

City of North Canton

NOTICE OF PUBLIC MEETING

Notice is hereby given that:

Recent, and temporary amended sessions of Ohio's Revised Code, specifically R.C. 121.22 Public meeting - exceptions, together with orders and directives from the Ohio Attorney General and the Ohio Department of Health, as well as the safety directives from the President and Center for Disease Control regarding health risks posed by COVID-19, compel the City of North Canton to take unprecedented actions to continue the business of government while limiting gatherings so as to prevent the spread of COVID-19. Accordingly, in this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings to prevent the spread of COVID-19, the City shall hold its public meetings via teleconference; all other requirements of Ohio's Open Meetings Act, R.C. 121.22, shall be fulfilled.

Meeting notices shall provide instructions for the public on how they may hear discussions and deliberations of all members of the public body, and in certain circumstances, address the public body themselves.

The City of North Canton shall hold the **City Council Regular Meeting on February 8, 2021 at 7:00 PM** via teleconference. See attached agenda for matters to be discussed.

Instructions to hear the meeting described above are as follows:

FOR THOSE WISHING TO WATCH THE MEETING:

The meetings will be livestreamed via the City's YouTube page and will begin at 7:00 PM on Monday, February 8, 2021.

THOSE WISHING TO PARTICIPATE IN RECOGNITION OF VISITORS at the Council Meeting on February 8, 2020, must email a request to the Council Clerk at citycouncil@northcantonohio.gov with your **name, email and telephone number** no later than **3:00 PM, February 8, 2021**.

Once your email has been received, the clerk will contact you with information on how to join the meeting. Members of the public wishing to participate will be called to speak in the order requests are received by Council's office.

Residents wishing to address Council may alternatively submit a written statement to the office of Council to be entered into the public record by **emailing such statements as a word or pdf attachment to byoung@northcantonohio.gov by 5:00 pm, February 8, 2021**. Statements must include the attributed party's **name and address**.

BY THE ORDER OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

02/05/2021
Date

Benjamin R. Young
Clerk

NORTH CANTON CITY COUNCIL REGULAR MEETING
February 8, 2021, 7:00 PM
Agenda

1. Call to Order

2. Opening Prayer

3. Pledge of Allegiance

4. Roll Call

5. Consideration

5.a Minutes from January 25, 2021 Committee of the Whole

5.b Minutes from January 25, 2021 City Council

5.c January 2021 Monthly Financial Report

6. Recognition of Visitors

7. New Business

7.a Ordinance No. 05-2021, 1st Reading, Ordinance and Rules Committee
An ordinance to approve and adopt current replacement pages to the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency

8. Department Reports

| | |
|-----------------------------------|---------------------|
| Deputy Director of Administration | Director of Finance |
| Director of Administration | City Engineer |
| Mayor Wilder | Council Clerk |

9. Council Reports

| | |
|---------------------------|---------------------------|
| Ward 1 - Doug Foltz | At Large - Daryl Revoldt |
| Ward 2 - Daniel Peters | At Large - Mark Cerreta |
| Ward 3 - Stephanie Werren | At Large - Matthew Stroia |
| Ward 4 - Dominic Fonte | |

10. Final Call for New Business

11. Meetings Calendar

February 15, 2021 - No Meeting - President's Day
February 22, 2021 - City Council

12. Adjourn



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 8, 2021

SUBMITTED BY: Benjamin Young, Council's Office

ITEM TYPE: For Council

AGENDA SECTION: Consideration

SUBJECT: Minutes from January 25, 2021 City Council

DESCRIPTION:

ATTACHMENTS:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 8, 2021

SUBMITTED BY: Benjamin Young, Finance

ITEM TYPE: For Council

AGENDA SECTION: Consideration

SUBJECT: January 2021 Monthly Financial Report

DESCRIPTION: The attached report shows income tax revenues for the current year and past five years for comparison, cash balances by fund compared to the same month of the prior year, current year budgets by fund, and the bank reconciliation statements for the month. This item is for Council's informational consideration only and not for approval or disapproval.

ATTACHMENTS:
[2021-01 Council Finance Rpts.pdf](#)

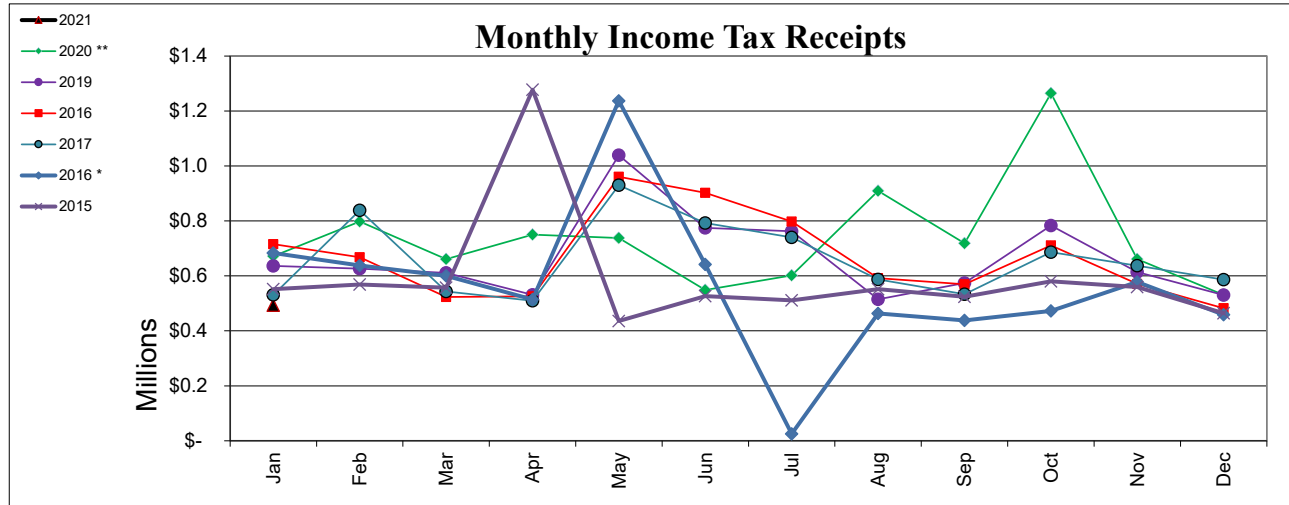
City of North Canton
Monthly Finance Report
January 31, 2021

| Elected Official | Elected Office | COMMITTEE |
|-------------------------|--|---|
| Stephan B. Wilder | Mayor | |
| Daniel "Jeff" Peters | Council President; Council Member -Ward 2 | Personnel and Safety Street and Alley |
| Daryl Revoldt | Council Vice President; Council Member -At-Large | Community and Economic Development Water, Sewer, and Rubbish |
| Doug Foltz | Council Member -Ward 1 | Parks and Recreation Ordinance, Rules and Claims |
| Stephanie Werren | Council Member -Ward 3 | Finance and Property Parks and Recreation |
| Domonic Fonte | Council Member - Ward 4 | Street and Alley Personnel and Safety |
| Mark Cerreta | Council Member - At-Large | Water, Sewer and Rubbish Community and Economic Development |
| Matthew Stroia | Council Member - At-Large | Ordinance, Rules and Claims Finance and Property |

Administration

| | | |
|-----------------|--|---|
| Patrick De Orio | Director of Administration | Catherine Farina, Deputy Director of Administration |
| Jina E. Alaback | Director of Finance | |
| John Bacon | Chief of Fire/EMS | |
| Frank Kemp Jr. | Chief of Police | |
| Robert Graham | City Engineer | Marty VanGundy IV, Chief Building Official |
| Brian Hill | Superintendent of Parks & Water Distribution | Steven Schenck, Operations Manager |
| Mark Leichtamer | Superintendent of Water Plant | John Hockensmith, Operations Manager |
| Matthew Morrow | Operations Manager of Streets and Sewer | |

**City of North Canton
Income Taxes
1/31/2021**

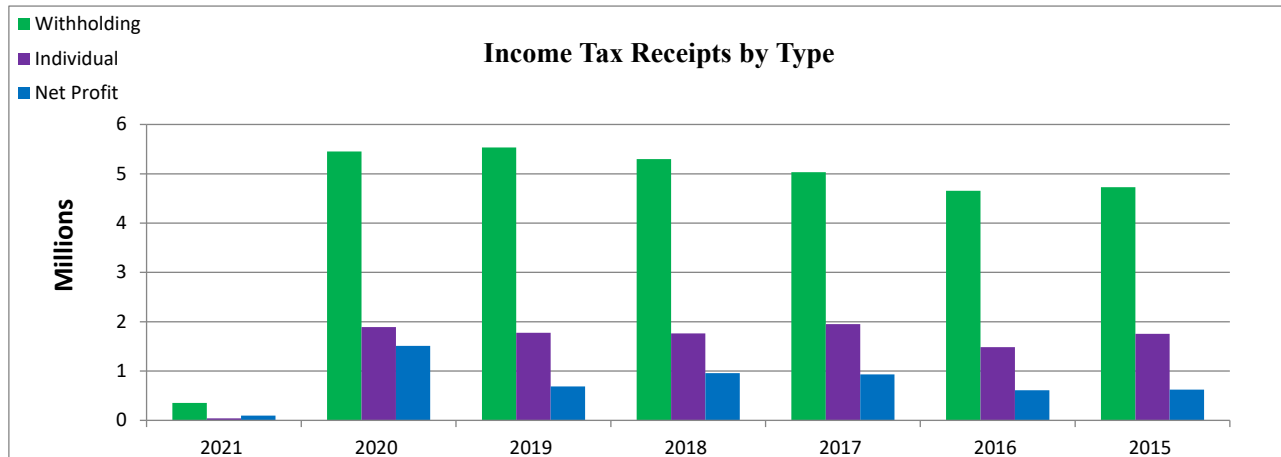


MONTHLY INCOME TAX RECEIPTS

| MONTHLY RECEIPTS | 2021 | 2020 ** | 2019 | 2018 | 2017 | 2016 * | 2015 |
|---------------------|-------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Jan | \$ 493,796 | \$ 671,654 | \$ 636,399 | \$ 715,518 | \$ 531,258 | \$ 683,231 | \$ 551,522 |
| Feb | | \$ 797,613 | \$ 626,122 | \$ 668,305 | \$ 838,525 | \$ 637,606 | \$ 568,781 |
| Mar | | \$ 661,222 | \$ 610,750 | \$ 523,707 | \$ 543,567 | \$ 600,270 | \$ 557,095 |
| Apr | | \$ 750,022 | \$ 531,283 | \$ 525,512 | \$ 509,619 | \$ 514,543 | \$ 1,277,424 |
| May | | \$ 738,056 | \$ 1,038,959 | \$ 960,748 | \$ 929,857 | \$ 1,237,300 | \$ 435,938 |
| Jun | | \$ 548,412 | \$ 774,709 | \$ 902,172 | \$ 792,405 | \$ 641,557 | \$ 526,777 |
| Jul | | \$ 602,158 | \$ 762,472 | \$ 797,548 | \$ 740,332 | \$ 25,457 | \$ 510,834 |
| Aug | | \$ 909,766 | \$ 514,930 | \$ 592,066 | \$ 586,883 | \$ 463,551 | \$ 551,958 |
| Sep | | \$ 718,990 | \$ 573,922 | \$ 569,328 | \$ 533,379 | \$ 438,025 | \$ 523,934 |
| Oct | | \$ 1,264,479 | \$ 783,669 | \$ 710,770 | \$ 686,230 | \$ 472,670 | \$ 580,381 |
| Nov | | \$ 660,983 | \$ 614,458 | \$ 570,753 | \$ 636,957 | \$ 577,660 | \$ 559,890 |
| Dec | | \$ 530,840 | \$ 530,211 | \$ 482,323 | \$ 586,107 | \$ 458,990 | \$ 463,834 |
| ANNUAL GROSS | \$ 493,796 | \$ 8,854,196 | \$ 7,997,885 | \$ 8,018,750 | \$ 7,915,117 | \$ 6,750,861 | \$ 7,108,368 |
| Annual % change | -26.5% | 10.7% | -0.3% | 1.3% | 17.2% | -5.0% | |

** 2020 COVID delayed tax filing deadline

*2016 to RITA =cash flow delayed 1 month



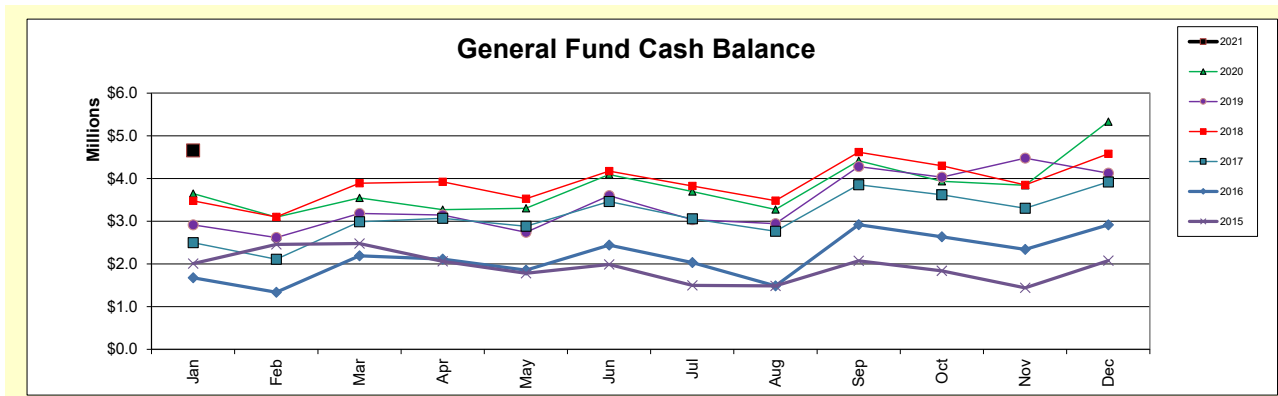
ANNUAL INCOME TAX RECEIPTS

| Annual | 2021 | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 |
|--------------------|-------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Withholding | \$ 353,466 | \$ 5,453,833 | \$ 5,533,723 | \$ 5,299,170 | \$ 5,033,628 | \$ 4,654,728 | \$ 4,727,504 |
| Individual | \$ 42,490 | \$ 1,890,805 | \$ 1,776,032 | \$ 1,763,273 | \$ 1,949,954 | \$ 1,483,710 | \$ 1,755,535 |
| Net Profit | \$ 97,840 | \$ 1,509,558 | \$ 688,131 | \$ 956,307 | \$ 931,535 | \$ 612,423 | \$ 625,329 |
| TOTAL YTD | \$ 493,796 | \$ 8,854,196 | \$ 7,997,886 | \$ 8,018,750 | \$ 7,915,117 | \$ 6,750,861 | \$ 7,108,368 |

