

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 December 3rd and December 13th, 2016.

ORD. # 16-82

ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF EVENDALE TO EXECUTE AN ELECTRIC SERVICE AGREEMENT WITH DYNEGY ENERGY SERVICES (EAST), FORMERLY DUKE ENERGY RETAIL SALES, LLC AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #16-62

AN ORDINANCE AMENDING THE EVENDALE CODE OF ORDINANCES PART TWELVE, TITLE TWO, FOR THE VILLAGE OF EVENDALE, AND EVENDALE COMMONS PBD REGULATIONS, TO ADD PROVISIONS FOR MOBILE FOOD SERVICE AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #16-63

AN ORDINANCE AMENDING THE EVENDALE CODE OF ORDINANCES PART TWELVE, TITLE TWO, FOR THE VILLAGE OF EVENDALE REGARDING THE STORAGE OF VEHICLES, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #16-64- 3rd reading

AN ORDINANCE AMENDING THE EVENDALE CODE OF ORDINANCES PART TWELVE, TITLE TWO, FOR THE VILLAGE OF EVENDALE BY ADDING A PROVISION IN SECTION 1258.02(d) AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #16-69- 3rd reading

ORDINANCE AUTHORIZING SOCIAL MEDIA POLICY AND THE CREATION OF VILLAGE SOCIAL MEDIA ACCOUNTS FOR THE DISSEMINATION OF INFORMATION REGARDING VILLAGE- RELATED SERVICES, PROGRAMS, POLICIES, EVENTS/ACTIVITIES, ETC. Unanimously approved

ORD. #16-72

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF JAMES JEFFERS AS SERVICE DEPARTMENT DIRECTOR AND WILLIAM MECHLEY AS SERVICE DEPARTMENT SUPERVISOR, EFFECTIVE JANUARY 1, 2017 AND DECLARING AN EMERGENCY. Unanimously approved

ORD. 16-78

AN ORDINANCE AMENDING THE EVENDALE CODE OF ORDINANCES BY REPEALING PART TWELVE, TITLE SIX, CHAPTER 1468 IN ITS ENTIRETY, ORDAINING NEW PART TWELVE, TITLE SIX, CHAPTER 1468, PROPERTY MAINTENANCE CODE, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #16-79

ORDINANCE ACCEPTING THE TWO OPTION YEARS FOR GARBAGE AND REFUSE COLLECTION FROM REPUBLIC SERVICES OF OHIO HAULING, LLC. AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 16-83
ORDINANCE MAKING ANNUAL APPROPRIATIONS FOR CURRENT EXPENSES
AND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017 AND DECLARING AN
EMERGENCY. Unanimously approved

ORD. #16-85
ORDINANCE APPROVING A TRANSFER WITHIN THE COMMUNITY
ENVIRONMENT FUND TO APPROPRIATE FUNDS FOR A SCANNER/PRINTER FOR
LARGE SCALE PLANS AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #16-86
ORDINANCE MAKING APPOINTMENTS TO VARIOUS BOARDS AND
COMMISSIONS IN VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY.
Unanimously approved

ORD. #16-89
ORDINANCE AUTHORIZING MAYOR TO HIRE BRANDAN ASBROCK AS A
GENERAL LABORER/EQUIPMENT OPERATOR IN THE SERVICE DEPARTMENT
AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 16-91
ORDINANCE AUTHORIZING MAYOR TO HIRE PART-TIME EMPLOYEES AND
SETTING PAY RATES AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 16-92
ORDINANCE AUTHORIZING MAYOR TO HIRE PART-TIME EMPLOYEES AND
SETTING PAY RATES AND DECLARING AN EMERGENCY. Approved

ORD. #16-93
ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AN AGREEMENT
WITH CUTTER CONSTRUCTION INC. TO SELL .41 ACRES OF LAND IN THE
VICINITY OF MOHLER AND COOPER AND DECLARING AN EMERGENCY.
Unanimously approved

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 16-82**

ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF EVENDALE TO EXECUTE AN ELECTRIC SERVICE AGREEMENT WITH DYNEGY ENERGY SERVICES (EAST), FORMERLY DUKE ENERGY RETAIL SALES, LLC AND DECLARING AN EMERGENCY

WHEREAS, on September 20, 2013, the Village of Evendale entered into an 36-month agreement, beginning December 2013, with Duke Energy Retail Sales LLC, now Dynegy Energy Services (East), to provide electric billing rates for Village building and street light accounts; and,

WHEREAS, the current 36-month agreement expires at the end of December 2016; and,

WHEREAS, Dynegy has proposed a new agreement offering fixed electric rates lower than current rates; and,

WHEREAS, Evendale is desirous of entering into said agreement making the rates effective thru December 2019 now,

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

SECTION 1: The Mayor of the Village of Evendale is hereby authorized to execute the Agreement substantially in the form of the Agreement attached hereto and incorporated by reference herein, which Agreement is hereby approved by the Council of the Village of Evendale.

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 and/or to provide for the daily operations of a department or office of the Village of Evendale. The reason for said emergency is to secure for the Village the benefits of stabilized electrical rates, the current offer expires at 11:59pm on 12/3/16, which would be lost without this measure being adopted as an emergency.

Approved: December 3, 2016

Mayor

Attest:

X _____
Village Clerk

Approved as to Form:

X _____
Village Law Director

1st Reading: December 3, 2016

Rules Suspended December 3, 2016

2nd and 3rd Reading: December 3, 2016

Emergency Section Agreed to: December 3, 2016

Notice of publication:

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16 -62**

**AN ORDINANCE AMENDING THE EVENDALE CODE
OF ORDINANCES PART TWELVE, TITLE TWO, FOR
THE VILLAGE OF EVENDALE, AND EVENDALE
COMMONS PBD REGULATIONS, TO ADD
PROVISIONS FOR MOBILE FOOD SERVICE AND
DECLARING AN EMERGENCY.**

- WHEREAS,** The Village has had past inquiries regarding mobile food service operations within the Village, including in industrial areas, commercial areas and within the Evendale Commons Planned Business District (“PBD”); and
- WHEREAS,** Some mobile food service operations are already occurring intermittently within various commercial, office and industrial areas of the Village; and
- WHEREAS,** Where it has occurred, mobile food service has been a popular food option in certain areas and has provided additional variety of food options other than chain fast food; and
- WHEREAS,** Mobile food service operations can serve additional demand in industrial and office areas in certain seasons and certain hours where permitting permanent restaurants may be inappropriate or impractical.
- WHEREAS,** The current zoning code does not provide for mobile food service as a use, except as an, “outdoor temporary sales other than seasonal” that can occur no more than ten calendar days per year in the commercial and industrial districts; and
- WHEREAS,** The Evendale Comprehensive Plan notes a strong desire for food options within the Village other than the traditional “fast food”; and
- WHEREAS,** Mobile food service is otherwise regulated by the County Health Department, which requires a Mobile Food Service License, and by the State of Ohio Department of Taxation, which requires a transient vendor’s license; and
- WHEREAS,** Planning Commission held a public hearing on the proposed amendments to add “mobile food service” as a use within the Zoning Code and Evendale Commons PBD Regulations on July 19, 2016; and

WHEREAS, Said modifications to the Zoning Code and Evendale Commons PBD have been considered by the Planning Commission and recommended for adoption on August 16, 2016;

WHEREAS, The Council of the Village of Evendale has conducted a public hearing on the proposed modifications to the Zoning Code and the Evendale Commons PBD Regulations and finds that such change will accommodate a desired food service source within the Village and satisfy recent demand for such food service from businesses 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 Part Twelve, Title Two, the Zoning Code of the Village of Evendale, is hereby amended as shown on the attached Exhibit A.

SECTION II Part Six of the Evendale Commons Planned Business Development Regulations is hereby amended as shown on the attached Exhibit B.

SECTION III 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. The reason for said emergency is allow the mobile food service operations which are in demand in various areas of the Village. Therefore, this ordinance shall become effective immediately.

Approved _____

Mayor, Village of Evendale

Attest:

Approved as to Form:

Village Clerk

Village Law Director

1st Reading: October 11th, 2016

Rules Suspended: October 11th, 2016

2nd Reading: November 7th, 2016

3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

EXHIBIT A to Ordinance #16 - _____

Amendment # 1: § 1242.03(a) Definitions

(##) "Mobile retail food establishment" means a movable vehicle or other portable structure designed to routinely change location, where food is regularly stored, processed, prepared, manufactured, and served for retail sale.

Amendment # 2: Schedule 1268.03 Permitted Temporary Use or Structure – Time and Location Restrictions

SCHEDULE 1268.03 PERMITTED TEMPORARY USE OR STRUCTURE - TIME AND LOCATION RESTRICTIONS		
Temporary Use or Structure	Allowable Duration	Districts
Outdoor temporary sales other than seasonal	Not to exceed 10 days	GC, HC, IF-1, IF-2, GI, and ITC Districts
Seasonal outdoor temporary sales	45 days, no more than two times per calendar year	GC, HC, IF-1, IF-2, GI, and ITC Districts
Residential garage and yard sales	Limit of three consecutive days per occurrence and no more than three occurrences per calendar year.	All districts(a)
Institutional use rummage sales	Limit of three consecutive days per occurrence and no more than one occurrence per calendar year.	All districts(c)
Tents	No more than 14 days in any 90-day period	All districts
Festivals	No more than four days in any 90-day period	PF, GC, HC, OR, IF-1, IF-2, GI and ITC Districts
Portable storage units not used on conjunction with a construction project	One 14-day period per calendar year	All districts
Temporary structure (as part of an educational or institutional use)	Two years(b)	All districts
Real estate/model sales offices	Until completion of the sale or leasing of all units	All districts
Construction dumpster, trailers, or personal storage unit used in conjunction with a construction project	Until completion of construction	All districts
<u>Mobile retail food establishment</u>	<u>One (1) 9-month period per calendar year, when parked/placed for no more than sixteen (16) hours per day.</u>	<u>PF, GC, HC, OR, IF-1, IF-2, GI, and ITC Districts</u>
Notes		
(a) Must occur in conjunction with a Residential Use only.		
(b) Annual extensions may be granted by the Building Commissioner if conditions warrant.		

