

Summary April 2, 2024

Committee Meetings

Public Affairs Committee 6:50pm

Explain the processes for the remainder of the schedule,
review allocations and answer any questions council may have.

<u>Bill</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>	<u>Committee Meeting</u>
COUNCIL BEGINS				
24-046 Amended	Vote	Amending Section 915.01 and Section 915.03 of Chapter 915 (Weeds and Trees) of the Mansfield Codified Ordinances of 1997 and declaring an emergency.	Zader	
24-049	1st Read	Enacting Section 331.48 (Cruising Prohibited) of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, which prohibits cruising within a defined designated area of the city (the Boundary includes W. Fourth Street and Park Ave West between Home Road and Trimble Road) and declaring an emergency.	Meier	
24-059 Amended	Vote	Revising the Codified Ordinances of the City of Mansfield by adopting current replacement pages, and declaring an emergency.	Akuchie	
CAUCUS BEGINS				
24-060	Vote	Authorizing payment to Catalis Court and Land Records LLC in the amount of Thirty-Three Thousand, Nine Hundred Eleven and 33/100 dollars (\$33,911.33) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.	Falquette	
24-061	Vote	Appropriating Thirty Thousand Dollars (\$30,000) from the unappropriated Water Fund (#502) to the Clear Fork Marina (502.36.40) Capital Outlay for repairing and resurfacing the marina parking lot, campground entrance, and boat ramps and declaring an emergency.	Meier	

NEXT MEETING **Tuesday**, April 16, 2024 7:00 Council to follow

BY: MS. ZADER

Amending Section 915.01 and Section 915.03 of Chapter 915 (Weeds and Trees) of the Mansfield Codified Ordinances of 1997 and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 915.01 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

915.01 KEEPING WEEDS CUT.

(a) It is hereby determined that all such weeds and vegetation as Russian, Canadian or common thistle, wild lettuce, wild mustard, rye grass, wild parsley, ragweed, milkweed and ironweed, as well as all other noxious weeds, grasses or other types of vegetation growing or being upon the lots or lands within the City as hereinafter described in subsection (b) hereof at a height exceeding ~~ten~~ **six** inches above the ground are a public nuisance.

(b) No owner, lessee, agent or tenant having charge or responsibility for, the maintenance of the following described lots or lands within the City shall permit noxious weeds, grasses or other types of vegetation as described in subsection (a) hereof to grow or be upon such lots or lands at a height exceeding ~~ten~~ **six** inches above the ground:

- (1) All sublots in a recorded subdivision in their entirety.
- (2) All land which lies within twenty feet of a lot line which is adjacent to lots or lands upon which a residential or commercial building exists.
- (3) All land which lies within 100 feet of a public thoroughfare.

(c) In applying enforcement of this ordinance, the city shall allow and encourage the purposeful maintenance of native plants that can be left unmowed without a height limit on a case by case basis, based on visual inspection that allows for such growth when a reasonable number of the following cues are present

(1) Clean edges and boundaries such as mown strips along bordering properties, pathways, driveways and sidewalks, except the tree lawn and within 6 feet of a public street

(2) Fences and borders

(3) Obvious regular maintenance is occurring

(4) Flowering plants and trees

(5) Wildlife feeders and houses

(6) Familiar layouts and design elements

915.02 NOTICE TO CUT WEEDS.

(a) Upon information that noxious weeds, grasses or other types of vegetation have not been cut as required by Section 915.01, the Bureau of Buildings, Inspections, Licenses and Permits shall cause a written notice of violation to be sent to the owner, lessee, agent or tenant having charge of, or responsibility for, the maintenance of the lots, lands or premises. This notice shall be served by sending it by regular U.S. mail or by personal service to the owner, and/or lessee, agent, tenant or person having charge of, or responsibility for, the maintenance of the lot, lands or premises at his/her address indicating that such growth must be cut and destroyed within five days after service of notice.

(b) If the address of the owner, lessee, agent or tenant having charge of, or responsibility for, the maintenance of such lots or lands is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the County.