City of North Canton
Monthly Finance Reports

City of North Canton
CASH ACTIVITY AND BALANCES
January 31, 2021

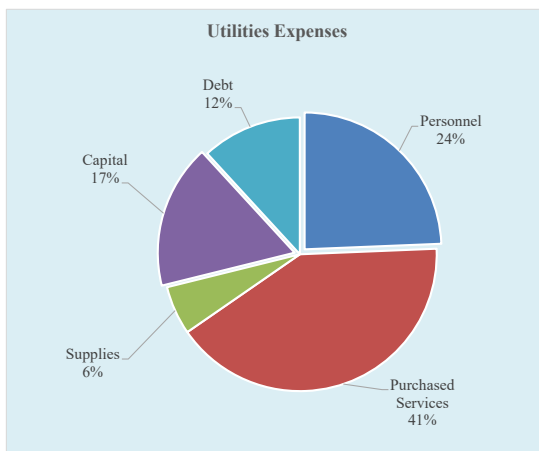
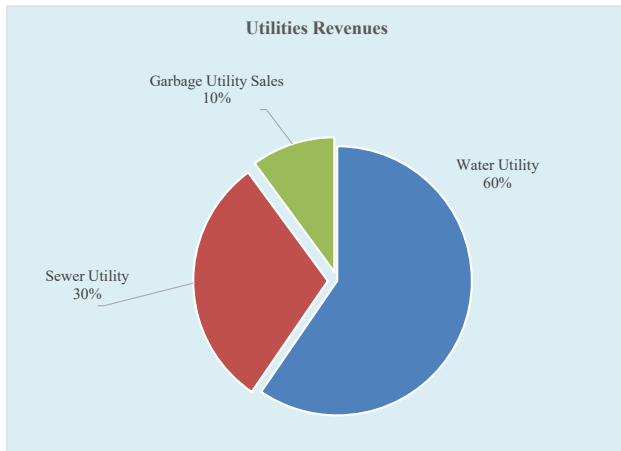
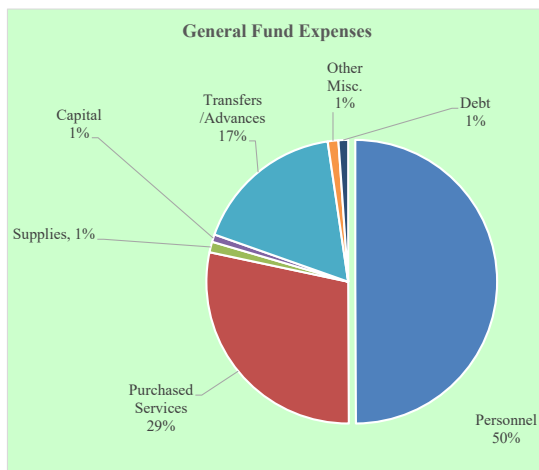
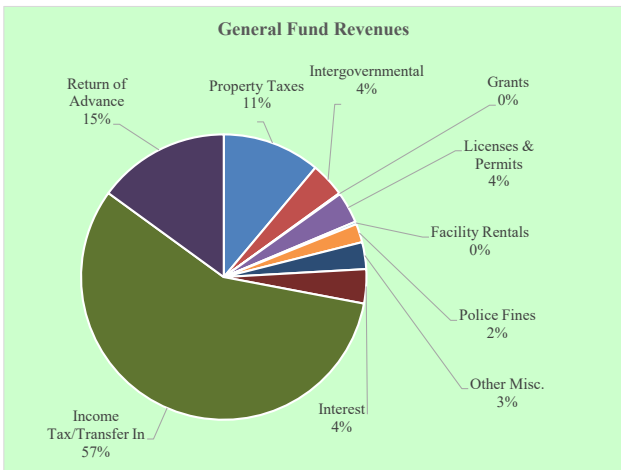
| Fund & Description | Cash Balance 1/1/2021 | Revenues Year-to-Date | Expenditures Year-to-Date | Cash Balance 1/31/2021 | Outstanding Encumbrances | PRIOR YEAR | | YTD % Increase/ (Decrease) |
|---------------------------------------|-----------------------|-----------------------|---------------------------|------------------------|--------------------------|-------------------------------------|--|----------------------------|
| | | | | | | Unencumbered Fund Balance 1/31/2021 | Unencumbered/ Unreserved Bal 1/31/2020 | |
| 101 General Fund | 5,333,876.44 | 420,629.48 | 1,098,838.46 | 4,655,667.46 | 6,597,094.45 | (1,941,426.99) | 1,512,648.00 | -228.35% |
| Special Revenue Funds | | | | | | | | |
| 203 INCOME TAX FUND | 4,734,766.32 | 493,796.28 | 345,598.38 | 4,882,964.22 | 1,205.71 | 4,881,758.51 | 4,492,282.20 | 8.67% |
| 204 FIRE OPERATING FUND | 191,652.31 | 5,076.18 | 36,413.11 | 160,315.38 | 147,884.01 | 12,431.37 | (307,986.27) | -104.04% |
| 205 EMS OPERATING FUND | 416,662.59 | 55,128.44 | 181,189.76 | 290,601.27 | 164,147.93 | 126,453.34 | (11,010.78) | -1248.45% |
| 206 COMPUTER TRUST FUND | 22,394.72 | - | 2,855.41 | 19,539.31 | - | 19,539.31 | 22,394.72 | -12.75% |
| 207 ENFORCEMENT AND EDU | 30,317.74 | - | - | 30,317.74 | - | 30,317.74 | 24,260.37 | 24.97% |
| 208 STREET CONST M & R FUND | 1,049,551.26 | 79,007.17 | 62,907.81 | 1,065,650.62 | 867,565.57 | 198,085.05 | (16,587.26) | -1294.20% |
| 209 STORM SEWER IMPROVE | 475,466.77 | - | 26,136.37 | 449,330.40 | 181,197.63 | 268,132.77 | 145,550.80 | 84.22% |
| 210 STREET IMPROVE LEVY FUND | 276,771.02 | - | - | 276,771.02 | 19,857.30 | 256,913.72 | 153,267.77 | 67.62% |
| 211 MUNICIPAL ROAD FUND | 324,185.98 | - | 94,032.75 | 230,153.23 | 28,110.60 | 202,042.63 | 9,880.70 | 1944.82% |
| 212 GENERAL TRUST FUND | 59,903.27 | 33,214.99 | - | 93,118.26 | 1,000.00 | 92,118.26 | 58,338.05 | 57.90% |
| 213 LAW ENFORCEMENT TRUST | 74,561.99 | - | - | 74,561.99 | - | 74,561.99 | 70,904.85 | 5.16% |
| 214 COMPENSATED ABSENCES | 1,309,553.15 | - | - | 1,309,553.15 | - | 1,309,553.15 | 1,386,935.46 | -5.58% |
| 215 CONTINUING PROF EDUC | 9,535.00 | - | - | 9,535.00 | - | 9,535.00 | 6,840.00 | 39.40% |
| 216 COMMUNITY DISASTER RELIEF | 1,374.67 | - | - | 1,374.67 | - | 1,374.67 | 1,374.67 | 0.00% |
| 219 CARES ACT/CORONAVIRUS RELIEF FUND | 0.00 | - | - | - | - | - | - | 0.00% |
| Capital Projects Funds | | | | | | | | |
| 330 CAPITAL IMPROVEMENT FUND | 2,834,446.47 | - | 207,491.63 | 2,626,954.84 | 2,334,913.91 | 292,040.93 | (498,080.22) | -158.63% |
| 331 PARK DEVELOPMENT FUND | 588,211.71 | - | 45,365.20 | 542,846.51 | 523,233.90 | 19,612.61 | 266,120.00 | -92.63% |
| 332 ISSUE 2 IMPROVEMENT FUND | 155,545.81 | - | - | 155,545.81 | 7,000.00 | 148,545.81 | 172,325.16 | -13.80% |
| 334 INDOOR FIREARMS TRAINING | 224,000.00 | - | - | 224,000.00 | 4,000.00 | 220,000.00 | 220,000.00 | 0.00% |
| Enterprise Funds | | | | | | | | |
| 650 WATER REVENUE FUND | 3,847,402.10 | 538,447.20 | 833,044.52 | 3,552,804.78 | 2,735,439.69 | 817,365.09 | (327,792.82) | -349.35% |
| 651 WATER EXP, REPLACE & IMP | 1,621,195.81 | - | 297.86 | 1,620,897.95 | 543,485.23 | 1,077,412.72 | 255,076.51 | 322.39% |
| 652 SEWER REVENUE FUND | 1,917,191.64 | 293,057.52 | 258,982.10 | 1,951,267.06 | 2,562,136.54 | (610,869.48) | (631,047.60) | -3.20% |
| 654 GARBAGE SERVICE FUND | 552,379.91 | 97,662.56 | 106,477.61 | 543,564.86 | 924,780.34 | (381,215.48) | (368,848.38) | 3.35% |
| Fiduciary Funds | | | | | | | | |
| 761 INSURANCE FUND | 1,271,221.99 | 144,042.94 | 106,070.09 | 1,309,194.84 | 1,539,219.22 | (230,024.38) | (348,220.47) | -33.94% |
| 871 PERMIT FEE FUND | 3,248.45 | 272.83 | 135.75 | 3,385.53 | 2,364.25 | 1,021.28 | (1,042.43) | -197.97% |
| 873 REQUIRED DEPOSITS | 149,135.17 | 3,048.98 | - | 152,184.15 | - | 152,184.15 | 179,805.52 | -15.36% |
| 874 UNCLAIMED MONIES | 4,569.16 | (24.00) | - | 4,545.16 | - | 4,545.16 | 7,003.71 | -35.10% |
| 875 NORTHRIDGE DEVELOPER PMTS | 0.00 | - | - | - | - | - | - | 0.00% |
| Total | 27,479,121.45 | 2,163,360.57 | 3,405,836.81 | 26,236,645.21 | 19,184,636.28 | 7,052,008.93 | 6,474,392.26 | 9% |



| City of North Canton General Fund Cash Balance | | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Month | 2021 | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 |
| Jan | \$ 4,655,667 | \$3,646,502 | \$2,915,384 | \$3,477,394 | \$2,496,542 | \$1,677,860 | \$2,006,882 |
| Feb | | \$3,095,844 | \$2,617,505 | \$3,100,533 | \$2,110,281 | \$1,337,158 | \$2,457,201 |
| Mar | | \$3,546,670 | \$3,182,135 | \$3,891,303 | \$2,987,301 | \$2,191,009 | \$2,477,872 |
| Apr | | \$3,270,478 | \$3,146,190 | \$3,924,113 | \$3,069,935 | \$2,112,856 | \$2,059,023 |
| May | | \$3,305,012 | \$2,739,933 | \$3,526,657 | \$2,884,643 | \$1,852,637 | \$1,781,449 |
| Jun | | \$4,092,369 | \$3,600,646 | \$4,172,568 | \$3,462,619 | \$2,440,231 | \$1,986,771 |
| Jul | | \$3,695,116 | \$3,036,053 | \$3,824,252 | \$3,057,321 | \$2,030,694 | \$1,497,296 |
| Aug | | \$3,277,199 | \$2,943,097 | \$3,480,091 | \$2,764,166 | \$1,484,512 | \$1,484,512 |
| Sep | | \$4,418,124 | \$4,279,658 | \$4,617,672 | \$3,852,516 | \$2,919,149 | \$2,074,069 |
| Oct | | \$3,935,905 | \$4,031,714 | \$4,298,177 | \$3,620,402 | \$2,637,051 | \$1,836,529 |
| Nov | | \$3,844,149 | \$4,476,831 | \$3,852,110 | \$3,301,875 | \$2,341,577 | \$1,439,603 |
| Dec | | \$5,333,876 | \$4,124,049 | \$4,579,658 | \$3,919,899 | \$2,914,699 | \$2,075,430 |

**City of North Canton
2021 BUDGET**

| Fund & Description | 1/1/2021 Beginning Cash Balance | 12/31/2020 Carryover Encumbrances | 1/1/2021 ACTUAL Unenc Balance | 2021 REVENUE BUDGET Incl Amndmts | Total Resources Available for Approp | 2021 EXPENSE BUDGET Incl Amndmts | Curr Yr Excess/(Deficit) | *CANT BE NEG Estimated Dec 31, 2021 Fund Balance |
|----------------------------------|---------------------------------------|---|-------------------------------------|---|---|---|-----------------------------|---|
| 101 General Fund | 5,333,876.44 | 161,496.52 | 5,172,379.92 | 13,389,700.00 | 18,562,079.92 | 15,651,650.00 | (2,261,950.00) | 2,910,429.92 |
| Special Revenue Funds | | | | | | | | |
| 203 INCOME TAX FUND | 4,734,766.32 | 55.00 | 4,734,711.32 | 7,500,000.00 | 12,234,711.32 | 8,438,025.00 | (938,025.00) | 3,796,686.32 |
| 204 FIRE OPERATING FUND | 191,652.31 | 9,303.87 | 182,348.44 | 992,000.00 | 1,174,348.44 | 996,600.00 | (4,600.00) | 177,748.44 |
| 205 EMS OPERATING FUND | 416,662.59 | 6,818.72 | 409,843.87 | 2,247,000.00 | 2,656,843.87 | 2,239,375.00 | 7,625.00 | 417,468.87 |
| 206 COMPUTER TRUST FUND | 22,394.72 | 0.00 | 22,394.72 | 0.00 | 22,394.72 | 4,000.00 | (4,000.00) | 18,394.72 |
| 207 ENFORCEMENT AND EDU | 30,317.74 | 0.00 | 30,317.74 | 3,000.00 | 33,317.74 | 8,000.00 | (5,000.00) | 25,317.74 |
| 208 STREET CONST M & R FUND | 1,049,551.26 | 241,963.00 | 807,588.26 | 1,300,000.00 | 2,107,588.26 | 1,267,025.00 | 32,975.00 | 840,563.26 |
| 209 STORM SEWER IMPROVE | 475,466.77 | 32,000.00 | 443,466.77 | 374,000.00 | 817,466.77 | 340,600.00 | 33,400.00 | 476,866.77 |
| 210 STREET IMPROVE LEVY FUND | 276,771.02 | 19,857.30 | 256,913.72 | 374,000.00 | 630,913.72 | 403,250.00 | (29,250.00) | 227,663.72 |
| 211 MUNICIPAL ROAD FUND | 324,185.98 | 131,051.72 | 193,134.26 | 85,000.00 | 278,134.26 | 85,000.00 | 0.00 | 193,134.26 |
| 212 GENERAL TRUST FUND | 59,903.27 | 1,000.00 | 58,903.27 | 47,350.00 | 106,253.27 | 100,075.00 | (52,725.00) | 6,178.27 |
| 213 LAW ENFORCEMENT TRUST | 74,561.99 | 0.00 | 74,561.99 | 1,000.00 | 75,561.99 | 5,000.00 | (4,000.00) | 70,561.99 |
| 214 COMPENSATED ABSENCES | 1,309,553.15 | 0.00 | 1,309,553.15 | 0.00 | 1,309,553.15 | 0.00 | 0.00 | 1,309,553.15 |
| 215 CONTINUING PROF EDUC | 9,535.00 | 0.00 | 9,535.00 | 5,500.00 | 15,035.00 | 5,500.00 | 0.00 | 9,535.00 |
| 216 COMMUNITY DISASTER RELIEF | 1,374.67 | 0.00 | 1,374.67 | 0.00 | 1,374.67 | 0.00 | 0.00 | 1,374.67 |
| 219 CARES ACT-CORONAVIRUS/COVID- | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Capital Projects Funds | | | | | | | | |
| 330 CAPITAL IMPROVEMENT FUND | 2,834,446.47 | 2,085,850.73 | 748,595.74 | 2,085,000.00 | 2,833,595.74 | 2,082,625.00 | 2,375.00 | 750,970.74 |
| 331 PARK DEVELOPMENT FUND | 588,211.71 | 568,599.10 | 19,612.61 | 912,000.00 | 931,612.61 | 931,600.00 | (19,600.00) | 12.61 |
| 332 ISSUE 2 IMPROVEMENT FUND | 155,545.81 | 7,000.00 | 148,545.81 | 768,000.00 | 916,545.81 | 768,000.00 | 0.00 | 148,545.81 |
| 334 INDOOR FIREARMS TRAINING | 224,000.00 | 4,000.00 | 220,000.00 | 0.00 | 220,000.00 | 0.00 | 0.00 | 220,000.00 |
| Enterprise Funds | | | | | | | | |
| 650 WATER REVENUE FUND | 3,847,402.10 | 615,478.33 | 3,231,923.77 | 7,085,000.00 | 10,316,923.77 | 7,735,250.00 | (650,250.00) | 2,581,673.77 |
| 651 WATER EXP, REPLACE & IMP | 1,621,195.81 | 406,453.09 | 1,214,742.72 | 1,200,000.00 | 2,414,742.72 | 1,420,000.00 | (220,000.00) | 994,742.72 |
| 652 SEWER REVENUE FUND | 1,917,191.64 | 284,906.82 | 1,632,284.82 | 3,550,000.00 | 5,182,284.82 | 3,602,725.00 | (52,725.00) | 1,579,559.82 |
| 654 GARBAGE SERVICE FUND | 552,379.91 | 60.00 | 552,319.91 | 1,154,000.00 | 1,706,319.91 | 1,134,900.00 | 19,100.00 | 571,419.91 |
| Fiduciary Funds | | | | | | | | |
| 761 INSURANCE FUND | 1,271,221.99 | 16,053.62 | 1,255,168.37 | 1,480,000.00 | 2,735,168.37 | 1,680,000.00 | (200,000.00) | 1,055,168.37 |
| 871 PERMIT FEE FUND | 3,248.45 | 0.00 | 3,248.45 | 5,000.00 | 8,248.45 | 5,000.00 | 0.00 | 3,248.45 |
| 873 REQUIRED DEPOSITS | 149,135.17 | 0.00 | 149,135.17 | 28,000.00 | 177,135.17 | 28,000.00 | 0.00 | 149,135.17 |
| 874 UNCLAIMED MONIES | 4,569.16 | 0.00 | 4,569.16 | 2,000.00 | 6,569.16 | 5,000.00 | (3,000.00) | 1,569.16 |
| 875 NORTHRIDGE DEVELOPER PMTS | 0.00 | 0.00 | 0.00 | 25,000.00 | 25,000.00 | 25,000.00 | 0.00 | 0.00 |
| Total | 27,479,121.45 | \$ 4,591,947.82 | 22,887,173.63 | 44,612,550.00 | 67,499,723.63 | 48,962,200.00 | (4,349,650.00) | 18,537,523.63 |