(c) Must occur in conjunction with an Institutional Use only.

Amendment # 3: § 1268.03 Permitted Temporary Uses and Structures – Additional Regulations

(i) Mobile retail food establishment.

- (1) **Whether a mobile food service operation is open to the general public or is limited to use by occupants of the parcel upon which it is located is determined by the arrangement made between the mobile retail food establishment operator and the owner of the parcel upon which the mobile retail food establishment is located.**
- (2) **No more than one (1) mobile retail food establishment is permitted as-of-right on a parcel. Additional mobile food establishments may be established on a parcel only upon conditional use approval.**
- (3) **These provisions do not preclude other temporary retail food-related operations from being established pursuant to a Zoning Certificate issued for a “Outdoor temporary sales other than seasonal,” “Seasonal outdoor temporary sales,” or “Festival” use.**
- (4) **A mobile retail food establishment must be located on a paved surface.**
- (5) **If located in an off-street parking area, a mobile retail food establishment may not be parked in any designated drive aisles, loading areas, emergency areas, or other areas where vehicular parking is not typically permitted, and may only utilize a quantity of parking stalls which are in excess of that which is required by Schedule 1258.04 for the principal use or uses of the lot.**
- (6) **A mobile retail food establishment may not connect to any permanent utilities on the lot upon which it is located.**
- (7) **Operations occurring at a mobile retail food establishment shall be limited to those which are not objectionable to the enjoyment, use and safety of surrounding areas by way of odor, dust, smoke, gases, vapor, noise, light, vibration, or refuse.**
- (8) **A mobile retail food service operation must provide a covered, portable trash receptacle to be located within five feet of the vehicle or portable structure.**
- (9) **Signage. Signage used in conjunction with a mobile retail food establishment is limited to:**
 - i. **That which is attached to and does not extend beyond the boundaries of the mobile food service structure or vehicle; and**
 - ii. **One (1) sandwich board sign that is located within five feet of the vehicle or portable structure.**

EXHIBIT b to Ordinance #16 - _____

Amendment #1: Evendale Commons Planned Business District, Part Six, Supplemental Use and Design Regulations

H. Temporary Uses and Structures.

Temporary uses and structures are permitted within the Evendale Commons Business Park consistent with the requirements of Zoning Code Chapter 1268, Temporary Uses and Structures. Where districts are designated for temporary uses and structures in Schedule 1268.03, the following zoning code districts shall correspond to areas within the Evendale Commons PBD:

- (1) HC and GC Districts shall correspond to Evendale Commons Business Park Areas A, B, and C; and**
- (2) OR District shall correspond to Evendale Commons Business Park Area D.**

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16 - 63**

**AN ORDINANCE AMENDING THE EVENDALE CODE OF
ORDINANCES PART TWELVE, TITLE TWO, FOR THE
VILLAGE OF EVENDALE REGARDING THE STORAGE OF
VEHICLES, AND DECLARING AN EMERGENCY.**

- WHEREAS,** The Evendale Zoning Code (“EZC”) currently includes a definition for “stored vehicle” in Chapter 1242 which defines it as, “the storage of a vehicle or vehicles in an area outside of a building or structure in the same place for more than 24 hours”; and
- WHEREAS,** The EZC also provides a definition for “vehicle storage” in Chapter 1266 that characterizes stored vehicles as those which are “on premises for 24 hours during any time Monday through Friday, or greater than 72 hours from Friday to Monday”; and
- WHEREAS,** The language of EZC § 1266.09(d)(1)(A) is open to a number of interpretations and in direct conflict with the definition of “stored vehicle” found in EZC § 1242.03(a)(160); and
- WHEREAS,** The Planning Commission reviewed the regulations regarding stored vehicles and determined that the provision as described in EZC § 1242.03 – where it is simply any vehicle sitting for more than 24 hours - is the most clear and desirable manner in which to consider a vehicle a “stored vehicle” for zoning purposes; and
- WHEREAS,** Planning Commission held a public hearing on a proposed amendment to §§ 1242.03(a) and 1266.09(d)(1)(A) of the Zoning Code on May 19, 2015 to clarify the stored vehicle language and to eliminate internal conflict within the EZC; and
- WHEREAS,** Said modifications to the Zoning Code have been considered by the Planning Commission and recommended for adoption on May 19, 2015;
- WHEREAS,** The Council of the Village of Evendale has conducted a public hearing on the proposed modifications to the Zoning Code and finds that such changes will allow for a sound and practical policy regarding the outdoor storage of vehicles 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 1242.03 of Part Twelve, Title Two, the Zoning Code of the Village of Evendale, is hereby amended to read as follows:

(a)(160) STORAGE, VEHICLE: See § 1266.09(d)(1)(A)(i), “stored vehicle”.

SECTION II Section 1266.09 of Part Twelve, Title Two, the Zoning Code of the Village of Evendale, is hereby amended to read as follows:

(d) Parking and Storage of Vehicles.

(1) Provisions governing off-street parking and storage of vehicles in any district.

A. Definitions. For the purpose of this Section the following definitions shall apply:

i. “Stored vehicle” is any operable vehicle that remains on premises for greater than 24 hours during any time Monday through Friday. All inoperable vehicles located on premises are considered “stored vehicles.”

ii. “Parked vehicle” is any operable vehicle that does not fit the definition of “stored vehicle”. Parked vehicles are subject to the limitations in Chapter 1258, Off-Street Parking and Loading.

SECTION III 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. The reason for said emergency is to allow clearer, more precise language regarding outdoor vehicle storage, and to eliminate internal conflict within the EZC. Therefore, this ordinance shall become effective immediately.

Approved _____

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 11th, 2016

Rules Suspended: October 11th, 2016

2nd Reading: November 7th, 2016

3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

Notice of Publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16 -64**

**AN ORDINANCE AMENDING THE EVENDALE CODE
OF ORDINANCES PART TWELVE, TITLE TWO, FOR
THE VILLAGE OF EVENDALE BY ADDING A
PROVISION IN SECTION 1258.02(d) AND DECLARING
AN EMERGENCY.**

WHEREAS, Per R.C. § 4511.09, every “street, highway, bikeway, or private road open to public travel within this state” should conform to the Ohio Manual of Uniform Traffic Control Devices (“OMUTCD”); and

WHEREAS, From time to time, a, “private road open to public travel” is constructed within the Village of Evendale; and

WHEREAS, When such roads are constructed, they are subject to the requirements of the Evendale Zoning Code and subject to review and approval by the Village Planning Commission; and

WHEREAS, While such roads should conform to the most recent edition of the OMUTCD per R.C. § 4511.09, the Village currently has no provisions which would authorize it to ensure conformance with the OMUTCD; and

WHEREAS, It would be practical for the Village to ensure conformance to the OMUTCD during the site plan review stage when a “private road open to public travel” is being proposed or an existing one is being altered and the new or changing road is being reviewed for conformance by the building department and/or planning commission; and

WHEREAS, A provision within the zoning code ensuring that the site plan’s conformance with the OMUTCD is part of the requirements for site plan approval will ensure such compliance; and

WHEREAS, Planning Commission held a public hearing on the proposed amendment to add the new language of § 1258.02(d) to the Zoning Code on June 21, 2016; and

WHEREAS, Said modification to the Zoning Code has been considered by the Planning Commission and recommended for adoption on June 21, 2016;

WHEREAS, The Council of the Village of Evendale has conducted a public hearing on the proposed modification to the Zoning Code and finds that such change will allow the proper officials and bodies within the Village to ensure compliance with the OMUTCD insofar as it is required by State law;

NOW THEREFORE,

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

SECTION I Section 1258.02 of Part Twelve, Title Two, the Zoning Code of the Village of Evendale, is hereby amended to include the following subparagraph (d) to read as follows:

(d) All traffic control markings and signage shall meet the provisions of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD), latest edition. These provisions shall apply to both public and private roadways used for public use.

The remainder of Section 1258.02 shall remain as-is.

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, or to provide for the daily operation of a department or office of the Village of Evendale. The reason for said emergency is to allow a mechanism by which to enforce the Village's obligation to follow the OMUTCD when approving site plans. Therefore, this ordinance shall become effective immediately.

Approved December 13th, 2016

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 11th, 2016

Rules Suspended: October 11th, 2016

2nd Reading: November 7th, 2016

3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

Notice of Publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16-69**

**ORDINANCE AUTHORIZING SOCIAL MEDIA POLICY AND THE CREATION OF
VILLAGE SOCIAL MEDIA ACCOUNTS FOR THE DISSEMINATION OF
INFORMATION REGARDING VILLAGE- RELATED SERVICES, PROGRAMS,
POLICIES, EVENTS/ACTIVITIES, ETC.**

WHEREAS, The Village of Evendale currently uses multiple methods of communication and information dissemination including, a Village website, press releases, newsletters, mailings, electronic mail, postings, etc. to inform residents, business owners, and the general public of Village policies, regulations, programs, events/activities, celebrations, meetings, etc.

WHEREAS, Evendale officials routinely receive questions, concerns, feedback on services, requests for information, etc. from residents, businesses, visitors and the general public in various forms including written letters, phone messages, emails, in-person conversations, etc.

WHEREAS, Evendale, to date, has not used any form of social media (Facebook, Twitter, etc.) as an official method of communication or information dissemination.

WHEREAS, Staff have explored and studied the benefits and challenges associated with using various forms of social media as an additional method of providing and receiving communications.

WHEREAS, Staff have determined that social media, when properly used in accordance with specific guidelines, would be a beneficial addition to the Village's communication methodologies, likely resulting in connecting to a broader audience of residents, businesses and the general public who currently use social media as their primary means of sending and receiving information.

WHEREAS, The Village Law Director has reviewed and approved a draft Social Media policy

WHEREAS, The purpose, intent and usage of social media shall be no different than the purpose intent and usage of Evendale's current methods of communication and information dissemination.

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 create and deploy social media accounts for the purpose of communicating important information about Village services, programs, events, meetings, etc.

