AN EMERGENCY. Unanimously

approved

ORD. #17-69

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE EVENDALE COMMONS POND PROJECT AND APPROVING AN ADDITIONAL APPROPRIATION IN THE EVENDALE COMMONS FUND AND DECLARING AN EMERGENCY.

Unanimously approved

RES. #17-11

RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF EVENDALE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Unanimously approved

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #17-54**

**AN ORDINANCE AMENDING THE EVENDALE CODE OF  
ORDINANCES PART TEN, TITLE SIX, REGARDING  
MAINTAINING THE AREA BETWEEN AN OWNER’S  
PROPERTY AND THE STREET AND DECLARING AN  
EMERGENCY.**

- WHEREAS,** The Evendale Code of Ordinances regulates Rights of Way in Chapter 1060 and defines the Right of Way within that Chapter; and
- WHEREAS,** The Council of the Village of Evendale desires to eliminate any doubt that a property owner adjacent to a street shall maintain property to the street;
- WHEREAS,** The Council of the Village further desires the proposed modifications to the Code of Ordinances and finds that such changes will allow for a sound and practical policy regarding the maintaining this proscribed area within the Village;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:**

**SECTION I** Section 1060.245 of Part Ten, Title Six, the Streets, Utilities and Public Services Code of the Village of Evendale, is hereby added to read as follows:

1060.245 – Owners of Abutting Property to Maintain Area between Property Line and Curb or Presumable Curb.

Where land abuts a street, the owner or owners of such land shall be jointly and severally responsible for causing the area between the curb, or presumable curb, and the property line to be kept in good order, free from nuisance, weeds, and litter. In addition, said owners shall:

1. Keep the line of sight to all traffic signals open and visible to the operators of vehicles for a minimum distance of 150 feet; maintain a clear line of sight of street name signs, traffic control signs and devices.
2. Maintain a minimum overhead clearance of eight feet over the sidewalk space.
3. Maintain a minimum overhead clearance of fourteen feet above the adjacent roadway.
4. Keep privately owned trees, growing under a utility wire in the public right of way, at a height less than the utility wire.

The Mayor, or his designee, shall notify the owner, or owners, of the property of conditions which may violate this section. Such notice shall provide for a fifteen day period within which the owner or owners may eliminate the conditions. Notice sent to the tax mailing address is deemed sufficient notice. If the situation is not remedied within fifteen days of actual notice, of the mailing of the notice, the Village may remedy the situation. In such event the owner or owners shall be jointly and severally responsible for the Village’s direct and indirect costs.

Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree and shall be imprisoned not more than 60 days and fined not more than \$500. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

As used in this section, the phrase “presumable curb” means the point at which the paved area of a street, with no curb, ends.

**SECTION II** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale. The reason for said emergency is to insure areas along Village streets are safely and attractively maintained. Therefore, this ordinance shall become effective immediately.

Approved September 12, 2017

\_\_\_\_\_  
Mayor, Village of Evendale

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1<sup>st</sup> Reading: July 11<sup>th</sup>, 2017  
Rules Suspended: September 12, 2017  
2<sup>nd</sup> Reading: August 8<sup>th</sup>, 2017  
3<sup>rd</sup> Reading: September 12, 2017  
Emergency Section Agreed to: September 12, 2017  
Notice of Publication: Tri-County Press, September 20<sup>th</sup>, 2017

**VILLAGE OF EVENDALE, OHIO**  
**ORDINANCE #17-65**

**ORDINANCE APPROVING A TRANSFER FROM THE GENERAL FUND  
TO APPROPRIATE FUNDS TO SUPPLEMENT THE COMMUNITY  
ENVIRONMENT PERSONNEL EXPENSES AND DECLARING AN  
EMERGENCY.**

**WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale certain expenditures will take place that need to be appropriately reflected as appropriations; and

**WHEREAS,** The Community Environment Fund has experienced overtime above the original budgeted amount due to additional planning commission meetings, board of zoning appeals meetings and a building plan scanning project currently in progress; and

**WHEREAS,** The Community Environment Fund requires funding be available for this expense; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:**

**SECTION 1** The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$2,500
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To the 499 Community Environment Fund:

210-219 Personnel expenses	\$2,500
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**SECTION 2** This ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale or to provide for the daily operations of a department or office of the Village of Evendale. It is necessary that this measure be put into effect immediately because the public welfare and daily operations of the Village require that line items within the budget not exceed the appropriation amounts approved by Council and it is in the public interest for the Village to insure adequate funds are immediately available to pay personnel for Community Environment related work. This ordinance shall be effective upon passage.