City of North Canton Bank Reconciliation

FOR THE MONTH ENDING 1/31/2021

| | | | |
|---|-----------------------|------------------------|-------------------------|
| | | | |
| Huntington National Bank -General Account | \$ | 9,118,104.33 | |
| O/S checks/EFTs -General | \$ | (791,100.08) | |
| O/S checks/EFTs -Payroll | \$ | - | |
| OPF 01212021 | \$ | (4,093.99) | |
| OPERS 01212021 | \$ | (15,278.59) | |
| OP 01212021 | \$ | (9,901.93) | |
| Deposit in Transit -1/29 deposit (RJ2021010211) | \$ | 30.00 | |
| TOTAL DEPOSITORY BANK BALANCES | | \$ 8,297,759.74 | \$ 8,297,759.74 |
| | | | |
| STAROhio (0.09%) | 30.60% | \$ | 5,490,157.82 |
| UBS Money Market | 0.18% | \$ | 31,584.04 |
| UBS CDs | 60.92% | \$ | 10,928,813.81 |
| UBS Federal Securities | 2.79% | \$ | 499,750.00 |
| UBS Municipal Bonds | 1.51% | \$ | 270,000.00 |
| UBS Commercial Paper | 4.01% | \$ | 718,579.80 |
| TOTAL INVESTMENTS | % Invested 68% | | \$ 17,938,885.47 |
| | | | |
| Adjustments: | | | |
| <i>Total Adjustments</i> | | | \$ - |
| ADJUSTED BANK BALANCE | | | \$ 26,236,645.21 |
| | | | |
| FUND BALANCE | | | \$ 26,236,645.21 |
| | | | |
| Adjustments: | | | |
| ADJUSTED FUND BALANCE | | | \$ - |
| | | | |
| UNADJUSTED DIFFERENCE | | | \$ - |

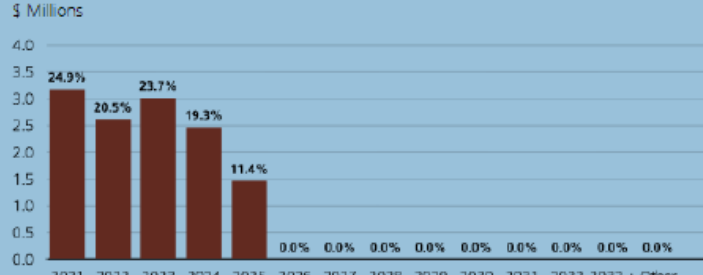
Approved  Date 2/1/2021

Portfolio Highlights:

- Portfolio Current Market Value: \$12,729,812
- Estimated annual income for next 12 months: \$258,175
- Current Yield of the Portfolio: 2.03% (current 2yr Treasury at 0.12%, 5yr at 0.43%)
- Portfolio duration: 1.74 years
- Portfolio performance for 2020: +3.43%
- Portfolio performance over 24 months: +3.56%
- 90% of the portfolio is non-callable

Bond maturity schedule

\$ Millions



| Year | Percentage |
|--------------|------------|
| 2021 | 24.9% |
| 2022 | 20.5% |
| 2023 | 23.7% |
| 2024 | 19.3% |
| 2025 | 11.4% |
| 2026 | 0.0% |
| 2027 | 0.0% |
| 2028 | 0.0% |
| 2029 | 0.0% |
| 2030 | 0.0% |
| 2031 | 0.0% |
| 2032 | 0.0% |
| 2032 + Other | 0.0% |



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 8, 2021

SUBMITTED BY: Benjamin Young, Council's Office

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: Ordinance No. 05-2021, 1st Reading, Ordinance and Rules Committee
 An ordinance to approve and adopt current replacement pages to the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency

DESCRIPTION: This ordinance adopts new pages of the Codified Ordinances of the City of North Canton that have been passed by Council but yet to be formally codified. The ordinance is on emergency so that the codified law can completely and accurately reflect standing local laws as quickly as possible.
 This will cover the following ordinances:
 45-2020
 46-2020
 47-2020
 48-2020
 51-2020
 56-2020
 57-2020
 58-2020
 59-2020
 60-2020
 61-2020
 67-2020
 68-2020
 70-2020

Council's Office is requesting an amendment to include Ord. 77-2020.

ATTACHMENTS:

[Ord. 05-2021 January Replacement Pages for Codified Ordinances.docx](#)
[AMENDED Chapter 1137 - Business District Regulations.docx](#)
[AMENDED Chapter 1145 - Conditional Use Regulations.docx](#)
[AMENDED Chapter 1181 - Amendments to Zoning Code.docx](#)
[AMENDED Chapter 1182 - Amendments to Zoning Map.docx](#)
[AMENDED Chapter 1301 - Building Code.docx](#)
[AMENDED Chapter 1302 - Permits.docx](#)
[AMENDED Chapter 1303 - Razing of Buildings.docx](#)
[AMENDED Chapter 1310 - Contractor Registration Requirements.docx](#)
[AMENDED Chapter 111 - Council.docx](#)
[AMENDED Chapter 135 - Department of Fire and Emergency Medical Service.docx](#)
[AMENDED Chapter 155 - Personnel Regulations.docx](#)
[AMENDED Chapter 907 - Street Excavations.docx](#)
[AMENDED Chapter 909 - Registration of Contractors.docx](#)
[AMENDED Chapter 959 - Rental Rates and Policies.docx](#)

North Canton City Council
Ordinance and Rules Committee

ORDINANCE 05 - 2021

An ordinance to approve and adopt current replacement pages to the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency.

WHEREAS, City Council has passed various ordinances of a general and permanent nature that require codification into the City's current Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That, in accordance with Ohio Revised Code Section 731.23, the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rearranged, and consolidated into component codes, titles, chapters and sections within the first group of 2021 Replacement Pages to the Codified Ordinances be, and are hereby, approved and adopted.

Section 2. That the following sections and chapters of the Codified Ordinances of the City of North Canton have been recently created, amended, or amended and retitled as respectively indicated below, creating the need for the replacement of certain pages within the Codified Ordinances.

Administrative Code

- 111 Council (Amended by Ord. 51-2020 and 70-2020)
- 111.09/10 Rules of Decorum /Recognition of Visitors (Repealed by Ord. 77-2020)
- 135.03(a) Personnel (Amended by Ord. 68-2020)
- 155.04 Compensation (Amended by Ord. 67-2020)

Streets, Utilities, and Public Service Code

- 907 Street Excavations (Amended by Ord. 61-2020)
- 909 Contractor Registration (Amended and Re-titled by Ord. 60-2020)
- 959.02 Rental Rates (Amended by Ord. 40-2020)

Planning and Zoning Code

- 1137.03 Schedule of Permitted Uses (Amended by Ord. 48-2020)
- 1145.06 Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts (Amended by Ord. 47-2020)
- 1145.07 Supplemental Regulations for Certain Uses (Amended by Ord. 47-2020)
- 1181 Amendments to Zoning Code (Amended and Re-titled by Ord. 45-2020)
- 1182 Amendments to the Zoning Map (Created by Ord. 46-2020)

Building Code

- 1301 Building Code (Amended and Re-titled by Ord. 56-2020)
- 1302 Permits (Created by Ord. 57-2020)
- 1303.07(a) Fees for Permits (Amended by Ord. 58-2020)
- 1310 Contractor Registration Requirements (Created by Ord. 59-2020)

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and further necessary for the earliest publication and distribution of the current replacement pages of the Codified Ordinances to City officials and residents so as to facilitate administration, daily operation, and avoid legal entanglements including conflicts with local law; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take

effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

CHAPTER 1137 – BUSINESS DISTRICT REGULATIONS

| | | |
|-----------------|---|----|
| Section 1137.01 | Intent..... | 1 |
| Section 1137.02 | Use Regulations..... | 2 |
| Section 1137.03 | Schedule of Permitted Uses..... | 3 |
| Section 1137.04 | Lot and Density Requirements..... | 5 |
| Section 1137.05 | Building Setback/Spacing Requirements..... | 6 |
| Section 1137.06 | Height Regulations..... | 7 |
| Section 1137.07 | Off-Street Parking Regulations..... | 7 |
| Section 1137.08 | Outdoor Display and Outdoor Storage Regulations..... | 7 |
| Section 1137.09 | Accessory Use Regulations..... | 8 |
| Section 1137.10 | Landscaping and Screening Requirements..... | 9 |
| Section 1137.11 | Performance Standards..... | 9 |
| Section 1137.12 | Supplemental Regulations for Gasoline Stations and Auto Service Stations..... | 9 |
| Section 1137.13 | Supplemental Regulations for Mainstream Media Shops..... | 10 |
| Section 1137.14 | Development Plan Review..... | 10 |

SECTION 1137.01 INTENT

Business Districts (OB, MSB, GB-A, and GB-B) and their regulations are established in order to achieve, among others, the following purposes:

(a) To provide in appropriate and convenient locations, sufficient areas for business activities, the exchange of goods and services;

(b) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise, or other objectionable influences;

(c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;

(d) To provide Office Building Districts (OB) to create an environment that is conducive to well-located and designed office building sites to accommodate all types of offices and limited business service activities.

(e) To provide a Main Street Business District (MSB) that maintains and promotes the central portion of Main Street as a core area for retail sales by permitting buildings to be close to the street and to one another, and by modifying the parking requirements for this district.

(f) To provide General Business Districts (GB-A) to accommodate a variety of retail and service establishments in generally a shopping center environment, and where only limited outdoor sales are permitted.

(g) To provide General Business Districts (GB-B) to accommodate uses in addition to those specified for in the GB-A District, and to thereby provide service and sales in support of the primary business activities in the community. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community.

SECTION 1137.02 USE REGULATIONS

(a) Uses Permitted by Right. A use listed in Schedule 1137.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Zoning Ordinance have been met;

(b) Conditional Uses A use listed in Schedule 1137.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1145 have been met according to the procedures set forth in Chapter 1177;

(c) Accessory Uses. A use listed in Schedule 1137.03 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Use Not Listed in Schedule. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter 1181 or upon a finding that a use is substantially similar as provided in Section 1177.09.

SECTION 1137.03 SCHEDULE OF PERMITTED USES

| Land Use Category | Office Building (OB) | Main Street Business (MSB) | General Business A (GB-A) | General Business B (GB-B) |
|---|-------------------------------|----------------------------|---------------------------|---------------------------|
| Residential | | | | |
| Multi-Family Dwellings | P | | P | P |
| Residential Units Accessory to a Commercial Use | | C | C | C |
| Residential Care Facility | C | | C | C |
| Office and Professional Services | | | | |
| Office, Including Administrative, Business, and Professional | P | P | P | P |
| Sales Office with Only Sample of Products | P | P | P | P |
| Banks or Banks with Accessory Drive-Through Lanes | C | P | P | P |
| Medical Facilities | | | | |
| Medical or Dental Office | P | P | P | P |
| Hospital | C | | C | C |
| Retail/Services | | | | |
| Retail in Completely Enclosed Building | A, subject to Section 1137.09 | P | P | P |
| Personal Service Establishment Including Barber, Beauty Shops, and Repair Shop for Personal Items such as Shoes, Watch, Camera, but Excluding Tattoo and/or Body Piercing Businesses and the Like | A, subject to Section 1137.09 | P | P | P |
| Business Equipment and Supplies | | | P | P |
| Studios for Instruction | C | C | P | P |
| Drive-Through Facility in Association With a Permitted Use | | C | C | C |
| Dry Cleaning Counter Service | | P | P | P |
| Funeral Home, Mortuary | P | C | P | P |
| Furniture, Home Furnishing, Office Equipment, and Office Supplies Store | | | P | P |
| Motels, Hotels | C | | C | P |

| Land Use Category | Office Building (OB) | Main Street Business (MSB) | General Business A (GB-A) | General Business B (GB-B) |
|---|-----------------------------|-----------------------------------|----------------------------------|----------------------------------|
| Mainstream Media Shop in Compliance with Section 1137.13 | | P | P | P |
| Photographic Reproduction Services | | P | P | P |
| Restaurant | | P | P | P |
| Outdoor Dining | | C | C | C |
| Self-Serve Laundry Facility | | | P | P |
| Veterinary Hospital with Associated Cages, Runs, and Kennels | | | C | P |
| Adult Uses | | | | C |
| Automotive Transportation | | | | |
| Parking as Principal Use (Lot or Garage) | | P | P | P |
| Vehicle and Farm Implement Sales, Lease, and/or Rental Facility | | | | P |
| Car Wash | | | C | C |
| Gasoline Station | | | C | C |
| Automobile Service Station | | | C | C |
| Vehicle, Repair Facility | | | | P |
| Entertainment, Recreation, Community Facility | | | | |
| Clubs, Lodges, or Other Assembly Halls | C | C | P | P |
| Civic Facility for Public Assembly | | P | P | P |
| Day Care Facility, Adult | C | C | P | P |
| Day Care Facility, Child | C | C | P | P |
| Indoor Recreation Facility | | | P | P |
| Library, Museum | P | P | P | P |
| Outdoor commercial Recreation | | | C | P |
| Motion Picture and Theatrical Playhouse | | | P | P |
| Public Parks and/or Playgrounds | P | | P | P |
| Places of Worship | C | C | P | P |
| School, Public or Private | C | C | P | P |
| Business and Trade School | | C | C | C |
| Safety Facility, Public | P | P | P | P |
| Service Facility, Public | P | | P | P |

| | | | | |
|--|------------------|---|---|---|
| Wireless Telecommunications Facility | See Chapter 1157 | | | |
| Accessory Uses | | | | |
| Off-Street Parking and Loading Areas | A | A | A | A |
| Fencing and Screening | A | A | A | A |
| Outdoor Display of Merchandise for Sale | | C | A | A |
| Outdoor Storage of Goods and Supplies | | | | A |
| Outdoor Swimming Pools, Other Recreational Facilities in Connection with Motels | A | A | A | A |
| Signs | A | A | A | A |
| Trash Receptacles | A | A | A | A |
| Notes: P = Principal use permitted by right C = Conditional use A = Accessory use | | | | |

(Ord. 48-2020 eff. 12/23/2020)

SECTION 1137.04 LOT AND DENSITY REQUIREMENTS

Land areas shall be divided and developed, and buildings shall be erected, altered, moved, and maintained in Business Districts only in compliance with the following regulations.

(a) Schedule 1137.04: Minimum Lot Requirements.

| | OB | MSB | GB-A | GB-B |
|------------------------|---------------|------------------|---------------|---------------|
| Minimum Lot Size | 40,000 sq. ft | none | 40,000 sq. ft | 40,000 sq. ft |
| Minimum Lot Width | 150 ft. | none | 150 ft. | 150 ft. |
| Minimum Building Width | -- | 70% of Lot Width | -- | -- |

(b) Lots of Record. A lot of record existing on the effective date of this Zoning Ordinance shall comply with the nonconforming lot regulations set forth in Section 1159.07.

(c) Maximum Density for Multi-Family Dwellings.

- (1) The density of a multi-family development shall not exceed 12 dwelling units per acre.
- (2) The total number of dwelling units permitted shall be calculated by multiplying the total development area devoted to the multi-family dwelling units and their accessory uses, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.
- (3) For the purposes of these regulations, a multi-family development shall be any lot where residential units are considered a principal use on the lot.