SECTION 2: The use of all social media accounts shall be managed in accordance with the attached Social Media Policy and with all other applicable codes and regulations including, but not limited to, Evendale's Record Retention Schedule and Personnel Codes

Approved

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 11th, 2016

Rules Suspended: October 11th, 2016

2nd Reading: November 7th, 2016

3rd Reading:

Notice of Publication: Tri-County Press:

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16-72**

**AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF
JAMES JEFFERS AS SERVICE DEPARTMENT DIRECTOR AND
WILLIAM MECHLEY AS SERVICE DEPARTMENT SUPERVISOR,
EFFECTIVE JANUARY 1, 2017 AND DECLARING AN
EMERGENCY**

- WHEREAS,** Jim Bothe is retiring as the Director of the Evendale Service Department; and
- WHEREAS,** the Council of the Village of Evendale and the Mayor have considered reorganizing the leadership of the department and the role of the Village Engineer; and
- WHEREAS,** the Council of the Village of Evendale has enacted Chapter 258 of the Codified Ordinances of the Village of Evendale, requiring authorization by Council for the Mayor to hire new personnel; and
- WHEREAS,** the Mayor has recommended, and the Council has agreed, to hire James Jeffers in the combined role of Service Department Director and Village Engineer and to promote William Mechley to the position of Service Department Supervisor; and
- WHEREAS,** the Mayor and the Administration have fully complied with the relevant and applicable sections of Chapter 258 the Codified Ordinances of 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: The following persons may be employed, effective January 1, 2017, by the Mayor of the Village of Evendale, as permanent employees in the following role:

- James Jeffers as Service Department Director and Village Engineer at a salary of \$105,000 per year.
- William Mechley shall be promoted to Service Department Supervisor with a salary of \$100,000 per year.

Council specifically finds, based on the history of performance of duties for the Village by both of these individuals, that Mr. Jeffers and Mr. Mechley are fully qualified for the positions and each possess a great deal of experience in Village matters and that because of those unique qualifications no further examination. As a new employee, Mr. Jeffers' employment shall be subject to and conditioned upon compliance with the medical examination requirements of Section 258.032 and the post offer drug screen testing mandated by Section 258.141 of the Evendale Code.

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 immediate effect to make sure that the Village of Evendale Service Department is appropriately staffed and that the role of the Village Engineer continue to be performed and that Mr. Jeffers and Mr. Mechley have adequate time to prepare their new roles which shall commence January 1, 2017. Therefore, this ordinance shall become effective upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016
Rules Suspended: December 13th, 2016
2nd and 3rd Reading: December 13th, 2016
Emergency Section Agreed to: December 13th, 2016
Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE 16-78**

**AN ORDINANCE AMENDING THE EVENDALE CODE OF
ORDINANCES BY REPEALING PART TWELVE, TITLE SIX, CHAPTER
1468 IN ITS ENTIRETY, ORDAINING NEW PART TWELVE, TITLE SIX,
CHAPTER 1468, PROPERTY MAINTENANCE CODE, AND DECLARING
AN EMERGENCY.**

- WHEREAS,** Council recognizes a need to make its property maintenance provisions more enforceable, modernize property maintenance code provisions similar to those provided in the International Property Maintenance Code model ordinance where appropriate, to streamline the language of the Property Maintenance Code to coordinate with the existing Evendale planning, zoning, building, housing, and other general offenses codes; and
- WHEREAS,** The Village has noted specific concerns with the enforcement of adequate property maintenance as to those residential properties which are rental properties, both on the exterior and interior of premises; and
- WHEREAS,** The Village has engaged in a lengthy process of redrafting its Property Maintenance Code and considering the implementation of a rental registration program to combat issues related specifically to the maintenance of rental properties; and
- WHEREAS,** It established a committee comprised of a Council member, a planning commission member, a member of the Evendale Community Improvement Corporation, the Mayor, legal staff, Administrative Assistant to the Mayor, the building commissioner, and two residents/homeowners' association representatives ("Property Maintenance Review Committee") to review all current and proposed provisions regarding property maintenance and rental property registration; and
- WHEREAS,** The Property Maintenance Review Committee met and reviewed current policy and draft provisions numerous times over a period extending approximately from July 29, 2015 to November 23, 2015; and
- WHEREAS,** As a result of those meetings, the Property Maintenance Review Committee created a new Property Maintenance Code with updated property maintenance provisions which also implements a program related to the maintenance and registration of rental properties within the Village; and
- WHEREAS,** The Village Planning Commission reviewed the draft on or around January 19, 2016; and
- WHEREAS,** The Village staff circulated the draft to numerous individuals within the Village, including known rental property owners; and
- WHEREAS,** Village Council held public hearings on the property maintenance draft on August 2, 2016 and August 9, 2016, where it heard from members of the public; and
- WHEREAS,** Based on the recommendations and feedback received from the Property Maintenance Review Committee, the Village Planning Commission, the public, and members of Council, has updated the Property Maintenance Code to its final form;

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

SECTION I That the Evendale Code of Ordinances is amended by repealing Part Twelve, Title Six, Chapter 1468 (“Existing Property Maintenance Code”) in its entirety.

SECTION II That Part Twelve, Title Six, Chapter 1468, Property Maintenance Code (“New Property Maintenance Code”) is ordained to read in accordance with the text attached hereto as Exhibit A.

SECTION VII This ordinance is declared to be an emergency measure by the 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. The reasons for said emergency are the necessity to update the Property Maintenance Code that is outdated and includes some ambiguous or conflicting language, and to implement a rental property registration program within the Village to ensure the quality of rental property within the Village, as well as the safety of residents. These updates will benefit the economic growth and development of the Village. Therefore, this ordinance shall be in full force and effect upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: November 13th, 2016

Rules Suspended: December 13th, 2016

2nd and 3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

Notice of publication: Tri-County Press, December 21st, 2016

EXHIBIT A

**CHAPTER 1468
Property Maintenance Code**

- 1468.01 Purpose, Intent and Definitions.
- 1468.02 Applicability and Scope.
- 1468.03 Existing Remedies.
- 1468.04 Severability.
- 1468.05 Property Maintenance Regulations.
- 1468.06 Residential Rental Property Registration.
- 1468.07 Residential Rental Property Interior Maintenance Regulations.
- 1468.08 Repairs.
- 1468.09 Prohibitions.
- 1468.10 Violations.
- 1246.11 Public Nuisance.
- 1468.12 Liability.
- 1468.13 Enforcement, Authority of Building Commissioner, and Notice of Violations.
- 1468.14 Final Order; Time for Appeal.
- 1468.16 Appeals to Council.
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1468.01 PURPOSE, INTENT AND DEFINITIONS.

- A. Purpose and Intent. Regulations for protecting the public health, safety and welfare are set forth in this chapter. This chapter shall insure the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance, and conditions of all residential and nonresidential premises; by fixing certain responsibilities and duties upon owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court; by authorizing and establishing procedures for the inspection of residential and nonresidential premises; and by fixing penalties for violations of this Code. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. This Code is hereby declared remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes stated herein.
- B. Definitions. As used in this chapter,
1. "Abandoned Vehicle" Means a vehicle which:
 - a) is inoperable, is more than five (5) years old, and has been left unattended on private property for more than fourteen (14) days; OR
 - b) has remained on private property without the consent of the owner or person in charge of the property for more than fourteen (14) days; OR
 - c) has been left outside, unattended on private property for more than thirty (30) days.
 2. "Accessory Structure" means a subordinate structure customarily incidental to, detached from and located upon the same lot occupied by the principal structure or use, including, but not limited to, sheds, garages, and play equipment.
 3. "Basement" means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
 4. "Bathroom" means a room containing plumbing fixtures including a bathtub, toilet, urinal, water closet or shower.
 5. "Bedroom" means any private room in a dwelling suitable for regular use for sleeping purposes. Bedrooms include dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom, but that in the judgment of the Building Commissioner would normally be usable for sleeping purposes, shall be considered a bedroom.
 6. "Blighted" or "deteriorated" as it refers to "blighting" or "deteriorating" influences, factors and conditions within this Code means the condition of any structure or land, except property used for agricultural purposes, in a predominantly built-up neighborhood:
 - a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;
 - b) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
 - c) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated as unfit for human habitation by the building commissioner;
 - d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
 - e) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
 - f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;
 - g) Which has been tax delinquent for a period of at least three (3) years; or
 - h) Which has not been rehabilitated within the time constraints placed upon the owner by the building commissioner;

7. "Building" See "Structure".
8. "Building Commissioner" means the official certified by the Ohio Board of Building Standards to operate the Evendale Building Department, or any duly authorized representative or designee.6. "Code" means this Chapter 1468, Property Maintenance Code."Commercial Vehicle" means any of the following:
 - (a) Any vehicle exceeding 8,800 pounds gross vehicle weight; or
 - (b) A passenger van designed to transport ten or more individuals, regardless of its weight.
9. "Deterioration" means the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
10. "Driveway" means a roadway-like path with a surface of concrete or asphalt for the ingress and egress of vehicles from the right of way to a parcel (but which is not the parking areas of a business).
11. "Evendale Zoning Code" means Part Twelve, Title Four of the Evendale, Ohio Code of Ordinances.
12. "Exposed to Public View" means any premises or any part thereof, or any building or any part thereof, which may be viewed by the public, or any member thereof, from a sidewalk, street, alleyway or open air parking lot, or from the area of any adjoining or neighboring premises.
13. "Exterior of the Property" means the open space of any premises outside of any building erected thereon.
14. "Exterior property" means the open space on the premises and on adjoining property under the control of the owners or operators of such premises.
15. "Family" Means one of the following:
 - a) One person;
 - b) Two or more persons related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a residence;
 - c) Two unrelated persons and their children living together as a single housekeeping unit in a residence; or
 - d) A group of not more than four unrelated persons living together as a single housekeeping unit.
16. "Fire Hazard" means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may obstruct, delay or hinder or may become the cause of obstruction, a delay or a hindrance to the prevention, suppression or extinguishment of fire, or any other fire hazard defined in these Codified Ordinances.
17. "Front Yard" see "Yard, Front".
18. "HabitableSpace" means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
19. "Impassable" A private driveway or improved easement is impassable when because of age, neglect, deterioration or disaster—natural or manmade—the private driveway or improved easement will no longer safely support motor vehicular traffic of the type necessary to provide police and fire/paramedic service to any one of the premises served by the private driveway or improved easement. It is *prima facie* evidence that a private driveway or improved easement is impassable when it does not meet the standards required for private and public fire lanes as specified in the Village of Evendale Fire Code.
20. "In danger of becoming impassable" A private driveway or improved easement is in danger of becoming impassable if, in the opinion of the Building Commissioner, the private driveway or improved easement is more likely than not to become impassable within the next 60 days.
21. "Infestation" means the presence, within or contiguous to a structure or premises, of vermin.
22. "Landscaping" means the improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include, but is not limited to: pedestrian walks; flower beds; and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