(c) Every notice to cut and destroy noxious weeds, grasses or other types of vegetation shall state that if the notice is not complied with within the time limit provided therein, in addition to the penalty provided in Section 915.99, costs incurred by the City in cutting and destroying such growth shall be entered upon the tax duplicate and shall be a lien upon such lots and lands.

(d) When a written notice of violation has been issued in accordance with the provisions of this section, such notice shall constitute adequate and effective notice for all enforcement purposes under this chapter with respect to continuing or repeat violations of Section 915.01, for a period of one year following the date such initial notice is given.

915.03 FAILURE TO COMPLY; LIEN UPON PROPERTY.

(a) If the owner, lessee, agent or tenant having charge of, or responsibility for, the maintenance of the lots or lands fails to comply with the written notice, the City shall thereupon cause the noxious weeds, grasses or vegetation to be cut and removed by use of City forces and equipment or by hiring private contractors. All expenses of labor and costs incurred shall, when approved by the Director, be paid out of municipal funds not otherwise appropriated.

(b) Upon completion of the cutting and removal of noxious weeds, grasses and vegetation, the Bureau of Buildings, Inspections, Licenses and Permits shall determine the cost of cutting ~~and~~, removal, **administrative expenses**, and shall cause a statement thereof to be mailed by means of certified mail or personal delivery to the owner of the land at his address of record in the office of the County Treasurer. Such statement of cost shall include:

- (1) City equipment charge;
- (2) City equipment operator charge;
- (3) Equipment transportation charge;
- (4) Administration and supervision charge;
- (5) Removal cost (i.e. solid waste district or dump fees;
- (6) Incidental labor.

The minimum fee to be charged shall in no case be less than one hundred dollars (\$250.00) for the first hour or portion thereof and fifty dollars (\$50.00) per employee per hour for each additional hour or prorated portion thereof. This amount is exclusive of any removal cost incurred in carrying out such action. **Administration charges shall toll and accrue upon issuance of the order to commence the services described in subsection (a).**

(c) The owner shall pay such costs as are charged in accordance with this chapter to the Finance Director within thirty (30) days after the statement of charges has been mailed or delivered to the owner at the address of record in the office of the County Treasurer. Such payments shall be credited to the appropriation from which such cost was paid by the City. If the charge is not paid within 30 days after mailing, the City shall cause the charges for services as provided in subsection (b), to be certified to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the City with the General Fund pursuant to Ohio R.C. 731.54. The recovery of its costs by the City pursuant to this section is a remedy in addition to the penalty provided in Section 915.99.

915.04 DUTY TO KEEP TREES TRIMMED.

(a) It shall be the duty of every person who is the owner of, or as the agent has the care of, any lot or parcel of land situated within the City and abutting upon any sidewalk, alley, street or highway, to trim and keep trimmed all trees growing on such premises, or between the same, the branches of which overhang any part of such sidewalk, alley, street or highway in such a manner that the lowermost branches shall be at least fifteen feet above the level of such sidewalk, alley, street or highway. It shall be the duty of such persons to trim and keep trimmed all trees growing near any electric lights in such a manner that no branches thereof shall be nearer than six feet to such light or post upon which it is fastened. Notice of violation of this section shall be served by the Bureau of Buildings, Inspections, Licenses and Permits in the manner provided by Section 915.02(a), and if such condition is not rectified within ten days, the City shall trim the trees and shall institute proceedings against the owner or agent for violation of this section.

(b) When a written notice of violation has been issued in accordance with the provisions of this section, such notice shall constitute adequate and effective notice for all enforcement

purposes under this chapter with respect to continuing or repeat violations of Section 915.04, for a period of one year following the date on which such initial service is given.

915.05 PLANTING OF CERTAIN TREES FORBIDDEN.

No person or persons shall plant or set out a tree known as the North Carolina Poplar on any property bounding or abutting on any of the streets, alleys or public places of the City.