SECTION 1137.05 BUILDING SETBACK/SPACING REQUIREMENTS

Every building shall be located on a lot in compliance with the setback and spacing requirements set forth in this Section.

(a) Schedule 1137.05: Minimum Setback Requirements.

| | OB | MSB | GB-A | GB-B |
|--|-----------|------------|-------------|-------------|
| When Front Yard Abuts: | | | | |
| Main Street | 20 ft. | 5 ft. (a) | 20 ft | 20 ft |
| Any street other than Main Street | 20 ft | 20 ft | 20 ft | 20 ft |
| Corner side yard for all uses | 20 ft | 20 ft | 20 ft | 20 ft |
| Side yard for: | | | | |
| Multi-Family developments | 20 ft | NA | 20 ft | 20 ft |
| All other uses | 5 ft. | 0 ft. (b) | 5 ft. | 5 ft. |
| Rear yard for: | | | | |
| Multi-Family developments | 20 ft | NA | 20 ft | 20 ft |
| All other uses | 5 ft. | 0 ft. (b) | 5 ft. | 5 ft. |
| When adjoining an R-70, R-50, or R2F District: | | | | |
| Side yard | 40 ft. | 40 ft. | 40 ft. | 40 ft. |
| Rear yard | 40 ft. | 40 ft. | 40 ft. | 40 ft. |
| Notes: | | | | |
| (a) See also Section 1137.05 (b). | | | | |
| (b) A building not sharing a common wall with an adjacent building shall maintain the minimum separation specified in the Building Code. | | | | |

(b) Front Yard In MSB District. In the MSB District, new construction shall comply with the additional front yard requirements specified below:

- (1) Whenever there is not an existing building along the block front within 100 feet of the lot in question, all new construction shall comply with a mandatory front yard depth of five feet.
- (2) Whenever there are existing buildings within 100 feet and on both sides of the lot in question, the depth of the front yard shall not exceed the average depth of the adjacent front yards.
- (3) Whenever there is an existing building within 100 feet and on only one side of the lot in question, the maximum depth of the front yard shall be determined by adding five feet plus the depth of the adjacent front yard of the existing building and dividing by two. The resulting number shall be the maximum front yard depth.

(c) Front Yards of Built-Up Blocks. In an O-B, GB-A, or GB-B District whenever a vacant lot is proposed for development and there are existing buildings (other than those of an accessory use) on adjacent lots that do not meet the minimum setback requirements, the minimum front setback for the vacant lot shall be the mean distance of setback of the nearest buildings within two hundred (200) feet of the proposed structure along the block front. However, in no instance shall a building be placed nearer to the front lot line than ten (10) feet.

(d) Spacing between Buildings on the Same Lot. Whenever two or more buildings are located on the same lot and such buildings do not share a common wall, the buildings shall maintain the minimum separation specified in the Building Code.

SECTION 1137.06 HEIGHT REGULATIONS

The height of all buildings and structures shall not exceed 35 feet, except as otherwise specified below:

(a) Principal buildings in excess of 35 feet may be permitted as a conditional use when the Planning Commission determines that the conditional use criteria set forth in Sections 1145.02 and 1145.03 have been met.

(b) Wireless telecommunication facilities shall comply with the height regulations set forth in Chapter 1157.

SECTION 1137.07 OFF-STREET PARKING REGULATIONS

Off-street parking areas shall conform to the regulations of Chapter 1153 and to the parking requirements specified in Schedule 1137.07 below.

(a) Schedule 1137.07. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

| | OB | MSB | GB-A | GB-B |
|---|-----------|---------------|-------------|-------------|
| Setback from Street Right of Way | | | | |
| Main Street | 8 ft. | building line | 8 ft. | 8 ft. |
| Any street other than Main Street | 12 ft | 12 ft | 12 ft | 12 ft |
| Setback from side or rear lot line | | | | |
| When lot line adjoins a nonresidential district | 5 ft. | 5 ft. | 5 ft. | 5 ft. |
| When lot line adjoins an “R” or “RMF” district | 10 ft. | 10 ft. | 10 ft. | 10 ft. |

(b) The area within the parking setback shall be landscaped in accordance with Chapter 1155.

(c) Off-street parking spaces shall be provided in compliance with Chapter 1153.

SECTION 1137.08 OUTDOOR DISPLAY AND OUTDOOR STORAGE REGULATIONS

Outdoor display of merchandise for sale and outdoor storage of goods and materials, when permitted in Schedule 1137.03, shall comply with the following.

(a) The outdoor display of merchandise for sale shall:

- (1) Outdoor display of merchandise for sale shall be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location except for temporary displays pursuant to Section 1123.06(b).
- (2) The area of the lot devoted to outdoor display shall not exceed 25 percent of the ground floor area of the building(s) on the lot.
- (3) The outdoor display area shall comply with the building setback requirements set forth in Schedule 1137.05 for the district in which the lot is located.
- (4) The outdoor display area shall not be located in areas intended for traffic circulation as identified on the site plan.

(b) The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

- (1) Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic, or otherwise hazardous materials shall not be permitted.
- (2) All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
- (3) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (4) Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule 1137.05.

SECTION 1137.09 ACCESSORY USE REGULATIONS

Accessory uses permitted in any Business District shall conform to the regulations of this Section.

(a) Accessory Buildings. Accessory buildings that have a gross floor area greater than 200 square feet shall conform to all lot and yard regulations and development plan review and approval requirements of the zoning district in which the parcel or lot is located. All other accessory buildings shall be located in a side or rear yard, shall comply with the parking setbacks set forth in Schedule 1137.07, and shall obtain a zoning certificate according to Section 1173.02.

(b) Accessory Retail and Service Uses. Accessory retail and service uses shall be permitted in an office or multi-family building in the OB District provided that not more than an area equal to 25 percent of the first-floor area of the building is devoted to such accessory retail or service use.

(c) Accessory Outdoor Swimming Pools and other Accessory Recreational Facilities. Accessory outdoor swimming pools and other accessory recreational facilities shall comply with the following requirements:

- (1) Such accessory facilities shall be adequately fenced to prohibit unauthorized access to the facility.
- (2) Such accessory facilities and their enclosures shall comply with the building setback requirements set forth in Schedule 1137.05.
- (3) The enclosure required in subsection (c)(1) above shall be kept locked at all times the facility is not in use.

(d) Fences and Walls. Fences and walls may be erected in any Business District in compliance with the requirements set forth in Chapter 1155.

(e) Signs. Signs shall conform to the regulations specified in Chapter 1151.

SECTION 1137.10 LANDSCAPING AND SCREENING REQUIREMENTS

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 1155.

SECTION 1137.11 PERFORMANCE STANDARDS

All uses shall comply with the following performance standards.

(a) Waste Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1137.07 and be screened in compliance with Section 1155.05.

(b) Lighting. The placement, orientation, distribution patterns, and fixture types of outdoor lighting shall comply with the regulations set forth in Section 1155.11.

(c) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings unless specifically permitted otherwise.

SECTION 1137.12 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS AND AUTO SERVICE STATIONS

In addition to the above regulations, all gasoline stations and auto service stations shall comply with the following standards.

(a) Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Section 1137.07.

(b) The only services permitted to be performed outside on a vehicle shall be the dispensing of air and vehicle fluids such as fuel, oil, and windshield wiper fluid.

(c) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

SECTION 1137.13 SUPPLEMENTAL REGULATIONS FOR MAINSTREAM MEDIA SHOPS

In addition to the above regulations, a mainstream media shop may carry adult media provided the mainstream media shop shall comply with the following standards:

- (a) The amount of an area devoted to adult media shall comply with the following:
 - (1) Adult media shall not constitute more than 33 percent of the shop's stock in trade; and
 - (2) Adult media shall not occupy more than 33 percent of the shop's floor area.
- (b) All adult media shall be confined to a separate room or section of the shop and such room or section shall:
 - (1) Not be open to any person under the age of 18;
 - (2) Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;
 - (3) Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - (4) Have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain entrance and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel;
 - (5) Provide signage at the entrance stipulating that persons under 18 are not permitted inside.

SECTION 1137.14 DEVELOPMENT PLAN REVIEW

All uses in a nonresidential district shall be permitted only after development plans have been reviewed and approved by the Planning Commission according to the procedures set forth in Chapter 1175.

CHAPTER 1145 – CONDITIONAL USE REGULATIONS

| | | |
|-----------------|---|---|
| Section 1145.01 | Purpose..... | 1 |
| Section 1145.02 | General Criteria for all Conditional Uses..... | 1 |
| Section 1145.03 | Specific Standards for Conditional Uses..... | 3 |
| Section 1145.04 | Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Park and Institutional District | 3 |
| Section 1145.05 | Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Residential Districts | 5 |
| Section 1145.06 | Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts | 6 |
| Section 1145.07 | Supplemental Regulations for Certain Uses..... | 7 |

SECTION 1145.01 PURPOSE

(a) Conditional uses are a classification of uses that are determined to generally be compatible in the district in which they are listed as a conditional use. However, this category of uses is so classified because of the need to adequately monitor the proposed use in order to ensure that the use and its operational aspects are indeed appropriate in the specific location in which the use is proposed. Such monitoring is necessary because the external impacts of a particular use are either sufficiently varied or indeterminable in advance and therefore may vary from site to site, making it possible that, without the Planning Commission’s review, a particular use could be inappropriate in a certain location within the district.

(b) These regulations are intended to ensure that conditional uses are reviewed in a reasonable and equitable manner while safeguarding the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for a more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation. In considering a proposed conditional use, the Planning Commission may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed. Accordingly, conditional use permits shall conform to the procedures and requirements of Chapter 1177.

SECTION 1145.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Sections 1145.03 through 1145.06. The Planning Commission shall review the

particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use as proposed:

(a) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(b) Will not be detrimental to property values in the immediate vicinity.

(c) Will not restrict or adversely affect the existing use of the adjacent property owners.

(d) Will be designed and constructed so that all access drives, access points to public streets, driveways, parking, and service areas shall be in compliance with the regulations set forth in Chapter 1153.

(e) Will meet the requirements of EPA for stormwater runoff, when applicable.

(f) Will be properly landscaped in accordance with Chapter 1155.

(g) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare;

(h) The hours of operation of the proposed use are similar to a use permitted in the district.

(i) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(j) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

(k) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(l) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire, and schools;

(m) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

SECTION 1145.03 SPECIFIC STANDARDS FOR CONDITIONAL USES

In addition to the general criteria established in Section 1145.02, the following specific conditions pertaining to each use or group of uses shall apply.

(a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1145.02.

(b) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Ordinance, as well as satisfy the conditions, standards, and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the most restrictive provision shall prevail, unless clearly indicated differently in the regulations.

(c) Specific Development Standards.

- (1) The Planning Commission may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
- (2) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall comply with the requirements specified in Section 1155.11.
- (3) Floodlights, loudspeakers, or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
- (4) All trash receptacles shall be adequately screened in compliance with the regulations set forth in Chapter 1155.
- (5) Grading and surface drainage provisions shall be prepared by a registered engineer and reviewed or approved by the City Engineer.
- (6) In a residential district, on lots of one acre or more, all points of entrance or exit should be no closer than 50 feet from an intersection.
- (7) A building permitted to exceed the maximum height set forth for the district in which the building is located shall have adequate building setbacks to ensure that the surrounding area is not negatively impacted by the additional building height.

SECTION 1145.04 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN PARK AND INSTITUTIONAL DISTRICT

Schedule 1145.04 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in a Park and Institutional District. Supplemental requirements pertaining to such uses are set forth in Section 1145.07, and the specific subsections are referenced in Schedule 1145.04, below.

Schedule 1145.04 Minimum Area, Width, and Yard Regulations for Conditional Uses in P/I Districts

| Conditional Use | Minimum Lot Regulations | | Minimum Building Setbacks | | Minimum Parking Setbacks | | Also See Section |
|--|-------------------------|---------|---------------------------|-------------|--------------------------|-------------|------------------|
| | Area | Width | Front | Side / Rear | Front | Side / Rear | |
| Accredited college or university, including associated on-campus student housing and athletic fields | 5 acres | 300 ft. | 100 ft. | 100 ft. | 50 ft. | 15 ft. | 1145.07(p) |
| Administrative government offices | (2) | (2) | (2) | (2) | (2) | (2) | |
| Cemetery | 5 acres | 300 ft. | 100 ft. | 100 ft. | 50 ft. | 15 ft. | 1145.07(c) |
| Civic facility for public assembly | 2 acres | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | 1145.07(d) |
| Day care facility, adult or child | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(e) |
| Facility providing government sponsored adult education | (2) | (2) | (2) | (2) | (2) | (2) | |
| Golf course | 50 acres | 300 ft. | 100 ft. | 100 ft. | 50 ft. | 15 ft. | 1145.07(m) |
| Hospital and associated medical offices | 5 acres | 300 ft. | 50 ft. | 40 ft. | (2) | (2) | 1145.07(i) |
| Library, museum | (2) | (2) | (2) | (2) | (2) | (2) | |
| Monuments | None | None | (2) | (2) | (2) | (2) | |
| Parish residence, convent or other residential use associated with a place of worship | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(p) |
| Place of worship | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(p) |
| Residential care facility | 2 acres | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | 1145.07(q) |
| Safety facility, public | (2) | (2) | (2) | (2) | (2) | (2) | |
| School facility, public or private | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(p) |
| Swimming pool | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(m) |
| Technical college or business and trade school | (2) | (2) | (2) | (2) | (2) | (2) | |
| Temporary outdoor special events lasting longer than 45 day | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(t) |

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| Wireless telecommunication facility | See Chapter 1157 |
| Notes: (1) Including outdoor athletic facilities. (2) Shall comply with district regulations. | |

**SECTION 1145.05 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS
FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS**

Schedule 1145.05 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in Section 1145.07, and the specific subsections are referenced in Schedule 1145.05, below.

Schedule 1145.05 Minimum Area, Width, and Yard Regulations for Conditional Uses

| Conditional Use | Minimum Lot Regulations | | Minimum Building Setbacks | | Minimum Parking Setbacks | | Also See Section |
|---|-------------------------|---------|---------------------------|-------------|--------------------------|---------------|------------------|
| | Area | Width | Front | Side / Rear | Front | Side / Rear | |
| Bed and breakfast in association with a permitted dwelling | (1) | (1) | (1) | (1) | (2) | (1) | 1145.07(b) |
| Daycare facility, adult or child | 1 acre | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | 1145.07(e) |
| Family home for handicapped persons | (1) | (1) | (1) | (1) | (2) | (1) | 1145.07(g) |
| Group home for handicapped persons | (1) | (1) | (1) | (1) | (2) | (1) | 1145.07(h) |
| Home occupation | See Section 1131.09 | | | | | | |
| Library, museum | 1 acre | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | |
| Off-street parking as the principal use of the lot | (1) | (1) | NA | NA | (1) | 15 ft. (3) | 1145.07(l) |
| Place of worship | 1 acre | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | 1145.07(p) |
| Public park and/or playground | None | None | (1) | 15 ft. | (2) | 15 ft. | 1145.07(m) |
| Residential care facility | 2 acres | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | 1145.07(q) |
| Safety facility, public | 1 acre | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | |
| School, public or private | 1 acre | 150 ft. | 50 ft. | 40 ft. | 50 ft. | 15 ft. | 1145.07(p) |
| Notes: (1) Shall comply with district regulations. (2) Parking spaces for more than 2 vehicles shall comply with the building setback requirement. (3) When abutting an “R” or “RMF” parcel; the minimum parking setback shall be 5 feet when abutting parcels in a non-residential district. NA – Not Accepted | | | | | | | |

**SECTION 1145.06 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS
FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

Schedule 1145.06 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in a commercial or industrial district. Supplemental requirements pertaining to such uses are set forth in Section 1145.07, and the specific subsections are referenced in Schedule 1145.06, below.

