

**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 November 17th, 2015

ORD. #15-49- Third Reading
AN ORDINANCE TO SET FORTH CHAPTER 891 MUNICIPAL EARNED INCOME TAX AND CLARIFYING THE CONTINUED EFFECT OF CHAPTER 890.

ORD. # 15-59
ORDINANCE REZONING THE NORTH PORTION OF PARCEL 611-0030-0053 FROM HEAVY COMMERCIAL (HC) TO INDUSTRIAL FLEX-2 (IF-2) AND DECLARING AN EMERGENCY.

ORD. #15-60
ORDINANCE ADOPTING SECTIONS 290.11 AND 290.12, GOVERNING THE CONSEQUENCES OF EITHER THE FAILURE TO APPEAR OR THE FAILURE TO PAY A FINE WHEN REQUIRED TO DO SO IN EVENDALE'S MAYOR'S COURT AND DECLARING AN EMERGENCY.

ORDI. #15-61
ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONSTELLATION TO PROVIDE NATURAL GAS AGGREGATION PREPARATORY SERVICES AND DECLARING AN EMERGENCY.

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #15-49**

**AN ORDINANCE TO SET FORTH CHAPTER 891 MUNICIPAL
EARNED INCOME TAX AND CLARIFYING THE CONTINUED
EFFECT OF CHAPTER 890**

- WHEREAS,** The Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and
- WHEREAS,** Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipality’s power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;” and
- WHEREAS,** The General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and
- WHEREAS,** More specifically, the General Assembly enacted H.B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in Chapter 718 of the Ohio Revised Code;” and
- WHEREAS,** Upon a detailed review of H.B. 5 and the Codified Ordinances of the Village of Evendale, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; now,

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

SECTION 1: Chapter 891 of the Codified Ordinances as set forth in the document entitled “Chapter 891, Municipal Income Tax” attached hereto as Exhibit A and incorporated herein by reference is hereby adopted in full as Chapter 891 of the Evendale Codified Ordinances.

SECTION 2: Section 890.20 is hereby adopted to read as follows:

890.20 Continued Application.

The foregoing Chapter 890 will continue to apply to tax years prior to January 1, 2016, Chapter 891 shall govern tax years thereafter.

SECTION 3: This Ordinance shall take effect and be in force beginning January 1, 2016.

Approved November 17th, 2015

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: September 8th, 2015

Rules Suspended: September 8th, 2015

2nd Reading: October 13th, 2015

3rd Reading: November 17th, 2015

Emergency Section Agreed to:

Notice of Publication: Tri-County Press, November 25th, 2015

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 15-59**

**ORDINANCE REZONING THE NORTH PORTION OF
PARCEL 611-0030-0053 FROM HEAVY COMMERCIAL
(HC) TO INDUSTRIAL FLEX-2 (IF-2) AND DECLARING
AN EMERGENCY**

WHEREAS, White Castle Systems, Inc., which maintains its White Castle Bakery at 3126 Exon Drive, applied for and received a zone change on property located to the rear (north) of the Bakery between I-75 and Makro Drive via Ordinance # 11-26A from Heavy Commercial (HC) to General Industrial (GI) in May, 2011; and

WHEREAS, in March, 2013 the Village Council rezoned 3126 Exon Drive and immediate vicinity from General Industrial (GI) to Industrial Flex-2 (IF-2) concurrent with the adoption of the new Zoning Code, via Ordinance # 12-64 ; and

WHEREAS, as part of that rezoning, the rear portion of 3126 Exon Drive (formerly Hamilton County Parcel Identification Number 611-30-208, now consolidated with 611-30-53) was inadvertently rezoned back to Heavy Commercial (HC); and

WHEREAS, Heavy Commercial (HC) zoning on the rear portion of 3126 Exon Drive causes that portion of the White Castle Bakery operations to be a legal, nonconforming use; and

WHEREAS, Village Council desires to rezone the rear portion of 3126 Exon Drive from HC to IF-2 to be consistent with the remainder of the parcel and to bring the property into conformity with the Zoning Code; and

WHEREAS, the Planning Commission of the Village of Evendale has recommended approval of the zone change following a public hearing; now,

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

SECTION 1: The north portion of the property identified by parcel identification number 611-0030-0053 in the records of the Hamilton County Auditor’s office, formerly known as Hamilton County Parcel Identification Number 611-30-208 and as shown on the attached Exhibit A, is hereby rezoned from Heavy Commercial (“HC”) to Industrial Flex-2 (“IF-2”).

SECTION 2: This ordinance is hereby declared to be an emergency measure by concurrence of six members of the Village Council. The reason for said emergency is 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 immediate effect in order to ensure that expanded operations and business opportunities are available on the site at the earliest possible date. Therefore this ordinance shall become effective immediately.