23. "Let or Rent/Lease for Occupancy" means to permit, provide or offer possession or occupancy of a dwelling, premises or structure to a person or persons who are not the legal owner of record thereof, pursuant to a written or unwritten agreement or contract, recorded or not.
24. "Motor vehicle" means every vehicle intended to be propelled or drawn by power other than muscle power including, but not limited to, automobiles, trucks, trailers, boats, construction equipment, buses, and tractors.
25. "Nonresidential" means any parcel of land within the Village that does not fall within the definition of "Residential".
26. "Occupant" means any person living or sleeping in a building; or having possession of a space within a building.
27. "Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
28. "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
29. "Parcel benefitted by" means that a parcel is "benefitted by" a private driveway or improved easement if the owners, occupiers, tenants or users of said parcel have used said private driveway or improved easement for access to that parcel on any date in the preceding calendar year. It is *prima facie* evidence that such use occurred if (1) the private driveway or improved easement provides the sole means of motor vehicular ingress and egress to said parcel; or (2) there exists on said parcel a driveway that connects to the private driveway or improved easement that is subject to the order in some manner to a public street or thoroughfare of the Village of Evendale.
30. "Parked vehicle" means any operable vehicle that does not fit the definition of "stored vehicle".
31. "Plumbing" means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
32. "Premises" means a lot, plot or parcel of land, whether vacant or including any structures thereon.
33. "Private Driveway" means the full width of an easement with a part thereof being paved as a private drive and not dedicated to the Village for public use, providing access to residential or other abutting property from the right of way to a parcel or parcels where approved to be constructed as a private drive in lieu of a dedicated street.
34. Recreational Vehicle means any vehicle or boat originally designed for recreation or human habitation, including, but not limited to, the following:
 - a) "Boat." Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
 - b) "Camper Trailer." A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use;
 - c) "Motorized Home." A temporary dwelling designed and constructed for travel, camping, recreational or vacation uses as an integral part of a self-propelled vehicle.
 - d) "Off-The-Road Vehicle." A vehicle intended principally for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart, snowmobile, or aircraft.
 - e) "Racing Car" or "Cycle." A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.
 - f) "Travel Trailer" or "Trailer" means a vehicle without its own motor power that is designed to transport other vehicles, equipment and objects, and that is eligible to be licensed or registered and insured for highway use.
 - g) "Truck Camper." A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary dwelling for travel,

camping, recreational, or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.

- h) "Van." A general term applied to a non-commercial motor vehicle licensed by the State of Ohio as a Recreational Vehicle.
- 35. "Residential" means any parcel of land that includes a single-family dwelling intended primarily for use as a residence, or any vacant parcel platted for one single-family dwelling.
- 36. "Side Yard" see "Yard, Side".
- 37. "Stored" as pertaining to "vehicles" means any operable vehicle that remains on premises for greater than 24 hours during any time Monday through Friday, or greater than 72 hours from Friday to Monday. All inoperable vehicles located on premises are considered "stored vehicles."
- 38. "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including driveways, patios, and other similar structures.
- 39. "Vehicle" means a device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices moved by human power, such as bicycles. (For the purposes of this chapter only, "vehicle" does not include "Recreational Vehicle," "Commercial Vehicle," or "Trailer.")
- 40. "Vermin" means animals, insects, and other organisms whose presence in, on, or around a premises constitute or have the potential to constitute a health hazard, and include, but are not limited to, rats, mice, birds, roaches, etc.
- 41. "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.
- 42. "Yard, Front" means the area between a front lot line and the building line. Where no structure exists, it is considered that area between the front lot line and the front setback line. A corner lot must have two front yards and two rear yards opposite those front lot yards.
- 43. "Yard, Rear" means the area between a rear lot line and the rear building line. Where no structure exists, it is considered that area between the rear lot line and the rear setback line. In the case of a corner lot, there will be two rear yards opposite the two front yards.
- 44. "Yard, Side" means any yard between a lot line and a building line which is not considered a front or rear yard. Where no structure exists, it is considered that area between the side lot lines and the side setback lines.

1468.02 APPLICABILITY AND SCOPE.

- A. Generally. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all residential and nonresidential premises by establishing minimum requirements and standards for sanitation, protection from the elements, and safe and sanitary maintenance; fixing the responsibility of owners, agents, operators, occupants, firms, or corporations having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court; regulating the occupancy of existing structures and premises, whether or not such structure has been constructed, altered or repaired before or after the enactment of this Code and irrespective of any permits or licenses which have been issued for the use or occupancy of the building, or for the installation or repair of equipment, or for the initial and continued occupancy and use of all such buildings, and providing for administration, enforcement and penalties.
- B. Responsibility for Compliance. The owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in a property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, shall be responsible for compliance with all provisions of this chapter, as to said property, including all structures and other elements located thereon, except where the responsibility therefor is specifically placed elsewhere.
- C. Conflict of Laws. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. In any case where the provisions of this Code impose a higher standard than that which is set forth in any other ordinance of the Village or the laws of the State, the standard set forth herein shall prevail. If

the provisions of this Code impose a lower standard, then the higher standard set forth in any other ordinance or law shall prevail.

- D. Issuance and Renewal of Other Permits and Licenses. After the Date of enactment hereof, all licenses and permits shall be issued upon compliance with this Code as well as compliance with the ordinances under which such licenses and permits are granted.
- E. Enforcement and Compliance with Other Ordinances. No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other ordinance of the Village applicable to any structure or premises, nor shall any provisions herein relieve any owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, subject to these requirements, from the duty of complying with any other such provision, nor any official of the Village from enforcing any other such provision.

1468.03 EXISTING REMEDIES.

The provisions in this chapter shall not be construed to abolish or impair existing remedies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

1468.04 SEVERABILITY.

Each portion of this chapter stands on its own. If any section, subsection, or portion thereof is found by the courts to be invalid or unconstitutional, only that portion shall be affected by that decision. The remainder of this chapter shall remain intact and in force.

1468.05 PROPERTY MAINTENANCE REGULATIONS.

- A. General Maintenance of Structures and Exterior Premises. The exterior of all structures and exterior premises shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All surfaces thereon shall be kept painted where necessary for the purpose of preservation and appearance, or surface-coated with a protective coating or treated to prevent rot and decay. Exteriors of all structures shall be maintained free of broken windows, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the immediate neighborhood protected from blighting influences.
- B. Sanitation and Vermin.
 - 1. Sanitation. All structures and exterior premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the structures and exterior premises which such occupant occupies or controls in a clean and sanitary condition.
 - 2. Vermin harborage. All structures and exterior premises shall be kept free from vermin infestation. Where vermin are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- C. Structural Maintenance.
 - 1. Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
 - 2. Foundation walls. All foundation walls shall be maintained plumb and free from cracks and breaks and shall be kept in such condition so as to prevent the entry of rats or water.
 - 3. Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated, such as paint or similar surface treatment, to prevent deterioration.
 - 4. Roof and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in accordance with plans which have been approved by the Evendale Building Department.
 - 5. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

6. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

D. Maintenance of Exterior Elements – Structures.

1. Sidewalks and driveways.

- a) All sidewalks, walkways, stairs, driveways, private driveways, spaces and similar areas on a lot:
 - i. Shall be kept in a proper state of repair, and maintained free from hazardous conditions;
 - ii. Shall have a permanent paved surface; and
 - iii. If in existence prior to the enactment of this Chapter and being unpaved, may be maintained as an unpaved surface which is dustless and compacted.
- b) Private Driveways and Improved Easements. Any private driveway for vehicular ingress and egress which intersects at any point with a public street or thoroughfare of the Village of Evendale, Ohio and provides access to more than one premises, shall be maintained in a condition so that the private driveway is passable for ingress and egress by motor vehicle, including police, fire and paramedic vehicles, to all structures serviced by said private driveway.
- c) Nuisance Impact of Impassible Private Driveways. Any private driveway or improved easement for vehicular ingress and egress is hereby declared a nuisance and a danger to the health and safety of the citizens of the Village of Evendale where, because of its construction, weathering, advanced age, neglect, lack of maintenance, fire, explosion, earthquake, vandalism, or other natural or manmade causes:
 - i. Has been rendered impassable by motor vehicle traffic, including police, fire and paramedic vehicles; or
 - ii. Is in danger of becoming impassable by motor vehicle traffic, including police, fire and paramedic vehicles.

2. Stairs, Decks, Patios, Handrails and Similar Appurtenances. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, shall be structurally sound and properly anchored with connections capable of supporting all nominal loads and resisting all load effects, and shall be maintained in good condition.

E. Maintenance of Exterior Areas.

1. Grading and drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Water retention areas and reservoirs approved by the Building Department are exempt from this provision.
2. Overhangs. Loose and overhanging objects, both man-made and natural, which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof and shall be removed from the premises or repaired to a safe condition.
3. Landscaping. All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining lawns and landscaping both on the property and in the areas abutting rights-of-way, swales, lake, and creek banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained such that it will not cause property damage and public safety hazards, including removal of living, dead or decaying plant material, and those obstructing street lighting. Landscaping shall be maintained in accordance with the following standards:
 - a) Insects, disease, etc.: Landscaping shall be kept free of visible signs of infestation of insects and of disease and to enable landscaping to be in a healthy condition.
 - b) Turf edge trimming: All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas.
 - c) Maintenance of irrigation systems: Irrigation systems, where installed, shall be maintained to eliminate water loss due to damaged, missing or improperly

operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads.