Schedule 1145.06 Area, Width, and Yard Regulations for Conditional Uses

| Conditional Use | Minimum Lot Regulations | | Minimum Building Setbacks | | Minimum Parking Setbacks | | Also See Section |
|---|-------------------------|---------|---------------------------|-------------|--------------------------|-------------|------------------|
| | Area | Width | Front | Side / Rear | Front | Side / Rear | |
| Adult use | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(a) |
| Bank or bank with accessory drive-through lanes | (2) | (2) | (2) | (2) | (2) | (2) | |
| Business or trade school | (2) | (2) | (2) | (2) | (2) | (2) | |
| Club, lodge or assembly hall | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(d) |
| Day care facility, adult or child | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(e) |
| Drive-through facility in association with a permitted use | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(f) |
| Funeral home, mortuary | (2) | (2) | (2) | (2) | (2) | (2) | |
| Hospital | 5 acres | 300 ft. | 50 ft. | 40 ft. | (2) | (2) | 1145.07(i) |
| Manufacture of products from raw materials | 5 acres | 300 ft. | 100 ft. | 100 ft. | (2) | (2) | 1145.07(j) |
| Mini/self storage facility | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(k) |
| Motel, hotel | (2) | (2) | (2) | (2) | (2) | (2) | |
| Outdoor commercial recreation | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(m) |
| Outdoor display of merchandise for sale | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(o) |
| Place of worship | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(p) |
| Residential care facility | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(q) |
| Residential unit accessory to a commercial use | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(r) |
| School, public or private | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(p) |
| Studio for instruction | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(s) |
| Temporary outdoor special event lasting longer than 45 days | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(t) |

| | | | | | | | |
|--|------------------|---------|---------|---------|-----|-----|------------|
| Truck transfer terminal, motor freight garage | 5 acres | 300 ft. | 100 ft. | 100 ft. | (2) | (2) | 1145.07(u) |
| Veterinary hospital with associated cages, runs and kennels | (2) | (2) | (2) | (2) | (2) | (2) | 1145.07(v) |
| Wireless telecommunications facility | See Chapter 1157 | | | | | | |
| Notes: (1) Regulations apply to all side and rear setbacks unless a greater setback is specified in the district regulations for lots adjacent to residential districts. (2) Shall comply with district regulations. | | | | | | | |

(Ord. 47-2020 eff. 12/23/2020)

SECTION 1145.07 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

The following are specific conditions, standards, and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 1145.02, 1145.03, 1145.04, 1145.05, and 1145.06.

(a) Adult Uses. North Canton has determined that permitting adult uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult use oriented retail uses. Therefore, in order to prevent potential deterioration in North Canton’s retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety, and welfare, adult uses, as defined in this Section, shall be permitted only in the GB-B District subject to the following requirements.

- (1) For purposes of this Ordinance adult uses shall include but not be limited to any of the following:
 - (A) Adult media shop. An establishment that rents and/or sells media and that meets any of the following three (3) tests:
 - (i) More than 33 percent of the gross public floor area is devoted to adult media.
 - (ii) More than 33 percent of the stock-in-trade consists of adult media.
 - (iii) It advertises or holds itself out in any forum as “XXX”, “adult”, “sex” or otherwise, is a sexually oriented business.
 - (B) Adult motion picture theater. An enclosed motion picture theater that regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Section.
 - (C) Adult only live entertainment business. An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:

- (i) Entertainment or services that constitute adult entertainment or services as defined in this section; or
 - (ii) Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators, or similar entertainment or services that constitute adult entertainment or services as defined in this section.
- (D) Sex shop. An establishment offering goods for sale or rent and that meets any of the following tests:
- (i) The establishment offers for sale items from any two of the following categories: (a) adult media; (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
 - (ii) More than five (5) percent of its stock-in-trade consists of sexually oriented toys or novelties.
 - (iii) More than five (5) percent of the total area of the building that is accessible to the public is devoted to the display of sexually-oriented toys or novelties.
- (E) Sexually oriented business. An inclusive term used to describe collectively: adult-only live entertainment business; adult motion picture theater; video arcade; bathhouse; and/or sex shop.
- (2) To further determine whether the above facilities are adult uses, the following definitions shall apply.
- (A) Adult media, adult entertainment, and adult service. Any media, entertainment, or service capable of creating sexual interest through sight, sound or touch, and;
- (i) Which media, entertainment, or service is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 - (ii) Which entertainment or service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- (B) Bottomless. Less than full opaque covering of male or female genitals, pubic area, or buttocks.
- (C) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (D) Public display. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private,

an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

- (E) Sadomasochistic practices. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.
 - (F) Sexual activity. Sexual conduct or sexual contact, or both.
 - (G) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
 - (H) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
 - (I) Sexually oriented toys or novelties. Instruments, devices, or paraphernalia either designed as representatives of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs.
 - (J) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
- (3) Adult uses shall be located in accordance with the following distance requirements:
- (A) A minimum of 800 feet from the boundaries of any lot containing a church, library, public park or playground, daycare center, school, or any other institution where children are kept day or night;
 - (B) A minimum of 800 feet from any residentially zoned parcel in North Canton or any adjacent community; and
 - (C) A minimum of 800 feet from any other adult use.

(b) Bed and Breakfast in association with a Permitted Dwelling shall comply with the following:

- (1) The bed and breakfast facility shall be located on a parcel abutting, or adjacent to an arterial or collector street; park; or OB, MSB, GB-A, or GB-B District.
- (2) Meals shall be provided only to guests taking lodging in the facility.
- (3) Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
- (4) The building shall be compatible with surrounding land use and shall not exceed three (3) guestrooms.

(c) Cemeteries shall comply with the following:

- (1) Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.

- (2) Interior drives having a minimum width of 20 feet shall be installed as development progresses and as indicated in the final plans by the Planning Commission.
- (3) Sufficient pull-off areas for vehicles shall be provided throughout the cemetery so as not to hinder traffic flow.
- (4) No gravesite, mausoleum, or crematory shall be located within 50 feet of a public street right-of-way or residential property line.
- (5) All maintenance equipment and materials shall be stored in a completely enclosed building.

(d) Clubs, Lodges or Assembly Halls, Civic Facilities for Public Assembly shall comply with the following:

- (1) All activities, programs, and other events shall be directly related to the conditional use permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- (2) Outdoor activities shall be approved by the Planning Commission.

(e) Day Care Center, Adult or Child shall comply with the following:

- (1) All outdoor activity areas shall be enclosed by a fence or wall having a height of at least five feet. An entry gate shall be securely fastened.
- (2) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.

(f) Drive-Through Facilities shall comply with the following:

- (1) Such facilities shall be located in an area least disruptive to pedestrian or vehicular traffic.
- (2) Any proposed loudspeaker system shall be approved as part of the development plan.

(g) Family Home for Handicapped Persons shall comply with the following:

- (1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term “permanent residence” means:
 - (A) The resident intends to live at the dwelling on a continuing basis; and,
 - (B) The resident does not live at the dwelling in order to receive counseling, treatment, therapy, or medical care.
- (2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such

certification to the Planning Commission for each handicapped person who resides in the home after a conditional use permit is granted;

- (3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;
- (4) In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon the termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use permit for the premises;
- (5) Signs or other means of identification as a family home for handicapped persons shall not be permitted;
- (6) The applicant shall comply with the applicable parking regulations of the Zoning Ordinance for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
- (7) In considering whether to grant the conditional use permit, Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for handicapped persons is located;
- (8) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification, or other approval requirements shall result in the immediate revocation of the home's conditional use permit;
- (9) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing City regulations.

(h) Group Homes for Handicapped Persons shall comply with the following:

- (1) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification, or other approval requirements shall result in the immediate revocation of the home's conditional use permit;
- (2) The applicant shall comply with the applicable parking regulations of this Zoning Ordinance for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
- (3) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public

ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for handicapped persons is located;

- (4) The architectural design and site layout of a group home and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.

(i) Hospitals shall comply with the following:

- (1) Such use shall be located on an arterial or collector street.
- (2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.

(j) Manufacturing of Products from Raw Materials shall comply with the following:

- (1) The outdoor storage shall comply with the building setback requirements.
- (2) The outdoor storage of any raw materials shall be enclosed by a solid wall or fence, including solid gates, having a minimum height of seven feet, which shall be maintained at all times.
- (3) All fences or walls required in this section shall be constructed of uniform materials painted or otherwise preserved, and approved by the Commission. Additional fences, walls, or shrubs may be required by the Commission, if necessary, to adequately screen the materials from adjoining districts or public streets.

(k) Mini/Self Storage Facility shall comply with the following:

- (1) The leases for all self-storage units shall include clauses prohibiting:
 - (A) The storage of flammable liquids, radioactive, highly combustible or explosive materials, or hazardous materials.
 - (B) The use of the property for uses other than dead storage.
- (2) The North Canton Fire Department forces shall be provided with 24-hour accessibility to the grounds. A lockbox shall be provided for its use.
- (3) The maximum size of individual storage compartments shall be 500 square feet.
- (4) Such uses should be located on an arterial street.

(l) Off-Street Parking as a Principal Use on Lot. In an R-70, R-50, R-2F, RMF-A, or RMF-B District, parking lots or garages constructed as the principal use on a lot that is contiguous to and within 150 feet of an OB, MSB, GB-A, or GB-B or P/I District when the parking spaces are accessory to a use located within that nonresidential district shall comply with the following:

- (1) For the purposes of this section, contiguous includes a parcel directly across a public right-of-way. The start of the 150-foot distance shall be measured from the side of the public right-of-way on such a contiguous lot.
- (2) An approved parking area shall be used solely for the parking of the passenger automobiles of the employees and customers of the use to which it is accessory.

- (3) The off-street parking lot or garage shall not be located closer to the street than the setback of the existing dwelling on the adjacent lot, or the setback required for the district in which the lot or garage is located, whichever is greater.
- (4) Such off-street parking garages shall be of a design, scale, and massing to complement the adjacent residential buildings.

(m)Public Parks and/or Playgrounds; Golf Courses; Swimming Pools, Athletic Fields Associated with a School, College or University, and Outdoor Commercial Recreation shall comply with the following:

- (1) The proposed use shall not generate excessive noise, odor, dust, or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping, and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
- (2) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five (5) feet.
- (3) Rifle ranges, skeet shooting ranges, pistol ranges, and other uses involving the use of firearms including high powered air rifles; paintball activities, motor-cross and/or go-cart tracks/racing; amusement parks; outdoor/drive-in movie theatre and all other concentrated outdoor commercial recreation uses shall not be permitted.
- (4) Outdoor commercial recreation shall be permitted only when it is specifically listed as a conditional use in the schedule of permitted uses in the district in which it is proposed.
- (5) Delivery trucks shall not be used as refreshment stands, souvenir stands, and/or concession stands.
- (6) Only retail uses that are customarily accessory and incidental to the main recreational use shall be permitted as part of the recreational area. Included as such retail uses are refreshment stands, souvenir stands, concession stands, and an office.
- (7) All activities, programs, and other events shall be directly related to the conditional use permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- (8) An adequate number of public restrooms for both men and women shall be provided and maintained.
- (9) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- (10) Commercial recreation establishments shall not be permitted in residential districts unless specifically permitted otherwise.
- (11) In a residential district, no retail uses such as a snack bar shall be permitted as an accessory use to a public park and/or recreation facility.
- (12) Swimming pools shall comply with the following additional requirements:

- (A) Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - (B) Pools and their enclosures shall comply with the building setback requirements set forth in Schedule 1145.04, 1145.05, or 1145.06, as applicable.
 - (C) The enclosure required in this subsection (12) shall be kept locked at all times the pool is not in use.
 - (D) The Planning Commission may limit the maximum lot coverage of related buildings and lounging/deck areas.
- (13) Golf courses, including tees, fairways, greens, and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.

(n) Outdoor Dining (REPEALED)
(Ord. 47-2020 eff. 10/23/2020)

(o) Outdoor Display of Merchandise for Sale shall comply with the following:

- (1) All displays shall meet the principal building setbacks established for the district in which the principal use is located.
- (2) Displays shall not be located in areas intended for traffic circulation according to the site plan.

(p) Places Of Worship, Schools, and Accredited Colleges and Universities shall comply with the following:

- (1) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
- (2) The Planning Commission may require outdoor activity areas to be enclosed by a fence or wall having a height of at least five feet and an entry gate that can be securely fastened.
- (3) Places of worship may be erected to a height not to exceed 75 feet if the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.
- (4) Associated uses such as a convent, faculty residence, cafeteria, or infirmary shall be located on the same lot as a place of worship, school, college, or university and shall comply with the building setback requirements set forth in this chapter.
- (5) Athletic facilities shall also comply with the supplemental regulations set forth in Section 1145.07(m).

(q) Residential Care Facility shall comply with the following:

- (1) A residential care facility may include, but is not limited to, one or more of the following types of residential facilities:
 - (A) Congregate living; which for the purposes of this Section shall be residential accommodations for which congregate dining, recreation, and/or other social and community facilities are provided

as an integral part of the design and expected to be utilized by the occupants on a regular basis.

- (B) Assisted living, which for the purposes of this Section shall be residential accommodations designed for and intended to be occupied by individuals who require supervision, assistance, and health care services or who are otherwise dependent on the services of others by reason of age or physical or mental impairment.
 - (C) Nursing home;
 - (D) Hospice facility.
- (2) Density:
- (A) The number of beds for nursing facilities shall not exceed one bed for every 1,000 square feet of net lot area devoted to the facility and its related parking.
- (3) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
 - (4) The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.
 - (5) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification, or other approval requirements shall result in the immediate revocation of the facility's conditional use permit;
 - (6) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the intensity of the use and building coverage compared to the surrounding uses and the uses permitted in the district so as not to change the character of the area or otherwise adversely impact upon a given area with such use.
- (r) Residential Units Accessory to a Commercial Use shall comply with the following:
- (1) In the MSB district, accessory residential units should be located on the second floor of retail buildings.
 - (2) Any accessory residential use located on the first floor of a commercial building shall not occupy more than 50% of the first-floor area of the building and shall be located within the building so as not to interfere with the principal use of the building.
 - (3) Parking spaces for the accessory residential use shall be clearly marked and shall be in addition to and separate from the parking spaces required for the principal use.
- (s) Studios for Instruction shall comply with the following:
- (1) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.
 - (2) Such establishments offering non-academic instruction should be located so as to minimize the amount of space inactive during normal business hours that is located in the middle of a retail setting. Studios are encouraged to

have associated retail uses located in the first-floor space nearest the street in order to contribute to the retail environment of the district.

(t) Temporary Outdoor Special Events Lasting Longer than 45 Days shall, in addition to Section 1123.06, comply with the following:

- (1) The conditional use permit shall authorize a specific duration for the proposed event.
- (2) The applicant shall submit a parking plan to ensure that the proposed special event does not impede or disrupt the existing principal use(s).
- (3) The Planning Commission may require the applicant to post a bond as required in Section 1175.16, Development Plan Review.

(u) Truck or Transfer Terminal, Motor Freight Garage shall comply with the following:

- (1) Such uses shall be located on an arterial street.
- (2) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(v) Veterinary Hospitals with Associated Cages, Runs and Kennels shall comply with the following:

- (1) Outdoor areas devoted to kennel operations shall be located in the rear yard and shall comply with the building setback requirements set forth in Schedule 1145.06.
- (2) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

CHAPTER 1181 – AMENDMENTS TO ZONING CODE

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| Section 1181.06 | Public Meeting and Notice by Council | 3 |
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(Ord. 45-2020 eff. 11/11/2020)

SECTION 1181.01 AUTHORITY FOR AMENDMENTS

(a) Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, or revise Title One, Subdivision Control, and Title Three, Zoning Regulations, of this code subject to the procedures provided in this chapter.

(b) City Council may, by ordinance, rearrange, renumber, or recodify any provision of the Planning and Zoning code, or amend or revise any provisions of Title Five, Administration, of this Code through the regular legislative process as defined by the Charter and Rules of Council.

SECTION 1181.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning Ordinance, either Titles One, Subdivision Regulations, or Three, Zoning Regulations, shall be initiated by the submission to the Clerk of Council of:

- (a) a Planning Commission recommendation;
- (b) a City Council resolution; or
- (c) a written request from the Mayor.

SECTION 1181.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

(a) Submission Requirements. Requests, recommendations, or resolutions for proposed amendments shall contain at least the following information:

- (1) The proposed amendment text;
- (2) A statement of the reason(s) for the proposed amendment; and
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;

(b) Submission Process.