Approved September 12, 2017

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Solicitor

1st Reading: September 12, 2017  
Rules Suspended: September 12, 2017  
2nd and 3rd Reading: September 12<sup>th</sup>, 2017  
Emergency Section Agreed to: September 12, 2017  
Notice of publication: Tri-County Press, September 20<sup>th</sup>, 2017

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #17-66**

**AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE A  
PROGRAM UNDER THE DIRECTION OF THE POLICE CHIEF  
USING SELECTED VILLAGE OF EVENDALE POLICE OFFICERS  
AND OTHER SPECIFICALLY APPROVED VILLAGE PERSONNEL  
TO REDUCE THE PRESENCE OF COYOTES IN THE VILLAGE  
AND DECLARING AN EMERGENCY**

**WHEREAS,** as in many communities, coyotes have become a nuisance in the Village of Evendale; and

**WHEREAS,** coyotes threaten the domestic pets in our residential neighborhoods and otherwise jeopardize the public peace, quiet and safety in those neighborhoods; and

**WHEREAS,** the Village desires to take active steps to reduce, with the goal of eliminating, the coyote population in the Village of Evendale; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

**SECTION 1:** Notwithstanding the provisions of Section 618.14 of the Codified Ordinances of the Village of Evendale, Prohibiting Hunting within the Village of Evendale, the Mayor is authorized to approve plans and efforts under the direction of the Police Chief of the Village of Evendale to reduce the presence of coyotes within the Village of Evendale, utilizing a limited number of specifically authorized Village of Evendale Police Department members and other employees of the Village of Evendale in a carefully orchestrated effort with due regard for the safety of the public. Such program may be modified from time to time as approved by the Mayor.

**SECTION 2:** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of department or office of the Village of Evendale. The reason for said emergency is to begin to address the nuisance and dangers created by coyotes at the earliest possible date. Therefore, this ordinance shall become effective immediately.

Approved September 12, 2017

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Solicitor

1st Reading: September 12, 2017

Rules Suspended: September 12, 2017

2nd and 3rd Reading: September 12<sup>th</sup>, 2017

Emergency Section Agreed to: September 12, 2017

Notice of publication: Tri-County Press, September 20<sup>th</sup>, 2017

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #17-67**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO  
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
THE RECREATION CENTER ROOF RE-PAINTING  
PROJECT AND APPROVING A TRANSFER FROM THE  
CONTINGENCY FUND AND MAKING AN ADDITIONAL  
APPROPRIATION TO THE BUILDING MAINTENANCE  
FUND AND DECLARING AN EMERGENCY**

**WHEREAS,** The Village of Evendale has received bids for the Recreation Center Roof Re-painting Project after advertising in a newspaper of general circulation in the Village of Evendale for the proscribed two weeks; and

**WHEREAS,** The Service Director/Village Engineer has recommended The Ohio Painting Co., LLC as submitting the lowest and best bid; and

**BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, \_\_\_ members concurring, that:**

**SECTION 1:** The base bid of The Ohio Painting Co., LLC for the Recreation Center Roof Re-Painting Project in the amount of \$104,935.86 is hereby accepted. The Mayor is authorized to enter into a contract with The Ohio Painting Co, LLC for this project.

**SECTION 2:** The alternate bid, which includes the painting of the pool house and certain items around the pool is hereby rejected. That portion of the proposed project shall be rebid at a later date. The Ohio Painting Co., LLC alternate bid for the Recreation Center Roof Re-Painting Project in the amount of \$40,202.46 is hereby rejected.

**SECTION 3:** The following sum is transferred from Contingency Fund to the General Fund Transfer Account:

101.799.599999		\$15,000.00
To Building Maintenance:		
101.705.525211	Capital	\$15,000.00

**SECTION 4:** This ordinance is declared to be an emergency measure by a concurrence of \_\_\_members of Council, it being found to be necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public welfare requires the contract for the Project be executed as soon as possible in order to perform the work as weather permits. This ordinance shall be effective upon passage.

