

ORDINANCE NO. 039-21

**AN ORDINANCE AMENDING CHAPTER 913 OF THE CITY OF NAPOLEON
CODIFIED ORDINANCES, "CONSTRUCTION AND REPAIR OF SIDEWALKS,
DRIVEWAYS AND ABUTTING IMPROVEMENTS" SPECIFICALLY BY
AMENDING SECTION 913.02, REGARDING CONTRIBUTION OF COSTS BY
CITY; REPEALING A CERTAIN SECTION OF ORDINANCE NO. 111-02; AND
DECLARING AN EMERGENCY**

WHEREAS, the Municipal Properties, Buildings, Land Use and Economic Development Committee met in a regular meeting on September 13, 2021, and reviewed proposed changes to Chapter 913, Section 913.02 of the City of Napoleon, Ohio Codified Ordinances regarding the payment of costs arising from reconstruction and repair of sidewalks, driveway aprons and abutting improvements thereto; and,

WHEREAS, the Municipal Properties, Buildings, Land Use and Economic Development Committee recommended that the amount currently being paid by the City of Napoleon for the Curb and Sidewalk Replacement Program be increased, capping the budgeted amount at twenty-five thousand dollars (\$25,000.00); **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, Chapter 913, Section 913.02 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

"913.02 Payment of Costs Arising from Reconstruction and Repair.

(a) The City may participate in the payment of costs for or arising from the voluntary reconstruction, repair or replacement of sidewalks, driveway aprons and abutting improvements thereto, which are situated in the City and within the public right-of-way, by paying a portion of the costs of the sidewalk and abutting improvements in the amounts contained in this paragraph, but only if such work and such costs are first approved in writing by the City Engineer and sufficient funds therefor have been appropriated by the City. Nothing contained herein shall prohibit any person from paying all or any portion of such costs that the City might otherwise pay pursuant to this division.

- (1) ~~\$20.00~~ \$40.00 per linear foot for curb and/or gutter.
- (2) 100% drainage structure.
- (3) 0% driveway apron.
- (4) 100% of curb and/or gutter and sidewalk within the street intersection radius.
- (5) ~~\$1.50~~ \$3.00 per square foot of sidewalk.

(b) The property owner shall bear the entire cost of sidewalks that have never been constructed, except where otherwise prohibited by law; moreover, the property owner shall bear the entire costs for any extensions of sidewalks, driveway aprons, abutting improvements.

(c) To the extent required by law, all such participation by the City in the payment of such costs shall be in compliance with the prevailing wage laws of the State, as the same may be amended from time to time. For any project involving the reconstruction, replacement or repair of sidewalks, driveway aprons, and/or abutting improvements where the City contributes to the costs, competitive bidding is eliminated in the best interest of the City without further necessity of legislation of Council.”

Section 2. That, Section 913.02 of Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio, as existed prior to the enactment of this Ordinance is repealed upon the effective date of this Ordinance.

Section 3. That, all other Sections of Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio, as existed prior to the enactment of this Ordinance shall remain in full force and effect.

Section 4. That, Section 2 of Ordinance No. 111-02, as existed prior to the enactment of this Ordinance is repealed upon the effective date of this Ordinance.

Section 5. That, all other Sections of Ordinance No. 111-02 as existed prior to the enactment of this Ordinance shall remain in full force and effect.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

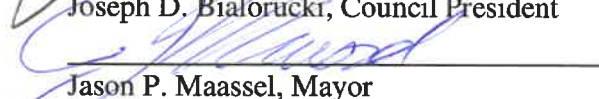
Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to effectuate the stated process in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: November 1, 2021


Joseph D. Bialorucki, Council President

Approved: November 1, 2021


Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 039-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the 9th day of November, 2021; and I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 9 day of November, 2021.

Sally Heaston
Sally Heaston

Subscribed and sworn to before me this
11 day of November, 2021

Kristi Clark
Kristi Clark
Notary Public,
State of Ohio
My Commission
Expires October 25, 2025



KRISTI L. CLARK
Notary Public
State of Ohio
My Comm. Expires
October 23, 2025

Printer's Fee: \$ 218.45
Notary Fee: \$ 3.00

PUBLIC NOTICE

Summary of Ordinance No. (s) 039-21, 041-21 and
Resolution No. 044-21

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 039-21

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In this legislation, the City of Napoleon amended Chapter 913 of the City Codified Ordinances.

Ordinance No. 041-21

AN ORDINANCE AMENDING CERTAIN CITY OF NAPOLEON TRAFFIC SCHEDULES, SPECIFICALLY SCHEDULE III, "STOP AND YIELD INTERSECTIONS," AS LISTED IN THE ATTACHED EXHIBIT A; AND REPEALING ORDINANCE

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 9 day of November, 2021.

Sally Heaston

Subscribed and sworn to before me this 11 day of November, 2021

Kristi Clark

Notary Public,

State of Ohio

My Commission

Expires October 25, 2025

Printer's Fee: \$ 218⁴⁵
Notary Fee: \$ 3⁰⁰

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KRISTI L. CLARK
Notary Public
State of Ohio
My Comm. Expires
October 23, 2025