- d) Natural Wooded Areas.
 - i. An area which is a previously undisturbed, naturally wooded and vegetated area is exempt from the maintenance provisions of 1468.05(E)(3).
 - ii. An area which has been previously disturbed and used as landscaped area, lawn, or otherwise, may be exempt from the maintenance provisions of 1468.05(E)(3) upon determination of the Building Commissioner if it is shown to be an area which is in the process of being returned to its natural, wooded condition, and which is otherwise not required to be landscaped under any provision within the Evendale Zoning Code.
- e) For additional limitations on natural growth, trees, and grass/lawns, please see Evendale, Ohio Code of Ordinances Chapter 674.

4. Refuse.

- a) Refuse, including, but not limited to, an accumulation of brush, rubbish, garbage, trash, refuse, broken glass, automobile parts, stumps and roots which may create a health, accident or fire hazard, or which is a public nuisance, or which constitutes a blighting or deteriorating influence on the neighborhood, shall be removed from the premises.
- b) Refuse and refuse receptacles shall not be kept or stored in the front yard of any premises any time except for twelve (12) hours before and after trash pickup.

5. Firewood. Front yards shall be kept free, and storage shall be prohibited, of all firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities. Storage of such materials shall be permitted only in rear yards and under the following conditions:

- a) The firewood shall be stacked no higher than six feet;
- b) It shall be cut firewood;
- c) It shall be stored at least five feet from the property line;
- d) It shall be stored in such a manner as not to constitute a fire hazard; and
- e) Storage piles shall not cumulatively exceed 256 cubic feet per parcel in an exposed area. Additional wood may be stored in an enclosed area, accessory structure, garage or shed.

6. Rain Barrels.

- a) Roof drains, gutters and downspouts.
 - i. Shall be maintained in good repair and free from obstructions.
 - ii. Roof water shall not be discharged in a manner that creates a public nuisance.
 - iii. Roof drains, gutters and downspouts may be connected to a public storm sewer where one is accessible, or in the event a public storm sewer is not available or accessible, such drains, gutters and downspouts shall be discharged in a manner approved by the Building Commissioner and the Village Engineer, or his or her duly authorized representative.
 - iv. One or more downspout(s) may be diverted into an approved rain barrel or other structural storage container, provided that the overflow from such appurtenances is directed into the public storm sewer system or is discharged in a manner approved by the Building Commissioner and the Village Engineer, or his or her duly authorized representative.
 - v. Rain barrels or other structural storage containers shall be covered at all times and incorporate a drainage system that directs any overflow away from the building's foundation and into the public storm sewer system or to a discharge point that is approved by the Building Commissioner and the Village Engineer, or his or her duly authorized representative.
 - vi. The installation of rain barrels or other structural storage containers shall be subject to review and approval of the Building Commissioner, or his or her duly authorized representative, and shall conform to the standards set forth by the Village for such devices.
 - vii. Visual screening of rain barrels or other structural storage containers may be required, on a case by case basis, so as to prevent unsightly visual impacts to the surrounding area. This will be determined by the Building

Commissioner, or his or her duly authorized representative, at the time of permit application and subject to any standards set forth by the Village.

- b) This requirement shall be waived for existing appurtenant structures if, in the opinion of the Building Commissioner, or his or her duly authorized representative, the drainage does not cause excessive erosion or water damage or does not create a nuisance on public or private property.
7. Compost Piles. Nothing in this chapter shall be construed or interpreted so as to prevent persons from creating or maintaining a compost pile or piles for yard waste, provided that such pile or piles are not stored in quantities or locations prohibited by any provision of this chapter or by any ordinance of the Village or law of the State. All compost piles:
- a) Shall not be visible from the public right-of-way;
 - b) Shall not create any health or fire hazard;
 - c) Shall not be created or maintained in any front or side yard or located closer than five feet from any side or rear lot line;
 - d) Shall be permitted if the compost pile or piles are enclosed by a barrier on all sides which shall not exceed four feet in height;
 - e) Shall not be in excess of one percent of the square footage of the lot or seventy-five square feet, whichever is less;
 - f) Shall not impede any natural watercourse or drainage from any property; and
 - g) May contain any organic yard waste or vegetable waste. Meat products, dairy products, food oils and animal wastes are prohibited.

F. Parking and Storage of Vehicles.

1. Vehicle parking. All vehicles shall be properly parked in the driveway, garage, designated parking area, or right-of-way where permitted pursuant to Chapter 452.
2. Storage of vehicles. All vehicles which are junk vehicles, abandoned vehicles, or which do not carry a current year's license plate and registration where required by law shall be stored in a completely enclosed, authorized or permitted building on a lot or premises, except as an otherwise permitted use in the district where such a vehicle is located. No motor vehicle may be in a major state of disassembly, disrepair, or in the process of being stripped or dismantled except within a wholly enclosed structure approved for such purposes.
3. Recreational Vehicles, Commercial Vehicles, and Trailers on residential Parcels. On Residential parcels only, parking or storing of recreational vehicles, commercial vehicles and trailers is prohibited unless such vehicle:
 - a) Is stored or parked by a resident/occupant on a lot owned or leased by him in a designated parking area located in a side or rear yard not less than fifty (50) feet from public rights-of-way and ten (10) feet from any lot line, for a period not to exceed any part of two calendar days within a single calendar week;
 - b) Otherwise, such recreational vehicle, commercial vehicle or trailer shall be stored within a wholly enclosed building.
4. Recreational vehicles, Commercial Vehicles, and Trailers on Non-Residential Parcels. The parking and storage of recreational vehicles, commercial vehicles, and trailers on non-Residential parcels is governed wholly by the provisions of the Evendale Zoning Code.

G. Signage, Awnings and Other Identification.

1. Signs and billboards. All permanent signs and billboards exposed to public view that are permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Signs which have weathered or faded, or those upon which the paint has peeled or cracked, shall, with their supporting members, be removed forthwith or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith. When no longer in use, permanent signs shall be completely removed within thirty (30) days following the cessation of the relevant activity.
2. Awnings. Any awning and its accompanying structural members which extend over any street, sidewalk or other portion of any premises shall be maintained in good repair and shall not constitute a nuisance or safety hazard. In the event such an awning is not properly maintained in accordance with this paragraph, it shall, together with its supporting members, be removed forthwith. In the event such awning is made of cloth, plastic or similar materials, such cloth and plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping,

tearing or other holes. Nothing herein shall be construed to authorize an encroachment on streets, sidewalks or other parts of the public domain.

3. Street numbers. On every building to which a street number has been assigned, such number shall be displayed in a size and location such that the number will be readily observable and readable from a public right-of-way.

1468.06 Residential Rental Property Registration, Permit and Inspections.

- A. In addition to compliance with Evendale's short-term rental Ordinance, owners of residential dwellings within the Village that let, sublet, rent, lease, or otherwise permit occupancy by someone other than the owner are required to obtain a Rental Permit from the Village. Upon permit application, the applicant shall include a completed copy of Hamilton County's Residential Rental Property Registration Form.
- B. Prior to the issuance of a permit, property owners seeking a rental registration permit shall do either of the following:
 1. Permit the rental property for which the permit is being sought to be inspected by the Building Commissioner and/or their designee(s) to determine compliance with this Code; or
 2. Sign a sworn affirmation indicating that the property in question is in compliance with this Code.
- C. After the initial inspection or affirmation, rental properties must be inspected or a new affirmation submitted within five (5) days prior to a change in occupancy.
- D. Owners are to provide a list of tenants for each occupancy, providing the names of the tenants of majority age and providing only the number of minor children that are/will be residing in the household.
- E. Failure to bring noticed violations into compliance with this code as provided by section 1468.13 may result in, among other legal action(s), permit revocation
- F. Permits, unless otherwise revoked, are valid for five (5) years from the date of issuance; however, a permit must be renewed when there is a change in occupancy.
- G. Permit administration fees will be set by Village Ordinance.

1468.07 Residential Rental Property Interior Maintenance Regulations.

No person shall occupy as owner-occupant, or rent, lease, or let to another for occupancy any dwelling or portion thereof, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

1468.07.1 – Kitchen Sink

Every dwelling unit shall contain a kitchen sink which is properly connected to a water and sewer system approved by the Building Commissioner.

1468.07.2 - Bathroom

Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water toilet, a sink and a bathtub or shower, connected to a water and sewer system approved by the Building Commissioner.

1468.07.3 – Bathroom lights, ventilation, floor surface.

Every bathroom shall be lighted and ventilated. Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.

1468.07.4 – Hot and Cold Water

Every kitchen sink, lavatory, bathtub or shower shall be properly connected with hot and cold water lines. The hot water lines shall be connected to a hot water heating facility of adequate size which provides at times a temperature of not less than 120°F.

1468.07.5 - Potable Water

Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

1468.07.6 - Plumbing

All plumbing and plumbing facilities (i.e. sinks, faucets, hot water tanks, pipes, water lines, sewer lines, garbage disposals, etc.) shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

1468.07.7 - Garbage and rubbish storage facilities

Every dwelling shall be supplied with adequate garbage and rubbish storage facilities, type and location of which prevent infestation from vermin

1468.07.8 – Interior infestation

The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation.

1468.07.9 - Unobstructed Egress

Every dwelling shall have an unobstructed means of egress leading to an open outdoor space at ground level. Hallways, doorways, stairwells and other areas leading to the outside shall be kept free from accumulated garbage, debris, furnishings or other items that prevent access to the outside.

1468.07.10 – Window required

Every habitable space shall have at least one, openable window or skylight facing directly to the outdoors. The minimum total window area, for every Habitable Space, is to be eight percent (8%) of the floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight must be equal to at least eight percent (8%) of the total floor area of such room.