- (1) After the receipt of a recommendation for amendment from the Planning Commission, the Clerk of Council shall add the proposed amendment to Council's docket for adoption in accordance with the adoption process set forth in Sections 1181.07 through 1181.08.
- (2) After the passage of a resolution proposing amendments by Council, the Clerk of Council shall transmit the resolution to the Planning Commission to begin the adoption process set forth in Sections 1181.04 through 1181.08.
- (3) After the receipt of a written request for amendments from the Mayor, the Clerk of Council shall transmit the request to Council. Council may then, by voice vote, recommend transmission of the request to the Planning Commission to begin the adoption process set forth in Sections 1181.04 through 1181.08.

SECTION 1181.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

(a) Upon the receipt of a request or resolution from the Clerk of Council, the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

- (1) Notice shall be given in one or more newspapers of general circulation in the City;
- (2) All notices shall be made at least seven days prior to the date of the public meeting; and
- (3) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

SECTION 1181.05 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1181.04, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment be adopted as submitted;
- (2) That the amendment be adopted as modified by the Planning Commission;
- or
- (3) That the amendment to be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it on Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of a request or resolution from the Clerk of Council, or an extended period agreed to by City Council, the application shall be deemed denied.

SECTION 1181.06 PUBLIC MEETING AND NOTICE BY COUNCIL

(a) Upon receipt of the recommendation from the Planning Commission, or, if the Planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the resolution or request and this period has not been extended, Council shall set a time for a public meeting on the proposed amendment.

(b) Notice of the public meeting shall be given by Council according to the following:

- (1) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;
- (2) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(c) During the 30 days prior to the public meeting, the text of the proposed amendment, and the Planning Commission's recommendation, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1181.07 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1181.06, Council shall take action on the proposed amendment as follows:

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment

(b) If the initial amendment proposal originated from the Planning Commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Section 1181.04 through Section 1181.05 prior to final adoption by Council.

CHAPTER 1182 – AMENDMENTS TO ZONING MAP

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(Ord. 46-2020 eff. 11/11/2020)

SECTION 1182.01 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, supplement, change, or repeal the boundaries or classification of property, as set forth on the Zoning Map adopted in this Code, according to the procedures set forth in this Chapter.

SECTION 1182.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning Map shall be initiated by filing an application to the Clerk of Council by:

- (a) at least one owner or lessee of the property or developer with an option on such property within the area proposed to be changed or affected by said amendment;
- (b) the Planning Commission;
- (c) a City Official on behalf of the Mayor or Council.

SECTION 1182.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

- (a) Discussion with Planning Commission. An owner, lessee, or developer applicant must meet with the Chief Building Official, or designee, prior to submitting an application for an amendment to the Zoning Ordinance. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. No action shall be taken at such a meeting, and no discussions, opinions, suggestions, or recommendations of the Chief Building Official or designee may be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

(b) Submission Requirements. Applications for proposed amendments shall contain at least the following information:

- (1) The name, address, and phone number of the applicant and the property owner if other than the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;
- (4) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (5) Present use and zoning district;
- (6) Proposed use and zoning district; and
- (7) A vicinity map at a scale approved by the Chief Building Official showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Chief Building Officer may require;
- (8) A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including the addresses, and permanent parcel number as shown upon the County auditor's current tax list;
- (9) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, including property lines, easements, street rights-of-ways, existing structures, trees, and landscaping features existing thereon;
- (10) The payment of the application fee as established by Council.

(c) Referral to Planning Commission. After the filing of a completed application, except as provided in Section 1182.03(c)(1), the Clerk of Council shall transmit the application to Council. Council may then, by voice vote, recommend transmission of the application to the Planning Commission to begin the adoption process set forth in Sections 1182.04 through 1182.07.

- (1) Applications originating from the Planning Commission shall be added to Council's docket for adoption in accordance with the adoption process set forth in Sections 1182.06 through 1182.07.

SECTION 1182.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of an application, the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

(a) Whenever a proposed map amendment involves 10 or fewer parcels, written notification of the meeting shall be given by first-class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;

(b) Notice shall be given in one or more newspapers of general circulation in the City;

(c) All notices shall be made at least seven days prior to the date of the public meeting;
and

(d) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

SECTION 1182.05 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1182.04, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment to be adopted as submitted;
- (2) That the amendment be adopted as modified by the Planning Commission;
or
- (3) That the amendment to be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it on Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of the application or an extended period agreed by the applicant or City Council, the application shall be deemed denied.

SECTION 1182.06 PUBLIC MEETING AND NOTICE BY COUNCIL

Upon receipt of the recommendation from the Planning Commission, or, if the Planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the application and has not extended this period, Council shall set a time for a public meeting on the proposed amendment.

(a) Notice of the public meeting shall be given by Council according to the following:

- (1) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification of the meeting shall be given by first-class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;
- (2) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;
- (3) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, maps or plans, if applicable, and the Planning Commission's recommendation shall be on file for

public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1182.07 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1182.06, Council shall take action on the proposed amendment as follows:

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment.

(b) If the initial amendment proposal originated from the Planning Commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Sections 1182.05 through 1182.06 prior to final adoption by Council.

CHAPTER 1301 – BUILDING CODE

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(Ord. 56-2020 eff. 25/11/2020)

SECTION 1301.01 ADOPTION OF RESIDENTIAL CODE OF OHIO

This chapter does hereby approve, adopt, and enact the most current edition of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, regulating the fabrication, erection, construction, enlargement, alteration, repair, location, and use of detached one-, two- and three-family dwellings, their appurtenances and accessory structures in the jurisdiction of the City; and providing for the issuance of permits therefor providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

SECTION 1301.02 ADOPTION OF OHIO BUILDING CODE

This chapter does hereby approve, adopt, and enact the most current edition of the Ohio Building Code of Ohio regulating the fabrication, erection, construction, enlargement, alteration, repair, location, and use of all non-residential structures, their appurtenances, and accessory structures in the jurisdiction of the City; and providing for the issuance of permits therefor providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

SECTION 1301.03 ADDRESS IDENTIFICATION

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than four (4) inches high with a minimum stroke width of ½ inch. Where required by the Fire Chief, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

SECTION 1301.04 PLAN REVIEW FEES

The Plan Review Fee as required by Chapter 1171 shall be paid upon submittal of plans for Plan Review. After the initial plan review, all fees incurred by the City shall be reimbursed by the applicant prior to issuance of the permit.

SECTION 1301.05 RUBBISH AND DEBRIS

(a) All residential construction sites shall provide an approved containment system for all construction rubbish and debris. The construction site, both internal and external, shall be kept in a reasonable manner consistent with a safe and sanitary worksite environment.

(b) All non-residential construction sites shall provide an approved containment system for all construction rubbish and debris. The construction site, both internal and external, shall be kept in a reasonable manner consistent with a safe and sanitary worksite environment.

(c) Violations occurring as a result of noncompliance may result in the issuance of a stop-work order until the site is brought into compliance.

SECTION 1301.06 PORTABLE/TEMPORARY SANITATION FACILITIES

All portable and temporary sanitation facilities shall be placed and contained within the construction property and shall not be located in the public right of way. No portable or temporary sanitation facility shall be located in proximity to any other adjacent structures so as to cause a nuisance. Portable and temporary sanitation facilities shall not cause noxious odors to affect adjacent properties.

CHAPTER 1301 – PERMITS

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(Ord. 57-2020 eff. 11/25/2020)

SECTION 1302.01 REQUIRED

(a) No building or structure shall be constructed, moved, altered, added to, or enlarged and no excavation for a foundation shall be made nor shall any interior unfinished area be finished until a permit (hereinafter called a building permit) for such building shall have been issued by the Chief Building Official. Nor shall any owner or authorized agent construct, enlarge, alter, repair, move, demolish or change the use or occupancy of a building or structure, erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done until an application has been made to the Chief Building Official and the appropriate permit issued.

(b) The following work for new construction and additions shall be completed within 12 months from the date of permit issuance:

- (1) All exterior finished surfaces and materials, including but not limited to doors, windows, roofing, siding, brick veneer, fireplaces, chimneys, soffits, fascia, porches, and appurtenant structures, steps, and/or stairs shall be installed per the approved plans.
- (2) All paved and/or improved surfaces, public and private shall be completed.
- (3) All yard areas shall be final graded, drainage systems completed, and grass or sod fully planted/installed.

(c) The work included with permits for plumbing, mechanical, electrical shall be completed within 6 months from the date of permit issuance.

(d) An extension of time in writing may be requested from the Chief Building Official providing that for cause, extensions of time periods shall not exceed 180 days each may be granted. The Chief Building Official shall either approve the request or refer the same to the Zoning and Building Standards Board of Appeals for review and approval or denial.

SECTION 1302.02 APPLICATIONS FOR PERMITS

(a) All applications for permits shall be made on forms furnished by the Chief Building Official and shall be accompanied by a plat drawn to scale showing the actual dimensions of each lot upon which construction of a building or structure is proposed, the size and location of each such building or structure upon each such lot, and such plans drawn to scale, specifications and other information as may be necessary to enable the Chief Building Official to determine that the proposed building or structure and use of land will conform to the provisions of this Building Codes and the Zoning Code.

(b) All applications shall expire six months from the date of submittal.

SECTION 1302.03 CHANGE IN PLANS

Following the granting of a permit, no alteration in the proposed building or structure as represented by the plat, plans, and specifications filed shall be made without an application for another permit in accordance with Section 1302.02.

SECTION 1302.04 CONDITIONS FOR THE ISSUANCE OF PERMITS

(a) The Chief Building Official shall not issue a permit for the construction, alteration, addition, conversion, or repair of any building or structure in the City unless and until the following determinations are made:

- (1) It is determined by the Chief Building Official that said construction, alteration, addition, conversion or repair is so planned and proposed that same when completed shall comply with this Code as amended, and if alteration, addition, conversion or repair is proposed, the existing building or structure, alteration, addition, conversion or repair will comply with the Codified Ordinances of North Canton as amended. The Chief Building Official is hereby authorized and directed to require the filing of such plans, specifications, details, and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (2) It is determined by the Chief Building Official that said building or structure being constructed, altered, added to, converted, or repaired will upon completion of the work proposed comply with the Planning and Zoning Code as amended.
- (3) It is determined that said building or structure to be constructed, altered, added to, converted, or repaired will, upon completion of the work

proposed, be so located on the land and of such character that it will not substantially injure the appropriate or existing use or the value of the neighboring property. The Chief Building Official is hereby authorized and directed to require the filing of such reports, specifications, details, and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.

- (4) It is determined that said construction of the work proposed, be so located on the land to have an adverse impact on any protected areas within the jurisdiction of the United States Army Corps. of Engineer or Ohio Environmental Protection Agency. The Chief Building Official is hereby authorized and directed to require the filing of such reports, specifications, details, and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (5) It is determined that projects located in the floodplain have been reviewed and approved by the Floodplain Administrator.
- (6) It is determined that all the applicable fees have been paid in accordance with Section 1171.06 Schedule of Fees.

SECTION 1302.05 PERMIT ISSUANCE WHEN PROHIBITING LEGISLATION PENDING

The Chief Building Official shall issue no building or occupancy permit for any building, structure, use, or change of use during the period in which an ordinance or other measure which would forbid the action authorized under such permit is pending before the Council pursuant to its own action, has been recommended to the Council by the Planning Commission, or is before the Planning Commission for its recommendation having been referred to the Planning Commission by the Council, or referendum is pending thereon; provided, however, that no permit shall be withheld for more than 90 days after application therefore due to such ordinance or other measure being pending.

SECTION 1302.06 STORM WATER QUALITY

All construction shall be in compliance with the most recent version of the Stark County Storm Water Quality Regulations as adopted by City Council.

SECTION 1302.07 CONNECTION OF SERVICE UTILITIES

A person shall not make connections from a utility, source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required until released by the Chief Building Official.

SECTION 1302.08 TEMPORARY CONNECTION

The Chief Building Official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, or power.

SECTION 1302.09 AUTHORITY TO DISCONNECT SERVICE UTILITIES

The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure, or service to the building, structure, or system regulated by this code and the referenced standards in case of an emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by this Code. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

SECTION 1302.10 ORDERS TO SUSPEND WORK

Whenever, in the opinion of the Chief Building Official, by reason of defective, reckless, careless, or other illegal work in violation of a provision or requirement of this Code, the continuance of a building operation is contrary to public welfare and safety, or when the required permit has not been obtained or has not been posted as required, the Chief Building Official may order, either orally or in writing, all further work to be stopped and may require suspension of work until the condition(s) in violation has been remedied.

SECTION 1302.11 POSTING OF PERMIT

No operations requiring a permit shall be commenced until the permit card therefor is posted in a conspicuous place, near the front of the premises and in such a position as to permit the Chief Building Official, or their designee, to make the required entries thereon regarding inspection or the work. The card shall be preserved and remain posted until the completion of the work for which it was issued.

SECTION 1302.99 PENALTY; LEGAL ACTION

(a) Whoever violates any provision of Part 13 of this Code or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined no less than \$250.00 nor more than \$1,000.00 for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct, or abate a violation, to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of Part 13 of this Code or other applicable laws, ordinances, rules or regulations or the orders or determinations of the Chief Building Official, Fire Chief, the City Engineer, or the Zoning and

Building Standards Board of Appeals. The City may elect to recover all costs associated with this Section by certifying the costs to the County Auditor for collection.

CHAPTER 1303 – RAZING OF BUILDINGS

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SECTION 1303.01 OBTAINING A PERMIT FROM THE CITY

(a) No person, firm, or corporation shall commence or proceed to raze, demolish or tear down any building, or any part thereof of any size where any portion of the street, sidewalk, or alley is to be blocked or obstructed without obtaining a permit from the City. No person, firm, or corporation shall raze or demolish any building by fire of any dimension whatsoever without obtaining a permit from the City. The permit shall be issued by the Division of Permits and Inspection upon application by the owner and/or contractor, person, firm, or corporation in charge of razing the building. Before a permit will be issued to any person, firm, or corporation for razing, demolishing, or tearing down of any building or part thereof the application for the permit shall be accompanied by a certified check of one thousand dollars (\$1,000) or a bond of one thousand dollars (\$1,000) made payable to the City. In addition, before the permit is issued, the person, firm, or corporation shall execute an indemnification agreement to be approved by the City Law Department in favor of the City, so as to save and hold the City harmless against any and all liabilities, claims, losses, damages and costs and expenses which may in any way accrue against the City because of negligence of the applicant or failure to comply with the provisions of this chapter, by such applicant or his, their or its agents, servants or employees. As a further condition, the person, firm, or corporation shall provide proof of insurance to the City, as to amount and coverage, which proof shall be subject to the approval of the Law Department of the City.

(b) This section shall not apply to any person razing, demolishing, or tearing down his own building, or part thereof, if he does the work himself and provided such building is not within fifteen feet of any public or private land, building or right-of-way providing such razing, demolishing or tearing down is not done by fire, and providing the building does not consist of more than 200 square feet.

SECTION 1303.02 BARRICADES

Whenever a building is being torn down, razed, or demolished within fifteen feet of a public street or sidewalk, barricades of a type specified by the Division of Permits and Inspection shall be erected and lights provided at such barricades at night.

SECTION 1303.03 CONDITION OF RAZING

Whenever a person, firm, or corporation razes, demolishes, or tears down any building if such building has concrete basement floors, these floors must be broken up for drainage. All sanitary sewers must be plugged at the outlet with concrete and approved by the City Engineer. In addition, all other public utility services shall be cut and discontinued. There shall be no backfilling of basements with any combustible materials and there shall be no burning on the site unless authorized by the North Canton Fire Department and controlled by the Fire Department. No rubbish, debris, lumber, glass, or other materials from razed or demolished building shall be allowed to remain on the lot or tract of land longer than ten days after such building has been razed or demolished. There shall be no storing of salvage materials on City property unless authorized by the Director of Administration. (There shall be no storing of materials on private property unless for construction of another structure within sixty days.)

SECTION 1303.04 DESCRIPTION OF PROPOSED WORK

Such application for a permit shall describe briefly the description of proposed work and shall provide such additional information as may be required by the Division of Permits and Inspection and for an intelligent understanding of the proposed work. A pre-job conference with the Police Department, Fire Department, Utility Companies, Water and Sewer Departments, shall be held if deemed necessary by the Division of Permits and Inspection.