Approved November 17th, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: November 17th, 2015

Rules Suspended: November 17th, 2015

2nd and 3rd Reading: November 17th, 2015

Emergency Section Agreed to: November 17th, 2015

Notice of publication: Tri-County Press, November 25th, 2015

**VILLAGE OF EVENDALE
ORDINANCE #15-60**

**ORDINANCE ADOPTING SECTIONS 290.11 AND 290.12,
GOVERNING THE CONSEQUENCES OF EITHER THE FAILURE TO
APPEAR OR THE FAILURE TO PAY A FINE WHEN REQUIRED TO DO
SO IN EVENDALE'S MAYOR'S COURT AND DECLARING AN
EMERGENCY**

WHEREAS, The Code of Ordinances of the Village of Evendale fails to contain language providing directions as to what occurs in the event that a defendant in Evendale Mayor's Court either fails to appear when required or fails to pay a fine on time; and

WHEREAS, The Police Chief of the Village of Evendale has recommended that the Code of Ordinances be amended to add code provisions for failure to appear and failure to pay a fine; now,

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

SECTION 1: Section 290.11, Failure to Appear; Capias and Penalty, of the Codified Ordinances of the Village of Evendale, is hereby ordained to read as follows:

Section 290.11 Failure to Appear; Capias and Penalty

The Mayor or Magistrate conducting Evendale Mayor's Court, may issue a capias to require the attendance of a person failing to appear in the Mayor's Court, as ordered. Failing to appear shall be a misdemeanor of the Fourth Degree and shall be punishable by up to 30 days in jail, a fine of up to \$250 for each offense, or both. A separate offense shall be deemed committed for each court day a person fails to appear.

SECTION 2: Section 290.12, Failure to Pay Fine on Time; Capias and Penalty of the Codified Ordinances of the Village of Evendale is hereby ordained to read as follows:

Section 290.12 Failure to Pay Fine on Time; Capias and Penalty

The Mayor or Magistrate conducting Mayor's Court, may issue a capias to require the attendance of a person failing to pay a fine, or any part thereof, on time, as ordered. Failure to pay a fine, or any part thereof, on time, as ordered, shall be a minor misdemeanor and shall be punishable by a fine of up to \$150 for each offense. A separate offense shall be deemed committed for each day a person fails to pay a fine, or any part thereof, on time, as ordered.

SECTION 3: 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 operation of a department or office of the Village of Evendale. The reason for said emergency is the need to ensure the Code provides for what is to happen in Mayor's Court if important orders of the court are not obeyed. Therefore, this ordinance shall become effective immediately.

Approved November 17th, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: November 17th, 2015

Rules Suspended: November 17th, 2015

2nd and 3rd Reading: November 17th, 2015

Emergency Section Agreed to: November 17th, 2015

Notice of publication: Tri-County Press, November 25th, 2015

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #15-61**

**ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH
CONSTELLATION ENERGY SERVICES –
NATURAL GAS, LLC TO PROVIDE NATURAL
GAS AGGREGATION PREPARATORY SERVICES
AND DECLARING AN EMERGENCY.**

- WHEREAS,** Governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and
- WHEREAS,** On May 4, 2010, the electorate of the Village of Evendale overwhelmingly approved the establishment of a natural gas aggregation program for the Village; and
- WHEREAS,** Integrys Energy Services, Evendale’s natural gas supplier since the inception of the natural gas aggregation program, was recently acquired Constellation Energy Services – Natural Gas, LLC (“Constellation”). Despite occasions when Duke Energy’s gas rate was lower than Integrys’s or Constellation’s rate, Integrys and Constellation have historically produced annual savings each year as Evendale’s gas aggregate supplier.
- WHEREAS,** Evendale’s current contract with Constellation expires December 4th, 2015. Evendale residents currently in the Opt-Out gas aggregation program receive a variable rate of 42.40 cents per CCF from Constellation compared to Duke’s 42.59 cents per CCF
- WHEREAS,** The Council of the Village of Evendale hereby desires to re-enter into an agreement with Constellation for the provision of preparatory services for natural gas aggregation for the Village of Evendale as permitted by law; now, therefore,

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

SECTION 1: The Mayor is hereby authorized to enter into an agreement with Constellation substantially in the form of the Agreement attached hereto and incorporated by reference herein. The final version of the agreement shall be subject to the approval of the Law Director of the Village of Evendale.

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 a department or office of the Village of Evendale. It is necessary that this measure be put into effect immediately in order to secure the possibility of reduced energy prices for the citizens and businesses of the Village of Evendale at the earliest possible date. Fluctuations in energy prices occurring over the next 30 days could deprive the residents and businesses of substantial cost savings if this ordinance is not made effective immediately. Therefore, this ordinance shall become effective immediately.

Approved November 17th, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: November 17th, 2015

Rules Suspended: November 17th, 2015

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Emergency Section Agreed to: November 17th, 2015

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