1468.07.11 – Maintenance of Doors and Windows

Every window and exterior door shall be reasonably weathertight, watertight and rodent proof.

1468.07.12 – Structural integrity

Every foundation, floor, ceiling, wall, stairway, roof and other structural components of a dwelling shall be reasonably weather-tight, rodent proof and free of any holes, broken, deteriorated or missing components.

1468.07.13 – Dampness and Fungus growth

All habitable spaces shall be free of excessive dampness, mold, mildew or other fungus.

1468.07.14 - Heating facilities

Every dwelling shall have heating facilities, such as a furnace, which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable space and bathrooms located therein to a temperature of at least 70F

1468.07.15 – Electric

- A. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70.
- B. The Service Supply for existing single-family dwelling shall be a minimum of 60-ampere capacity.
- C. All electrical systems, outlets, fixtures and components shall be properly installed and maintained in good working condition, free from defects.

- D. Where it is found that the electrical system constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient for similar reasons, the building commissioner shall require the defects to be corrected to eliminate the hazard.
- E. Every habitable space in a dwelling shall contain at least:
 - 1. Two separate floor or wall-type electric convenience outlets; or
 - 2. One such convenience outlet and one ceiling-type electric light fixture.
- F. Where required by the Building Code, Ground-Fault Circuit Interrupter receptacles shall not be removed or otherwise modified.

1468.07.16 – Facility/Utility maintenance and upkeep

Every supplied facility, piece of equipment, or utility which is required under this regulation shall be so constructed, installed or operated that it will function safely and effectively and shall be maintained in satisfactory working condition. No owner or operator, or occupant shall cause any service, facility, equipment, or utility which is required under this regulation to be removed from or shut off from or discontinued for an occupied dwelling, except for such temporary interruption as may be necessary while actual repair or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building commissioner.

1468.07.17 – Minimum Floor Area

Every dwelling shall contain a minimum gross floor area of at least one hundred (150) square feet of space in Habitable Spaces for the first occupant and at least one hundred thirty (130) square feet of space in habitable space for each additional occupant.

1468.07.18 – Ceiling height

Every habitable space shall have a minimum ceiling height of seven (7) feet over fifty (50) percent of the floor area; and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

1468.07.19 – Bedrooms - Floor Area

Every room occupied intended for use as a bedroom by one occupant shall contain at least seventy (70) square feet of floor space, and every room intended for use as a bedroom by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

1468.07.20 - Room Arrangement

- A. No dwelling shall have room arrangements such that access to a bedroom can be had only by going through another bedroom unless there are no locking doors in the direction of the means of egress out of the rooms; and
- B. No dwelling shall have room arrangements such that access to a bedroom be had only through a bathroom or water closet compartment.

1468.07.21 – Basements

No area of a basement shall be used as a bedroom unless:

- A. The floors and walls of the habitable areas of the basement are impervious to leakage of underground and surface runoff water and are effectively insulated against dampness;
- B. Adequate light and ventilation are supplied to the habitable areas of the basement; and
- C. A second means of egress exists from each bedroom.

1468.07.22 Smoke and Carbon Monoxide Detectors/Alarms

Each dwelling shall have smoke detectors and carbon monoxide detectors installed to the following specifications:

- A. At least one (1) carbon monoxide detector/alarm and one (1) smoke detector/alarm – or a unit which is a combination carbon monoxide/smoke detector/alarm, shall be installed on a ceiling or wall within ten (10) feet of all bedrooms;

- B. All carbon monoxide detectors/alarms and smoke detectors/alarms shall be installed in accordance with the manufacturers' installation instructions;
- C. When activated, the carbon monoxide detector/alarm and smoke detector/alarm shall be clearly audible over all background noise levels and with all intervening doors closed from the bedroom which it is intended to serve.
- D. All installed carbon monoxide detectors/alarms and smoke detectors/alarms shall be designed to emit a signal when batteries are low, and shall be in proper working order; and
- E. There shall be at least one (1) smoke detector/alarm on each level of the dwelling unit.

1468.07.23 Fire Extinguisher.

At least one (1) operational and unexpired fire extinguisher shall be available and maintained in all non-owner occupied, residential dwellings at all times, regardless of occupant load.

1468.07.24 – Storage of Materials

Combustible materials, liquids, gases, etc. (i.e. fuels, kerosene, coal, varnish/stains, etc.) shall be stored in approved, appropriate containers or cabinetry and away from ignition sources such as furnaces, hot water heaters, stoves etc.

1468.07.25 – Condemnation for Unfit Conditions

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the building commissioner.

- A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- B. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- C. One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

1468.08 REPAIRS.

Any repairs, additions or alterations on any structures or exterior premises which are caused directly or indirectly by the enforcement of this code shall be done in a workmanlike manner. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing, and mechanical codes adopted by the village.

1468.09 PROHIBITIONS.

No owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, shall fail to comply with a written order of the Building Commissioner issued under the provisions of this chapter.

1468.10 VIOLATIONS.

It shall be unlawful for owners, agents, operators, occupants, firms, or corporations having a legal or equitable interest in a property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, to fail to maintain any structure or exterior property area on said property regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the Building Commissioner.

1468.11 PUBLIC NUISANCE.

Any lot, premises or structure which is in violation of this chapter is declared to be a public nuisance. In addition to all other remedies, the Building Commissioner may, in the name of the Village of Evendale, file a civil action to abate the nuisance and for any other appropriate relief.

1468.12 LIABILITY.

The Building Commissioner, member of the Board of Zoning Appeals or any designee/employee charged with the enforcement of this code, while acting for the Village of Evendale, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Building Commissioner or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**1468.13 ENFORCEMENT, AUTHORITY OF BUILDING COMMISSIONER
AND NOTICE OF VIOLATIONS.**

- A. Powers of the Building Commissioner. The Building Commissioner is hereby authorized and directed to enforce the provisions of this code, through himself or through a designee. The Building Commissioner shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- B. Inspections. The Building Commissioner shall make all of the required inspections, or shall accept reports of inspection by approved designees, agencies or individuals. All reports of such inspections shall be in writing. The Building Commissioner is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- C. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Building Commissioner has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Building Commissioner is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the Building Commissioner shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Building Commissioner shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Commissioner shall have recourse to the remedies provided by law to secure entry.
- D. Identification. The Building Commissioner shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- E. Notice of Violation; Orders.
 - 1. Notice to person responsible. Whenever the Building Commissioner determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 1468.13(E)(2) as to form and Section 1468.13(E)(3) as to method of service to the party or parties responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with this Section 1468.13.
 - 2. Form. Such notice prescribed in Section 1468.13(E)(1) shall be in accordance with all of the following. Such notice shall:
 - a) Be in writing;
 - b) Include a description of the premises sufficient for identification;
 - c) Include a statement of the violation or violations and why the notice is being issued;
 - d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises or structure into compliance with the provisions of this code
 - e) Inform the party responsible of the right to appeal; and

- f) Include a statement of the right to file a lien in accordance with Section 1468.13(F), Prosecution of Violation.
- 3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
 - a) Delivered personally by the Building Commissioner or his designee;
 - b) Sent by certified or first-class mail addressed to the last known address of the party responsible; or
 - c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the premises by such notice.
- 4. Unauthorized tampering. Signs, tags or seals posted or affixed by the Building Commissioner shall not be mutilated, destroyed or tampered with, or removed without authorization from the Building Commissioner.
- 5. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in § 1468.99.
- 6. Transfer of ownership. It shall be unlawful for the owner of any property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Commissioner and shall furnish to the Building Commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
- F. Prosecution of Violation. If the notice of violation is not complied with, the Building Commissioner shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- G. Order to Vacate Premises. If a violation of this chapter constitutes a risk of physical harm to the public or occupants of any building or premises, the Building Commissioner shall order the building, premises or affected portions thereof vacated until the violation causing the physical harm is remedied.
- H. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- I. Department Records. The Building Commissioner or designee shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
- J. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Commissioner shall have the authority to grant modifications for individual cases upon application of the party responsible, provided the Building Commissioner shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

1468.14 FINAL ORDER; TIME FOR APPEAL.

- A. Any owner, agent, operator, occupant, firm or corporation having a legal or equitable interest in the property, including a guardian of the estate of such person, if ordered to take possession of the real property by a court, served with a notice of violation for said property, has the right to appeal such notice to the Board of Zoning and Building Appeals. Such appeal must be in writing, should be filed on forms provided by the Village, and must be filed within fourteen (14) days of service of the notice of violation required by Section 1468.13(E).

- B. Final Order. A notice of violation issued under Section 1468.13(E) shall constitute a final order upon the expiration of the applicable appeal time plus any additional time for compliance provided by the Building Commissioner in the Notice of Violation pursuant to § 1468.13(E)(2)(d).
- C. An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- D. Notice of meeting. The Board of Zoning Appeals shall meet upon notice from the Clerk, within thirty (30) days of the filing of an appeal, unless the Appellant has agreed to an extension of time.
- E. Open meeting. All hearings before the Board of Zoning Appeals shall be open to the public. Any person may appear and testify at the hearing, either in person or by a duly authorized agent. The Board has the power to:
 - 1. Subpoena and require the attendance of witnesses;
 - 2. Administer oaths; and
 - 3. Compel testimony;
- F. The Village Solicitor will, upon request, attend such meetings to advise the Board.
- G. Decision of the Board. Every decision of the Board of Zoning Appeals made pursuant to this Chapter shall be accompanied by a written finding of fact and conclusions of law, based upon testimony and evidence, and specifying the reason for granting or denying the variance.
- H. Board Member Recusal. Members of the Committee are not qualified to vote if they have not attended the hearing, or if they have any interest in the issue appealed.