SECTION 1303.05 ACTION UPON APPLICATIONS IN THE ORDER RECEIVED

The Division of Permits and Inspection shall act upon applications referred to in Section 1303.04 in the order received and without unnecessary delay. The Division of Permits and Inspection shall be given not less than forty-eight hours after filing of an application for a permit to raze, demolish or tear down a building (excluding Sundays and holidays) to inspect the buildings and structures and if it is found that the work can be executed safely in the manner proposed, a permit shall be issued therefor.

SECTION 1303.06 EXTENSION OF PERMIT

Any permit issued under the provisions of this chapter expires thirty days after the date the permit is issued, unless for good cause shown the Division of Permits and Inspection extends the time of such permit. Provided, however, that there shall be no more than one extension and the extension shall not be for a period in excess of thirty days. The fee for a permit that has expired shall not be refunded.

SECTION 1303.07 FEE FOR PERMITS

(a) The fees for permits to raze a building or structure or any part thereof, shall be in the amount stated as follows:

| Permit | Fee |
|--|------------|
| 1. Permit for a structure comprised of more than a total of 200 square feet of floor or ground area classified as not having been a dwelling or commercial building. | \$75.00 |
| 2. Permit for a single dwelling. | \$150.00 |
| 3. Permit for a duplex or double house. | \$200.00 |
| 4. Permit for business, commercial, public, or semi-public building. | \$250.00 |

(Ord. 58-2020 eff. 11/25/2020)

(b) Apartment buildings accommodating more than three families shall be considered commercial buildings for the purpose of this section.

SECTION 1303.99 PENALTY

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's continued violation shall constitute a separate offense.

CHAPTER 1310 – CONTRACTOR REGISTRATION REQUIREMENTS

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(Ord. 59-2020 eff. 11/25/2020)

SECTION 1310.01 DEFINITIONS

As used in this Chapter;

(a) “Contractor” means an individual, partnership, corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. “Contractor” includes, without limitation, entities considered to be general Contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a “Contractor” for purposes of this Chapter.

(b) “General Contractor” means an individual, partnership, corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof and coordinates other Contractors working on the same project.

(c) “Trade Contractor” means an individual, partnership, corporation, joint venture, or other entity which is limited to a single trade, including but not limited to: plumbing, mechanical, electrical, fire alarm, fire suppression, siding, wallboard, fences, roofing, or insulation.

(d) “Engineering Contractor” means an individual, partnership, corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any publicly owned land or publicly owned building or any portion thereof and may also coordinate other Contractors working on the same project which is located in the public right-of-way or public property.

SECTION 1310.02 REGISTRATION

(a) All Contractors shall register with the Chief Building Official prior to performing any work in the City. No person shall allow a Contractor who has failed to register with the Chief Building Official to perform any work in the City.

(b) A Contractor seeking to be registered shall submit the following to the Chief Building Official:

- (1) A completed application for registration on a form prescribed by the Chief Building Official;
- (2) The Contractor's certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$500,000.00 for Trade Contractors or \$1,000,000.00 for all other contractors, and showing the City of North Canton as a Certificate Holder. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Chief Building Official throughout the term of the registration. The Contractor shall be liable for any damages, injuries, or other liability caused by his negligent operations or in the performance of his work and/or contract. The City and its officers or agents are saved harmless from any claims arising from the negligence of the Contractor.
- (3) A copy of the current qualification certificate issued pursuant to R.C. Chapter 4740 by the Ohio Construction Industry Licensing Board to the Contractor or an employee of the Contractor, if such a certificate is required for the Contractor's trade;
- (4) A completed Regional Income Tax Agency (R.I.T.A.) registration form;
- (5) A valid Workers Compensation Certificate issued by the Ohio Bureau of Workers Compensation or a completed Sole Proprietor Waiver on a form prescribed by the Chief Building Official; and
- (6) A registration fee in the amount of one hundred fifty dollars (\$150.00).

(c) Upon submission of the items required above, the Chief Building Official shall issue a registration certificate. The Chief Building Official may deny an application for registration if the Contractor fails to submit any of the items required above; the Contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications, or the Contractor has at any time violated any provision of this Chapter.

SECTION 1310.03 TERM AND RENEWAL

(a) A registration certificate issued pursuant to Section 1310.02 shall be effective from the date of issuance until December 31 of the same year.

(b) A registration certificate must be renewed each year pursuant to Section 1310.02.

SECTION 1310.04 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS

A registered Contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

SECTION 1310.05 SUSPENSION AND REVOCATION

(a) The Chief Building Official may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

- (1) The Contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the state.
- (2) The Contractor's qualification certificate issued by the Ohio Construction Industry Licensing Board is suspended or revoked;
- (3) The holder of the qualification certificate issued by the Ohio Construction Industry Licensing Board becomes disassociated with the Contractor and a qualification certificate of another employee of the Contractor is not submitted to the Chief Building Official within 90 days after the disassociation;
- (4) The Contractor fails to maintain liability insurance coverage as required pursuant to Section 1310.02(b)(2); or
- (5) The Contractor violates any provision of this Chapter.

(b) An order of the Chief Building Official suspending or revoking a contractor's registration certificate shall be effective upon written notice served either personally to the contractor or through overnight delivery service to the address on file.

SECTION 1310.06 APPEALS

If the Chief Building Official denies a Contractor's application for registration, suspends or revokes a Contractor's registration certificate, or denies renewal of a registration certificate, the Contractor shall have the right to appeal to the Zoning and Building Standards Board of Appeals. The Contractor shall submit a notice of appeal to the Zoning and Building Standards Board of Appeals within five days from the receipt of the order of the Chief Building Official. The decision of the Zoning and Building Standards Board of Appeals shall be final.

SECTION 1310.07 EXEMPTIONS

No registration shall be required for: The occupying owner, and immediate family of the occupying owner, of a residential unit who personally performs the work at such residence, provided that the work must comply with all other requirements of the Building Code and a notarized affidavit is provided on a form prescribed by the Chief Building Official.

SECTION 1310.08 WORK WITHOUT PERMITS/REGISTRATION

In addition to the penalties provided in Section 1309.99, any Contractor performing work without the required permit(s) as required by Chapters 1309 and 907, zoning certificate(s) as required by Chapter 1173, and/or Contractor registration(s) as required by Chapter 1310 of this Code shall be assessed an administrative fee at a rate double the established fees for the Contractor registration and required approvals.

CHAPTER 111 – COUNCIL

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SECTION 111.01 MEETINGS; TIME, PLACE, AND RECORDING PROCEDURE

(a) Council of the City of North Canton, Ohio, ("Council") shall meet on the second and fourth Monday of each month at 7:00 p.m.

(b) All meetings of Council shall be in Council Chambers, located in the North Canton Civic Center, 845 W Maple Street.

(c) If a Council meeting date falls on a holiday recognized by the City, the meeting date shall be considered canceled unless rescheduled by vote of Council.

(d) The date and/or time of a Council meeting may be changed or canceled by a favorable vote of the majority of those members present at a prior Council or Committee of the Whole meeting, or upon the written request of four members of Council.

(e) Council may meet as a Committee of the Whole on the second and fourth Monday, of each month at 7:00 p.m. and such other dates and times as Council may decide or may be called by the President of Council.

(f) Council may annually establish a summer and/or winter break provided the Charter of the City of North Canton’s (“Charter”) requirement to hold one regular Council meeting each month is satisfied.

(Ord. 70-2020 eff. 11/23/2020)

SECTION 111.02 COUNCIL STRUCTURE

(a) Within the Charter’s limits, the President of Council shall supervise the Director of Law, Director of Finance, and Clerk of Council.

(b) Councilmember vacancies shall be filled in accordance with Section 5.05 of the Charter and as follows:

- (1) Within the Charter’s limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.
- (2) Nominations to fill a Council vacancy shall be made from the floor of Council.
- (3) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.

(Ord. 70-2020 eff. 11/23/2020)

SECTION 111.03 LEGISLATIVE PROCEDURE

(a) At the Annual Organizational Meeting Council shall, by motion and vote of Council, adopt such rules and regulations as Council sees fit to govern its legislative process consistent with the Charter.

(b) All meetings of Council and its committees shall be recorded and transcribed into verbatim minutes which shall additionally state all those City Officials in attendance and seated at the dais.

(Ord. 70-2020 eff. 11/23/2020)

SECTION 111.04 NOTICE

(Pursuant to Ohio Revised Code Section 121.22.)

(a) The Clerk shall post at a prominent place in the North Canton City Hall, the time, date, and place of all meetings of Council and the Council meeting as a Committee of the Whole which notices shall include the time, place, and purpose of such meeting.

(b) The prominent place described above shall be designated by Council motion from time to time.

(c) Upon request, any person, including news media, may obtain reasonable advance notice by e-mail or telephone number of all meetings of Council, Council meeting as a Committee of the Whole, and/or special meetings at which specific public business is to be discussed. The Clerk shall make a reasonable effort to notify the individual at the provided email address and/or telephone number and may use the meeting agenda as notification.

(Ord. 70-2020 eff. 11/23/2020)

SECTION 111.05 COMMUNICATION WITH CONSTITUENTS

(a) Any Council member that wishes to survey his or her constituents must meet the following conditions:

- (1) The survey/letter may address only a single issue;

- (2) The survey/letter may be sent only to residents directly affected by the issue addressed in the survey/letter;
- (3) A majority of Council must determine that the content of the survey/letter relates to City business.
- (4) A Council member may not send out a survey/letter to constituents within 90 days of an election of North Canton City Council members unless all of the following restrictions have been met:
 - (A) A majority of Council must agree that conditions (1), (2), and (3) above have been met; and
 - (B) The survey/letter does not contain the name of the sending Council member, but rather is signed, "North Canton City Council. "

(b) Councilmembers may utilize official City letterhead for communications provided that:

- (1) A copy of all communications written using City letterhead shall be sent to, and kept on file by, the Clerk of Council.
- (2) Letterhead shall only be used for communications relating to City business.
- (3) Letterhead shall not be used to advocate for or against any candidate, referendum, recall, or other votes of the electorate in any capacity.
- (4) Letterhead shall not contain personal phone numbers or email addresses but shall instead contain the number for the Office of Council and the email address for the position held.
- (5) That all communications shall also comply with the provisions of Section 111.08, Communication with Constituents, of the Codified Ordinances.

(c) In order to ensure compliance with letterhead standards, the Clerk of Council shall not distribute the letterhead template. Council members may draft communications and send them to the Clerk to be placed on letterhead or request the Clerk to draft communications on their behalf.

(d) Councilmembers may use City envelopes to send any communications written on City letterhead.

(e) Councilmembers may utilize City business cards to represent themselves to the public subject to the following provisions.

- (1) Upon request Councilmembers may be provided with up to 500 business cards, paid for by the City, per elected term, with at least 50 of such cards to be retained by the Office of Council to distribute to members of the Public that visit Council Offices in person. Any additional cards must be paid for by the Councilmember themselves.
- (2) Business cards shall not only list personal phone numbers, but also the number for the Office of City Council.
- (3) Business cards shall not list personal emails, only the email for the position held on Council.

- (4) Business cards shall not list any titles or officers of Council such as Committee Chairman, President, or Vice President as these positions may be subject to frequent change.
- (5) Business cards may not be used as, in conjunction with, or as part of, campaigning or election materials.

(f) The above restrictions shall not control correspondence between a Council member and the member's constituents if City resources are not utilized.

(Ord. 51-2020 eff. 11/11/2020)

SECTION 111.06 RULES OF DECORUM, COURTESY, AND PROPRIETY

(a) Council has a significant governmental interest to ensure order during its meetings and expects and requests that its guests be respectful and courteous to other guests, City employees, and Council members. Guests also should expect a courteous, respectful hearing of their comments and concerns regarding matters under Council's jurisdiction. For those reasons, and so that the City's business may be effectively accomplished without disruption, meetings shall be conducted in an orderly, efficient, and dignified manner. Council must therefore insist that all in attendance not disrupt Council, committee, or special meetings by physical actions, excessive noise, or other disruptive or distracting behaviors, as those actions delay-and in some circumstances-cease the legislative process.

(b) Council may designate a portion of its meeting, Recognition of Visitors, to provide its guests with a venue in which they may be heard in a fair, impartial, and respectful manner, which is open and welcoming to diverse viewpoints, and yet free from disruptive conduct or effect. Therefore, with the exception of the amount of time permitted to speak, and the rule that Recognition of Visitor's is the only portion of Council meetings that a guest may speak, Council shall not limit a guest's message unless it is delivered in a disruptive or threatening way, or contains word or actions likely to invite a breach of the peace.

(c) In the interest of its guests, City employees, and Council Members, and to help prevent the disruption of its meetings that delay or cease the legislative process, Council rules shall be strictly and equally enforced. The President of Council shall promptly issue a warning to those that violate the Rules of Decorum, Courtesy, and Propriety to cease the disruptive behavior. Because a disruptive individual waives his or her right to remain at a meeting and to prevent the further delay or cessation of the legislative process, the President of Council may expel from the meeting those individuals that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's request, the President shall have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor.

(Ord. 70-2020 eff. 11/23/2020)

SECTION 111.07 RECOGNITION OF VISITORS

(a) Guests of Council meetings are permitted to speak only during the Recognition of Visitors portion of the Council meeting. Guests shall observe the Rules of Decorum, Courtesy, and Propriety described above. See 111.09. There shall be no shouting or other types of disruptive behavior during a Council, Committee of the Whole, or special meeting.

(b) Each speaker shall begin by first identifying themselves by name, home address, and stating the subject matter on which he or she intends to speak.

(c) Each speaker's comments are limited to a maximum of five minutes. There shall be no debate between the speaker and guests, City employees, or Council Members. Other guests, City employees, or Council members shall not interrupt or otherwise engage the speaker during the speaker's five minutes. Only after the speaker has completed speaking and returned to her or his seat may a Council member, or City employee, who is seated at the Council dais, respond to the speaker's comments.

(d) When the speaker's five minutes have expired, as indicated by both an audible alarm and a timer visible to all of those in attendance of the meeting, the speaker shall promptly cease speaking and shall return to his or her seat or shall exit the meeting. Council members and City employees at the dais are available following the meeting if the speaker wishes to continue the speaker's comments. The speaker may also resume at the next Recognition of Visitors portion of a Council meeting.

(e) A speaker that continues beyond the allocated five minutes, and who continues to speak despite receiving notice that the speaker's time limit has expired, disrupts the meeting and therefore is subject to Section 111.06(c).

(Ord. 70-2020 eff. 11/23/2020)

SECTION 111.08 SALARIES AND BONDS

(a) Salaries and bonds for all elected officials and appointed officials and City employees shall be as established by Council.

(b) The public officials of the City of North Canton shall give bond in the amounts set below with premiums for such bonds to be paid by the City.

(1) The Mayor and Director of Administration shall give bond in the amount of \$50,000.

(2) The Director of Finance shall give bond in the amount of \$250,000.

(Ord. 27-2020 eff. 07/22/2020)

CHAPTER 135 – DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE

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SECTION 135.01 DEPARTMENT ESTABLISHED

A Fire and Emergency Medical Service Department is hereby established for the City. It shall consist of personnel, fire apparatus, ambulances, and other property and equipment now in use or which may hereafter be purchased by the City. The Fire and Emergency Medical Service Department is hereby established for the purpose of providing fire protection, fire prevention, emergency medical care to accident and trauma victims, and other fire and emergency medical services in the City in a safe and efficient manner according to generally recognized standards.

SECTION 135.02 CHIEF OF DEPARTMENT

The Chief shall be classified as a civil servant covered by the civil service provisions of the City, pursuant to Section 3.07(1) of the Charter. The Chief of the Fire and Emergency Medical Service Department shall be an elector of the City and shall be appointed by the Mayor.

SECTION 135.03 PERSONNEL

(a) The Fire and Emergency Medical Service Department shall be comprised of the following ranks and positions:

- (1) One (1) full-time Chief of Fire and Emergency Medical Service Department;
- (2) One (1) full-time Fire Battalion Chief;
- (3) No more than three (3) full-time Firefighter/EMT/Fire Inspectors;
- (4) No more than three (3) full-time Captains-Emergency Medical Technician-Paramedics;
- (5) No more than nine (9) full-time Emergency Medical Technician Paramedics;
- (6) Together with those part-time volunteer personnel, as required, and that shall be designated by the Director of Administration.