(1954 Code Sec. 36.74)

915.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the second degree for each subsequent offense. Prosecution shall always be as for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

SECTION 2. This measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>20 March 2024</u>
1 st Reading	<u>20 March 2024</u>
2 nd Reading	<u>2 April 2024</u>
PASSED	<u>2 April 2024</u>

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

BY: MRS. MEIER

Enacting Section 331.48 (Cruising Prohibited) of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, which prohibits cruising within a defined designated area of the city (the Boundary includes W. Fourth Street and Park Ave West between Home Road and Trimble Road) and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 331.48 of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

331.48 Cruising Prohibited

(a) **Definitions:**

(1) “Designated Area” means that area of the City bound by Home Road on the west, Trimble Road on the east, Park Avenue West on south, and West Forth Street on the north.

(2) “Designated Hours” means the time between 8:00 PM and 3:00 AM from Friday evening into Saturday morning and Saturday evening into Sunday morning.

(3) “Traffic Control Point” means a reference point on a street within the Designated area, within Designated hours selected by a police officer for the purpose of enforcing this section.

(4) “Cruising” means driving a motor vehicle on a street past a Traffic Control Point, within a Designated Area, within Designated Hours, by the Mansfield Division of Police, more than two times in any two-hour period. The passing of a designated control point a third time under the aforesaid conditions shall constitute unnecessary repetitive driving and therefor a violation of this section.

(b) Cruising Prohibited. No person shall engage in unnecessary repetitive driving, also known for the purpose of this section as cruising.

(c) For purposes of this prohibition, upon a determination that a vehicle is Cruising, the person having control and/or ownership of the Cruising motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point.

(d) "Control or Ownership of a motor vehicle" shall be either the owner of the vehicle as stated on the vehicle registration, if said owner is present in the vehicle at the time of the violation, or if the owner is not present in the vehicle, the person operating the vehicle at the time of the violation of this section.

(c) Exclusions. This section shall not apply to any municipal, emergency, police, fire, ambulance or other governmental vehicle when such vehicle is being operated in an official capacity. In addition, this section shall not apply to any licensed public transportation vehicle, other business vehicles being driven for business or commercial purposes, or to residents of the designated area traveling to a specific destination.

(d) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

SECTION 2. That in order to allow for the immediate enforcement of this provision, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>20 March 2024</u>
1 st Reading	<u>2 April 2024</u>
2 nd Reading	<u>16 April 2024</u>
PASSED	<u>7 May 2024</u>

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

BY: MR. AKUCHIE

Revising the Codified Ordinances of the City of Mansfield by adopting current replacement pages, and declaring an emergency.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, a contract has heretofore been entered into with the Walter H. Drane Company to prepare and publish such revision which is before Council,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes, titles, chapters and sections of the Codified Ordinances of Mansfield, Ohio, within the January 2024 Replacement Pages, so as to conform to the codification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C. O. Section</u>
23-095	7-18-23	915.03
23-107	7-5-23	941.08
23-149	10-17-23	198.01
23-177	11-8-23	311.02 to 311.07
23-178	11-8-23	107.02
23-179	11-8-23	1167.09
23-185	11-21-23	193.062, 193.091, 193.094, 193.10
23-186	12-5-23	1167.05
23-218	12-5-23	195.02

SECTION 2. That the following sections are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

301.35	School Bus. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.48	Restrictions on the Operation of School Buses. (Added)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.10	Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)

Traffic Code (Cont.)

- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.26 Child Restraint System Usage. (Amended)
- 337.32 Lights and Sign on Transportation for Preschool Children. (Added)
- 341.04 Commercial Drivers Prohibitions. (Amended)
- 341.05 Criminal Offenses. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 505.18 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
- 509.06 Inducing Panic. (Amended)
- 509.11 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.12 Misuse of 9-1-1 System. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
- 549.13 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are on file with the Law Director. The listing of such sections above shall constitute sufficient publication of new matter contained therein.

SECTION 4. That by reason of the immediate necessity for the earliest publication and distribution of current replacement pages to the officials and residents of the municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, this measure is determined to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 20 March 2024 -Tabled for April 2
1st Reading 2 April 2024
2nd Reading _____
PASSED 2 April 2024

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