1468.16 APPEALS TO COUNCIL.

If any aggrieved party disagrees with the determination made by the Board, an appeal may be made to the Council. The following rules apply:

- A. Filing of Appeal. The appellant shall file with the Village Clerk within fourteen (14) calendar days of the Board's determination a written statement setting forth both the decision in question and the reasons for the disagreement with the decision.
- B. Village Clerk Action. The Village Clerk will send a copy of the statement to the Secretary of the Board, to any interested party, to the Mayor and to each Council member.
- C. Public Hearing. A public hearing will be held consistent with the public hearing requirements of Chapter 1278 of the Village of Evendale Zoning Code, Public Hearings.
- D. Action by Council. Following public hearing, Council shall give due consideration to the record for the appeal as developed at the Board of Zoning Appeals meeting and public comments received at the public hearing. Council may then affirm the Board's decision by a simple majority. If Council desires to modify, vacate or reverse the decision of the Board, it may only do so through a concurring vote of at least five (5) members of Council. If at least five (5) members do not concur, the decision of the Board will be upheld without change.
- E. Notice of Decision. Upon the approval by the Council, the Village Clerk will post the resolution for the period specified for all ordinances, and send it to all interested parties, including the Secretary of the Board, who will file it with the other decisions of the Board.
- F. Further Appeal. Any person aggrieved by the Council may file an appeal pursuant to § 1468.18.

1468.18 APPEALS TO COURT.

Any party entitled to appeal a decision of the Village Council may appeal to the Court of Common Pleas of Hamilton County, Ohio as permitted by Ohio Revised Code Chapters 2505 and 2506.

1468.99 PENALTY

- A. Whoever knowingly makes false statements in a sworn affidavit submitted pursuant to Section 1468.06(B) shall be guilty of a misdemeanor of the first degree, and subject to the penalties as specified in Evendale Code of Ordinances § 698.02.
- B. Whoever violates or fails to comply with any other provision of this chapter is guilty of a misdemeanor of the third degree.
- C. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**VILLAGE OF EVENDALE, OHIO
ORDINANCE 16-79**

**ORDINANCE ACCEPTING THE TWO OPTION YEARS
FOR GARBAGE AND REFUSE COLLECTION
FROM REPUBLIC SERVICES OF OHIO HAULING, LLC
AND DECLARING AN EMERGENCY**

WHEREAS, The Village of Evendale received bids and contracted with Republic Services of Ohio Hauling, LLC in 2013 for garbage and refuse services; and

WHEREAS, the original contract was for a period of three years (2014-2016) with two option years (2017 and 2018); and,

WHEREAS, Republic Services has performed well in providing the services outlaid in the contract without interruption; now

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

SECTION 1: The two option years for garbage and refuse services is hereby accepted for calendar year 2017 and 2018 for the stated amounts in the contract, attached herein.

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 operation 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 the continuation of garbage and refuse collection services in the Village beginning in the new calendar year. This ordinance shall be effective upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: November 13th, 2016

Rules Suspended: December 13th, 2016

2nd and 3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE
ORDINANCE # 16-83**

**ORDINANCE MAKING ANNUAL APPROPRIATIONS FOR
CURRENT EXPENSES AND FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2017 AND DECLARING AN EMERGENCY**

WHEREAS, it is necessary to make an appropriation for current expenses and for the fiscal year ending December 31, 2017

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

SECTION 1: The purpose of the ordinance is to provide for current expenses and other expenditures of the Village of Evendale during the fiscal year ending December 31, 2017

SECTION 2: The following sums are appropriated from the unappropriated General Fund to the following objects:

Police 101		
210-219	Salaries and Fringe Benefits	\$ 2,960,648.00
220-229	Travel and Mileage	9,000.00
230-239	Contractual Services	205,610.00
240-249	Operations and Maintenance	30,500.00
Total Police		3,205,758.00

Fire 102		
210-219	Salaries and Fringe Benefits	\$ 3,455,573.00
220-229	Travel and Mileage	15,000.00
230-239	Contractual Services	140,500.00
240-249	Operations and Maintenance	59,000.00
Total Fire		3,670,073.00

Recreation 301/Pool 304		
210-219	Salaries and Fringe Benefits	\$974,063.00
220-229	Travel and Mileage	3,700.00
230-239	Contractual Services	585,625.00
240-249	Operations and Maintenance	274,150.00
270-279	Refunds	2,000.00
Total Recreation and Swimming Pool		1,839,538.00

Community Environment 499		
210-219	Salaries and Fringe Benefits	\$81,680.00
230-239	Contractual Services	262,300.00
240-249	Operations and Maintenance	29,150.00
250-259	Capital Items	135,000.00
270-279	Other	75,000.00
Total Community Environment		583,130.00

Basic Utilities Service 500		
230-239	Contractual Services	\$287,750.00
Total Basic Utilities Services		287,750.00

Mayor and Administration 701		
210-219	Salaries and Fringe Benefits	\$718,000.00
220-229	Travel and Mileage	5,000.00
230-239	Contractual Services	840,500.00
240-249	Operations and Maintenance	235,295.00
270-279	Contingency and Other	18,000.00
Total Mayor and Administration		1,816,795.00

Legislative 702		
210-219	Salaries and Fringe Benefits	\$60,500.00
220-229	Travel and Mileage	1,500.00
230-239	Contractual Services	1,500.00
Total Legislative		63,500.00
Mayor's Court 703		
210-219	Salaries and Fringe Benefits	\$26,750.00
230-239	Contractual Services	21,100.00
240-249	Operations and Maintenance	750.00
Total Mayor's Court		48,600.00
Clerk of Council 704		
210-219	Salaries and Fringe Benefits	\$19,350.00
230-239	Contractual Services	4,125.00
240-249	Operations and Maintenance	14,000.00
Total Clerk of Council		37,475.00
Building Maintenance 705		
210-219	Salaries and Fringe Benefits	\$235,750.00
220-229	Travel and Mileage	200.00
230-239	Contractual Services	651,000.00
240-249	Operations and Maintenance	102,250.00
Total Building Maintenance		989,200.00
Village Engineer 706		
230-239	Contractual Services	\$135,000.00
Total Village Engineer		135,000.00
Earnings Tax 750		
210-219	Salaries and Fringe Benefits	\$109,500.00
220-229	Travel and Mileage	300.00
230-239	Contractual Services	5,900.00
240-249	Operations and Maintenance	9,600.00
270-279	Refunds	350,000.00
Total Earnings Tax		475,300.00
Miscellaneous 799		
230-239	Contractual Services	\$200,000.00
270-279	Contingencies	300,000.00
999-999	Transfer Out	6,586,000.00
Total Miscellaneous		7,086,000.00
TOTAL GENERAL FUND		\$20,238,119.00

SECTION 3: The following sums are appropriated from the unappropriated Street Construction Repair and Maintenance Fund to the following objects:

210-219	Salaries and Fringe Benefits	\$908,950.00
220-229	Travel and Mileage	1,000.00
230-239	Contractual Services	213,600.00
240-249	Operations and Maintenance	130,000.00
Total Street Construction Repair and Maintenance Fund		1,253,550.00

SECTION 4: The following sums are appropriated from the unappropriated State Highway Improvement Fund to the following objects:

240-249	Operations and Maintenance	\$95,000.00
Total State Highway Improvement Fund		95,000.00

SECTION 5: The following sums are appropriated from the unappropriated Court Computer Fund to the following objects:

240-249	Operations and Maintenance	4,200.00
	Total Court Computer Fund	4,200.00

SECTION 6: The following sums are appropriated from the unappropriated Phi Lambda Pi Fund to the following objects:

240-249	Operations and Maintenance	\$45,500.00
	Total Phi Lambda Pi Fund	45,500.00

SECTION 7: The following sums are appropriated from the unappropriated Law Enforcement Trust Fund to the following objects:

230-239	Contractual Services	656.00
	Total Law Enforcement Trust Fund	656.00

SECTION 8: The following sums are appropriated from the unappropriated Gorman Heritage Farm Fund to the following objects:

230-239	Contractual Services	\$350,000.00
240-249	Operations and Maintenance	1,000.00
250-259	Capital Items	73,118.00
	Total Gorman Heritage Farm Fund	424,118.00

SECTION 9: The following sums are appropriated from the unappropriated Fire Services Fund to the following objects:

290-299	Transfers Out	\$150,000.00
	Total Fire Services Fund	150,000.00

SECTION 10: The following sums are appropriated from the unappropriated Municipal Motor Vehicle Registration Fund to the following objects:

250-259	Capital Items	\$237,000.00
260-269	Signs, Markers, Lights	\$26,646.00
	Total Municipal Motor Vehicle Registration Fund	263,646.00

SECTION 11: The following sums are appropriated from the unappropriated Evendale Commons Public Improvement Fund to the following objects:

240-249	Operations and Maintenance	53,000.00
250-259	Capital Items	303,341.00
260-269	TIF Payment to Princeton	200,000.00
260-269	Debt Service	361,000.00
	Total Evendale Commons Public Improvement Fund	917,341.00

SECTION 12: The Chief Fiscal and Accounting Officer is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, or any ordinance or resolution of Council to make the expenditure; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law, or ordinance.

SECTION 13: The funds appropriated for salaries pursuant to this ordinance shall be paid in accordance with the **Salary Schedule attached** hereto and incorporated by reference herein.

SECTION 14: This ordinance is declared to be an emergency measure by a concurrence of six members of Council, being necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being the legal need to promptly forward the 2017 Appropriation Ordinance to Hamilton County authorities and shall therefore take effect and be in force immediately from and upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016

Rules Suspended: December 13th, 2016

2nd and 3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16-85**

ORDINANCE APPROVING A TRANSFER WITHIN THE COMMUNITY ENVIRONMENT FUND TO APPROPRIATE FUNDS FOR A SCANNER/PRINTER FOR LARGE SCALE PLANS 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 engineer and building department has a need for a scanner/ printer that can be used for large scale plans; and

WHEREAS, The funds are available within the community environment department that can be transferred to the appropriate line item; and

WHEREAS, The community environment department requires funding be available for the purchase of the scanner/printer; 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 within the (499) community environment department:
From:
230-239 Contract Services \$8,000
To:
240-249 Operation and Maintenance \$8,000

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 departmental budgets not exceed the appropriation amounts approved by Council and it is in the public interest to pay Village expenses in a timely manner. The scanner/printer is necessary for Village purposes as soon as possible. This ordinance shall be effective upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: November 13th, 2016
Rules Suspended: December 13th, 2016
2nd and 3rd Reading: December 13th, 2016
Emergency Section Agreed to: December 13th, 2016
Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE
ORDINANCE #16-86**

**ORDINANCE MAKING APPOINTMENTS TO
VARIOUS BOARDS AND COMMISSIONS IN VILLAGE OF EVENDALE
AND DECLARING AN EMERGENCY**

WHEREAS, there are vacancies on numerous boards and commissions within the Village of Evendale; and,

WHEREAS, the Mayor has recommended various qualified individuals to serve on those boards and commissions.