Approved \_\_\_\_\_  
\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk  
Approved as to Form:

\_\_\_\_\_  
Village Solicitor

1st Reading:  
Rules Suspended:  
2nd and 3rd Reading:  
Emergency Section Agreed to:  
Notice of publication:

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #17-68**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO  
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
THE FIRE DEPARTMENT DRIVEWAY REPLACEMENT  
PROJECT AND DECLARING AN EMERGENCY**

**WHEREAS,** The Village of Evendale has received bids for the Fire Department Driveway Replacement Project after advertising in a newspaper of general circulation in the Village of Evendale for the proscribed two weeks; and

**WHEREAS** The Service Director/Village Engineer has recommended John P. Tumlin & Sons as submitting the lowest and best bid.

**BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:**

**SECTION 1:** The bid of John P. Tumlin & Sons, LTD for Fire Department Driveway Replacement Project in the amount of \$87,000.00 is hereby accepted. The Mayor is authorized to enter into a contract with John P. Tumlin & Sons, LTD for this project.

**SECTION 2:** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being found to be necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public welfare requires the contract for the Project be executed as soon as possible in order to perform the work as weather permits and for continued operations of essential services. This ordinance shall be effective upon passage.

Approved September 12, 2017

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Solicitor

1st Reading: September 12, 2017

Rules Suspended: September 12, 2017

2nd and 3rd Reading: September 12<sup>th</sup>, 2017

Emergency Section Agreed to: September 12, 2017

Notice of publication: Tri-County Press, September 20<sup>th</sup>, 2017



**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #17-69**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO  
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
THE EVENDALE COMMONS POND PROJECT AND  
APPROVING AN ADDITIONAL APPROPRIATION IN THE  
EVENDALE COMMONS FUND AND DECLARING AN  
EMERGENCY**

**WHEREAS,** The Village of Evendale has received bids for the Evendale Commons Pond Project after advertising in a newspaper of general circulation in the Village of Evendale for the proscribed two weeks; and

**WHEREAS,** The Service Director/Village Engineer has recommended Stauffer Site Services as submitting the lowest and best bid; and

**BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:**

**SECTION 1:** The base bid of Stauffer Site Services for the Evendale Commons Pond Project in the amount of \$104,935.86 is hereby accepted.

**SECTION 2:** The alternate bid of Stauffer Site Services for the Evendale Commons Park Project in the amount of a deduct of \$10,505.00 is hereby accepted, making the Stauffer Site Services overall bid of \$196,785.00 The Mayor is authorized to enter into a contract with Stauffer Site Services for this project.

**SECTION 3:** The following sum is transferred from unencumbered Evendale Commons Fund:

To Kinetic Vision Pond Retention Project:

410.701.525700	Capital	\$75,000.00
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**SECTION 4:** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being found to be necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public welfare requires the contract for the Project be executed as soon as possible in order to perform the work as weather permits. This ordinance shall be effective upon passage.

Approved September 12, 2017

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Solicitor

1st Reading: September 12, 2017  
Rules Suspended: September 12, 2017  
2nd and 3rd Reading: September 12<sup>th</sup>, 2017  
Emergency Section Agreed to: September 12, 2017  
Notice of publication: Tri-County Press, September 20<sup>th</sup>, 2017

**VILLAGE OF EVENDALE, OHIO  
RESOLUTION #17-11**

**RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF  
EVENDALE TO PREPARE AND SUBMIT AN APPLICATION TO  
PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION STATE  
CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION  
IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS  
REQUIRED**

- WHEREAS,** The State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and
- WHEREAS,** The Village of Evendale is planning to make capital improvements to construct a new roadway in the AeroHub development area using, in part, Local Transportation Improvement Funds
- WHEREAS,** The infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs; now, therefore,

**BE IT THEREFORE RESOLVED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:**

- SECTION 1:** The Mayor of Evendale is hereby authorized to apply to the OPWC for funds as described above.
- SECTION 2:** The Mayor of Evendale is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Approved September 12, 2017

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Solicitor

Notice of publication: Tri-County Press, September 20<sup>th</sup>, 2017