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

SECTION 1: The following individuals are appointed to fill vacancies on the board or commission for the term set out opposite their name:

	<u>Term Ends</u>
ZONING BOARD OF APPEALS	
Ken Valentine	12/31/2021
Michael Reed	12/31/2021
PLANNING COMMISSION	
John Richey	12/31/2020
RECREATION COMMISSION	
Ellen Perazzo	12/31/2018
Mike Stroh	12/31/2018
Isabella Asbrock (PLP REP)	12/31/2017
CULTURAL ARTS CENTER	
Sandi Puthoff	12/31/2018
Pat Haslit	12/31/2018
ARCHITECTURAL REVIEW BOARD	
Ralph Terbrueggen	12/31/2019

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 operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the daily operation of the boards and commissions listed above requires full membership to properly operate. This ordinance shall be effective upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016

Rules Suspended: December 13th, 2016

2nd and 3rd Reading: December 13th, 2016

Emergency Section Agreed to: December 13th, 2016

Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16- 89**

**ORDINANCE AUTHORIZING MAYOR TO HIRE BRANDAN
ASBROCK AS A GENERAL LABORER/EQUIPMENT OPERATOR
IN THE SERVICE DEPARTMENT AND DECLARING AN
EMERGENCY**

WHEREAS, the Council of the Village of Evendale has determined the necessity to hire a new employee as a general laborer/equipment operator in the Service Department; and

WHEREAS, the Mayor has submitted the name of Brandan Asbrock to fill that position and has fully complied with Section 258 of the Codified Ordinances of the Village of Evendale and has recommended that Village Council authorize the hiring of Mr. Asbrock, whose employment is authorized by this ordinance; now, therefore,

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

SECTION 1: Mr. Brandan Asbrock is hereby employed by the Village of Evendale as a General Laborer/Equipment Operator in the Service Department. His starting pay rate shall be \$32.77 per hour (Step 4) and his start date is hereby established as January 1, 2017. As a new employee, Mr. Asbrock's employment shall be subject to and conditioned upon compliance with the medical examination requirements of Section 258.032 and the post offer drug screen testing mandated by Section 258.141 of the Evendale Code.

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 immediate effect so that Mr. Asbrock can begin work as soon as possible and fulfill the immediate needs of the Service Department for additional help, thereby providing much needed service to the Village of Evendale and its citizens. Therefore, this ordinance shall become effective immediately.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016
Rules Suspended: December 13th, 2016
2nd and 3rd Reading: December 13th, 2016
Emergency Section Agreed to: December 13th, 2016
Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 16-91**

**ORDINANCE AUTHORIZING MAYOR
TO HIRE PART-TIME EMPLOYEES AND SETTING PAY RATES
AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Evendale has enacted Chapter 260 of the Codified Ordinances of the Village of Evendale requiring authorization by Council for the Mayor to hire part-time and/or seasonal employees; and,

WHEREAS, the Mayor has submitted a list of part-time employees who may be employed or reemployed for the next year ending December 31, 2017.

WHEREAS, the Mayor has fully complied with Section 260.06(a) of the Codified Ordinances of Evendale and recommended that Council authorize the hiring of the individuals specified below for part-time positions for which employment is authorized by this ordinance.

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

SECTION 1: The following persons may be employed during the year ending December 31, 2016, by the Mayor of the Village of Evendale as part-time employees at the hourly rate established for each person by this Ordinance:

	<u>Hourly Pay Rate</u>
<u>FIRE DEPARTMENT</u>	
Julie Smith	\$22.07
<u>SERVICE DEPARTMENT</u>	
Paula Schababerle	\$22.07
<u>RECREATION DEPARTMENT</u>	
Adam Knight, Rec Spec III	\$ 23.26
Sarah Hilton, Rec Spec I (sub)	12.05
Abby Moonitz, Rec. Specialist II	18.47
Jody Petersman, Rec Specialist I & Bldg & Grounds Supr I	13.97
Nicole Thompson, Rec. Specialist I	13.78
Josh Caudill, Bldg & Grounds Supr I	10.78
Ron Cutter, Bldg & Grounds Supr III	22.19
Howard Hughes, Bldg & Grounds Supr II	14.36
Tom Lynd, Bldg & Grounds Supr I	10.78
David Maloney, Bldg & Grounds Supr I (sub)	10.78
Pat Orloff, Bldg & Grounds Supr III	23.43
Samantha Ruscin, Bldg & Grounds Supr I	11.10
Ben Seebohm, Bldg & Grounds Supr I	10.47
Zach Tucker, Bldg & Grounds Supr I (sub)	11.10
Patti Lyon, Childcare Coor.	\$17.73
Noel Mounce, Childcare Attd. II (sub)	13.78
Phyllis Strizak Childcare Attd. II	12.77
Lindsey Ash, Childcare Attd I	9.55
Grace Nunn, Childcare Attd I (sub)	9.32
Amanda Vanderryt, Childcare Attd I (sub)	8.71
Tara Bain, Clerk & Childcare Attd. I	\$ 9.88
Stephanie Crawford, Clerk (sub)	11.75
Marcia Mosso, Clerk	12.10
Mary Schmidt, Clerk	10.43
Rebecca Walz, Clerk	10.13

SECTION 2: The following persons may be employed during the year ending December 31, 2017 by the Mayor of the Village of Evendale as part-time employees at the annual rate, paid monthly, established for each person by this Ordinance:

CLERK OF COUNCIL

Barbara Rohs \$ 16,354.01

TREASURER

Maureen Flavin \$ 2,754.71

SECTION 3: The following persons may be employed during the year ending December 31, 2017 By the Mayor of the Village of Evendale as a part-time employees at the per Mayors Court appearance rate, paid biweekly, established for each person by this Ordinance:

MAYORS COURT PROSECUTOR

Sandra Schilling \$ 450.00

In addition, Sandra Schilling will be paid at a rate of \$125.00 per hour for hours worked outside of Evendale Mayors Court.

SECTION 4: 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. It is necessary that this measure be put into immediate effect because the public welfare requires that the Mayor have authority to employ or reemploy the persons set out above as necessary when the new year begins. This ordinance shall be effective upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016
Rules Suspended: December 13th, 2016
2nd and 3rd Reading: December 13th, 2016
Emergency Section Agreed to: December 13th, 2016
Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 16-92**

**ORDINANCE AUTHORIZING MAYOR
TO HIRE PART-TIME EMPLOYEES AND SETTING PAY RATES
AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Evendale has enacted Chapter 260 of the Codified Ordinances of the Village of Evendale requiring authorization by Council for the Mayor to hire part-time and/or seasonal employees; and,

WHEREAS, the Mayor has submitted a list of part-time employees who may be employed or reemployed for the next year ending December 31, 2017.

WHEREAS, the Mayor has fully complied with Section 260.06(a) of the Codified Ordinances of Evendale and recommended that Council authorize the hiring of the individuals specified below for part-time positions for which employment is authorized by this ordinance.

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

SECTION 1: The following persons may be employed during the year ending December 31, 2017, by the Mayor of the Village of Evendale as part-time employees at the hourly rate established for each person by this Ordinance:

POLICE DEPARTMENT

Pam Hesse	\$22.07
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RECREATION DEPARTMENT

Mark Hesse, Rec. Specialist I	13.56
Lisa Marshall, Childcare Attd. II/Rec Specialist I	12.41
Sandy Puthoff, Childcare Attd. I	10.78

SECTION 2: This ordinance is declared to be an emergency by a concurrence of five 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. It is necessary that this measure be put into immediate effect because the public welfare requires that the Mayor have authority to employ or reemploy the persons set out above as necessary when the New Year begins. This ordinance shall be effective upon passage.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016
Rules Suspended: December 13th, 2016
2nd and 3rd Reading: December 13th, 2016
Emergency Section Agreed to: December 13th, 2016
Notice of publication: Tri-County Press, December 21st, 2016

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #16-93**

**ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AN
AGREEMENT WITH CUTTER CONSTRUCTION INC. TO SELL .41
ACRES OF LAND IN THE VICINITY OF MOHLER AND COOPER
AND DECLARING AN EMERGENCY**

- WHEREAS,** an opportunity exists for the establishment of a new subdivision consisting of four high quality single family homes at the corner of Cooper and Mohler; and
- WHEREAS,** the Village of Evendale currently owns land adjacent to the site controlled by the developer of the proposed subdivision, which is no longer necessary for any municipal purposes; and
- WHEREAS,** the developer requires an additional .41 acres of that land which is currently owned by the Village for the proposed subdivision to meet certain requirements; and
- WHEREAS,** the Village has had the land the developer desires appraised; 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 negotiate an agreement with six to sell .41 acres of land in the vicinity of Mohler and Cooper for the purpose of assisting and establishing a new subdivision composed of four single family homes. The following terms shall be a part of that contract. The sale price shall be \$30,000, which is found by Council to be consistent with the appraised value of the property, a significant portion of the .41 acres would be restricted by a covenant or a conservation easement as a no-build area and the contract shall contain appropriate assurances to ensure that the homes to be constructed will be of high quality with a sale price in the range of \$400,000 to \$600,000.

SECTION 2: The consummation of the contract shall be conditioned upon the Planning Commission of the Village of Evendale approving the subdivision of the property involved.

SECTION 3: 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 immediate effect to provide for the establishment of new housing opportunities within the Village of Evendale at the earliest possible date. Therefore, this ordinance shall become effective immediately.

Approved December 13th, 2016

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: December 13th, 2016
Rules Suspended: December 13th, 2016
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