(Ord. 68-2020 eff. 01/13/2021)

(b) Effective January 1, 2005, if a full-time Emergency Medical Technician-Paramedic position becomes vacant, it shall be replaced with a full-time Emergency Medical Technician-

Section 135.04 Chapter 135 – Department of Fire and Emergency Medical Service

Paramedic/Firefighter. At no time will there be more than nine full-time Emergency Medical Technician Paramedic/Firefighters.

(c) Pursuant to Section 3.07(1) of the North Canton City Charter, full-time positions of the Fire and Emergency Medical Service Department are classified civil servants and covered by the City's civil service provisions.

SECTION 135.04 FIRE INSPECTOR TO ISSUE CITATIONS

Full-time fire inspectors shall be authorized to issue tickets or citations for violations of the following subsection of Section 351.03 of the Traffic Code:

(a) Within ten feet of a fire hydrant;

(b) Within twenty feet of a driveway entrance to any Fire or EMS Station or designated emergency facility, and on the side of the street opposite the entrance to any Fire and EMS Station or designated emergency facility or within seventy-five feet of such entrance when it is properly posted with signs; and

(c) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs (provided that said place is a fire lane).

SECTION 135.05 COMPENSABLE AND VOLUNTEER DUTIES

(a) The following services performed by members of the Fire and Emergency Medical Service Department shall be considered compensable:

- (1) Assigned personnel responding to alarms.
- (2) Other special duties approved by the Director of Administration and the Department Chief.

(b) The following services performed by the Fire and Emergency Medical Service Department shall be considered volunteer activities:

- (1) Standby duty time.
- (2) Observation of vital signs training.
- (3) In-hospital training.
- (4) Cardiovascular emergency medical technician.
- (5) Paramedic training.
- (6) Activities of the North Canton Squadman's Association.

CHAPTER 155 – PERSONNEL REGULATIONS

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SECTION 155.01 APPLICABILITY

These Personnel Regulations shall apply to all exempt City employees and those non-exempt, unclassified employees not subject to a collective bargaining agreement that is contrary to these sections.

SECTION 155.02 CLASSIFICATION OF EMPLOYEES

(a) Exempt and nonexempt unclassified employees not subject to a collective bargaining agreement are “at-will” employees. “Unclassified employees” are those identified as being in the unclassified service by O.R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton.

(b) “Full-time” employees are those, other than non-exempt Fire, E.M.S., and seasonal, who are regularly scheduled to work at least 37.5 hours per workweek.

(c) “Part-time” employees are those, other than nonexempt Fire and E.M.S., who are regularly scheduled to work less than 29 hours per workweek, and nonexempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than 53 hours in a seven-day tour of duty in an individual job classification.

(d) “Seasonal” employees are those hired with the expectation that such employment will last no longer than six months of any calendar year and who are regularly scheduled to work less than 29 hours per workweek.

SECTION 155.03 HIRING PRACTICES

To fill any position listed in the Full-Time Schedule of Compensation, the Mayor (or in the case of a Council/Law/Finance position, City Council) shall post the open position for a minimum of two weeks on the City's website, bulletin boards in each City facility, and in a local newspaper. The posting may also be advertised on websites and/or in trade publications relevant to the position.

SECTION 155.04 COMPENSATION

(a) Exempt employees' salaries are not subject to minimum wage and overtime provisions pursuant to the Fair Labor Standards Act and R.C. 4111.03, as may be amended from time to time. Exempt employees shall work the hours necessary to perform their assigned duties, subject to the direction and discretion of their appointing authorities, supervisors, or department heads.

(b) Non-exempt employees are subject to minimum wage and overtime provisions pursuant to the Fair Labor Standards Act and R.C. 4111.03, as may be amended from time to time.

(c) Tracking Time Worked.

- (1) To ensure timely payment of their salaries, employees shall see that their timesheets, which have been approved by their supervisors, are submitted to the City's payroll manager no later than 12:00 noon on the first City workday following the last day for the applicable time sheet's reporting period. The timesheet shall include both times worked as well as applicable leave used during the reporting period.
- (2) Although full-time exempt employees earn a predetermined salary, the City must account for their sick, vacation, and personal time. As a result, full-time exempt employees shall report leave used during the reporting period to the City's payroll manager no later than 12:00 noon on the first City workday following the last day for the applicable reporting period.

(d) Overtime.

- (1) There is an overtime rate of time and one-half after a scheduled eight hours or working a holiday for part-time police officers and part-time radio dispatchers.
- (2) All hourly employees not covered in Division (1) hereof shall be allowed and paid extra compensation at
 - (A) the rate of 1 ½ times the employee's regular hourly rate or
 - (B) compensatory time computed at the same rate to be taken in the future as approved in advance when required to perform services in excess of regularly scheduled services.
- (3) For the purposes of administering overtime, an employee must actually work or be on authorized paid leave, with the exception of sick leave, in excess of 40 hours in any workweek. Upon accumulation of 40 hours of compensatory time, all further overtime worked by the employee shall be

compensated in the form of overtime pay and may not be added to the employee's compensatory time bank.

- (4) For computing overtime pay, holidays, vacations, and funeral leave days shall be counted as hours worked.

(e) Minimum Wage. Effective January 1 of each year, any employees receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

(f) Full-Time Schedule of Compensation. Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

| Position | Maximum Annual Compensation |
|---|------------------------------------|
| Director of Administration | \$118,450.00 |
| Director of Finance | \$118,450.00 |
| Director of Law | \$118,450.00 |
| City Engineer | \$118,450.00 |
| Chief of Fire and Emergency Medical Services | \$97,850.00 |
| Chief of Police | \$97,850.00 |
| Superintendent of Drinking Water Plant | \$87,550.00 |
| Superintendent of Streets and Sewers | \$87,550.00 |
| Superintendent of Water Distribution and Parks | \$87,550.00 |
| Fire Battalion Chief | \$87,550.00 |
| Deputy Director of Administration and Development | \$82,400.00 |
| Deputy Director of Finance | \$82,400.00 |
| Operations Manager (Drinking Water Plant, Parks, Recreation and Building Maintenance, Streets and Sewer, or Water Distribution) | \$82,400.00 |
| Construction Engineer | \$68,557.00 |
| Clerk of Council or Law Department | \$56,650.00 |
| Assistant Clerk of Council | \$34,000.00 |
| Position | Maximum Hourly Rate |
| Accountant/Payroll Manager | \$30.70 |
| Accountant | \$28.22 |
| Administrative Specialist | \$27.23 |
| Client Coordinator | \$26.74 |
| Administrative Assistant | \$24.76 |

(Ord. 67-2020 eff. 12/23/2020)

(g) Part-Time Schedule of Compensation. Part-Time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

| Position | Maximum Hourly Rate |
|--|----------------------------|
| Public Safety – Fire/EMS | |
| Assistant Chief | \$19.06 |
| Fire Captain | \$18.54 |
| Paramedic | \$18.54 |
| Firefighter – Paramedic | \$18.54 |
| Firefighter – basic | \$16.48 |
| Firefighter | \$16.48 |
| Basic | \$16.48 |
| Public Safety – Police/Dispatch | |
| School Crossing Guard | \$13.04 |
| Special Patrolman | |
| 0-12 months | \$20.22 |
| After 1 year | \$23.41 |
| After 2 years | \$24.38 |
| Radio Dispatcher C | |
| 0-12 months | \$18.95 |
| After 1 year | \$21.33 |
| After 2 years | \$22.67 |
| General | |
| Administrative Assistant | \$20.05 |
| Client Coordinator | \$14.42 |
| Casual Labor | \$14.00 |
| Seasonal Casual Labor | \$14.00 |
| Intern (Non-Accredited) | \$14.00 |

(Ord. 67-2020 eff. 12/23/2020)

SECTION 155.05 ANNUAL UNIFORM ALLOWANCE

(a) An annual uniform allowance of \$1,000 shall be paid for the positions of Chief of Police and Chief of Fire and Emergency Medical Services.

(b) An annual uniform allowance shall also be paid for the following positions, in the following amounts:

(1) Special Patrolman.

(A) First year: \$300 if during first half of year; \$150 paid in second half of year.

(B) Each year thereafter, \$300.00 paid in first half of January.

(2) Auxiliary Patrolman

(A) First year: \$150 if during first half of year; \$75 paid in second half of year.

(B) Each year thereafter, \$150 paid in first half of January.

SECTION 155.06 EDUCATIONAL BENEFITS

(a) The City will provide reimbursement to full-time City employees for tuition, registration, and laboratory fees upon successful completion of college, university or other educational courses that are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City, as determined by the responsible departmental authority.

(b) This ordinance shall not affect any instruction or training required by state law.

(c) Reimbursement for expenses permitted is contingent upon appropriation of funds.

(d) The responsible departmental authority must provide prior written authorization to qualify for reimbursement. Upon successful completion of education courses so authorized, the departmental authority will authorize the reimbursement to the employee, and it shall be paid by appropriated funds. Prior written authorization by the departmental authority shall be conclusive that authorized educational courses are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City.

(e) Under no circumstances will the employee be permitted to take education courses during the normal working hours.

SECTION 155.07 LONGEVITY PAY PLAN

Longevity payments of \$70 per year of service shall be made during the first half of the month of December of each year to permanent, full-time employees who shall have completed at least five years of continuous City service and who shall be in the employ of the City as of November 30th of the year in which the longevity payment is made. Determination of longevity pay shall be from December 1st to November 30th. Full-time employees hired after August 1, 2006, shall not receive longevity pay.

SECTION 155.08 LEAVE OF ABSENCE PROVISIONS

(a) Holiday Allowances.

(1) The following paid holidays will be observed by all full-time employees of the City of North Canton and City Offices will be closed on:

- (A) New Year's Day
- (B) Labor Day
- (C) Martin Luther King Day
- (D) Thanksgiving Day
- (E) President's Day
- (F) Friday after Thanksgiving Day
- (G) Good Friday
- (H) Day before or day after Christmas
- (I) Memorial Day
- (J) Christmas Day
- (K) July 4th

- (2) Holidays listed in Division (1) hereof that fall on Saturday, which is normally not a working day, shall be observed on the preceding Friday.
- (3) Holidays listed in Division (1) hereof that fall on Sunday, which is normally not a working day, shall be observed on the following Monday.
- (4) Holidays listed in Division (1) shall be considered as a day worked for accrual of fringe benefits.
- (5) On or before the first day of November of each year in respect to the holiday of the day prior or the day after Christmas, the Mayor shall, by administrative order, establish which of the days shall be the paid holiday. If the Mayor fails to make such designation by November 1st, the holiday shall be deemed the day prior to Christmas.

(b) Sick Leave Regulations.

- (1) Sick leave shall be defined as an absence with pay necessitated by:
 - (A) illness or injury to the employee;
 - (B) exposure by the employee to a contagious disease communicable to other employees; and/or
 - (C) illness, injury, or death in the employee's immediate family.
- (2) Allowance for sick leave for full-time employees shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.
- (3) Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.
- (4) Upon retirement, a full-time employee hired on or before August 1, 2006, shall:
 - (A) be paid for 50% of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and,
 - (B) shall receive an additional amount equal to 25% of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum payment of 240 hours.
- (5) Upon retirement, an employee hired after August 1, 2006 shall be paid for 25% of the total number of accumulated but unused sick hours earned by the employee, as certified by the Finance Department, up to a maximum payment equal to 240 hours.
- (6) Sick leave shall not be used where injury is service connected but shall be covered by Subsection (h) hereof.
- (7) Any sick leave shall be considered as hours worked for accrual of fringe benefits.
- (8) Sick leave may be taken in one-quarter hour increments.
- (9) Leave Donation Program.
 - (A) An employee may receive donated sick or vacation leave, up to the number of hours the employee is scheduled to work each pay period, if

- (i) the employee who is to receive donated leave or a member of the employee's immediate family has a serious illness;
 - (ii) has no accrued leave whatsoever, i.e., sick, vacation, personal, compensatory, or holiday leave; and
 - (iii) has applied for all paid leave, Workers' Compensation, or benefit programs for which the employee is eligible.
- (B) An employee may donate leave if the donating employee:
- (i) voluntarily elects to donate leave and does so with the understanding that donated leave shall not be returned;
 - (ii) donates a minimum of eight hours; and
 - (iii) retains a combined leave balance of at least 80 hours.
- (C) Leave shall be donated in the same manner in which it would otherwise be used.
- (D) This leave donation program shall be administered on a pay-period-by-pay-period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise receive. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated sick leave during the employee's probationary period. Donated leave shall be considered sick leave but shall never be converted into a cash benefit.
- (E) Employees wishing to donate leave shall certify:
- (i) the name of the employee for whom the donated leave is intended;
 - (ii) the type of leave and number of hours donated;
 - (iii) that they must possess a minimum of 80 hours of combined leave balance beyond the amount donated; and
 - (iv) that the donation is voluntarily and shall not be returned.
- (F) The City shall ensure no employees are forced, compelled, or intimidated to donate leave.
- (G) The City shall respect an employee's right to privacy. However, it may, with the permission of the employee in need, or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave. The City shall not directly solicit leave donations from employees; indeed, the City shall confirm donations occur on a strictly volunteer basis.

(c) Vacation Regulations.

- (1) For the sole purpose of the application of this subsection, full-time employees who were employed by the City of North Canton in a calendar year prior to January 1, 2003 shall be deemed to have a service date of January 1 of that year in that year in which their employment commenced.

- (2) Annual Vacation Allowances.
- (A) Full-time employees having been employed one through four years by January 1st shall be granted a paid vacation allowance of two calendar weeks in that calendar year of employment.
 - (B) Full-time employees having been employed five through nine years by January 1st shall be granted a paid vacation allowance of three calendar weeks in that calendar year.
 - (C) Full-time employees having been employed ten through fourteen years by January 1st shall be granted four calendar weeks in that calendar year.
 - (D) Full-time employees having been employed fifteen through nineteen years by January 1st shall be granted five calendar weeks in that calendar year.
 - (E) Full-time employees having been employed twenty years or more shall be granted six calendar weeks in that calendar year.
 - (F) Full-time employees having been employed less than one year, but not yet employed on January 1st, may be granted one day of vacation for each full month remaining in that calendar year, to a maximum of 10 vacation days, effective on the first day of the first full month of employment during the calendar year, without the requirement of accrual.
 - (i) Unless Item (ii) hereof applies, full-time employees may be granted a paid vacation allowance during the first year of employment up to a maximum of two calendar weeks at the discretion of the appointing authority.
 - (ii) The appointing authority may grant up to four weeks of vacation for the positions of Director of Administration, Director of Law, Director of Finance, Deputy Director of Administration and Development, Deputy Director of Finance, Clerk of Council, City Engineer, Chief of Fire & EMS, Chief of Police, Superintendent, and Operations Manager.
- (3) Leave Approving Authority.
- (A) The Director of Finance is the leave approving authority for Finance Department employees.
 - (B) The President of Council is the leave approving authority for Directors of Law and Finance and Council Department employees.
 - (C) The approving authority for all other employees is the applicable department head with concurrence of the Director of Administration.
- (4) A vacation schedule based on the seniority standing of employees will be made up by the department head each year with vacation periods so staggered that an employee's absence will not seriously jeopardize the departmental work schedule.
- (5) An extra day of paid vacation allowance will be permitted for all paid holidays falling within a selected vacation period.

- (6) When the normal work week is forty hours, the paid vacation allowance will be based thereon.
- (7) Three weeks of paid vacation allowance may be carried over to the next calendar year. The three weeks shall be the maximum amount which may be carried over regardless of the year to which the allowance is attributable.
- (8) Any employee who shall resign, retire or be laid off shall be entitled to be paid for vacation allowance earned in the previous year and eligible to be taken in the current year plus vacation earned in the current year at the pro-rata amount of one-twelfth for each full month worked subsequent to January 1st.
- (9) Vacation shall be used in increments of one week or more except that vacations may be used in lesser increments when authorized by the proper departmental authority; however, vacation may not be taken in lesser increments than one hour.

(d) Military Leave. Military leave shall be granted in accordance with federal and state law.

(e) Funeral Leave.

- (1) Three days excused absence with pay upon the death of the employee's mother, father, sister, brother, spouse, son, daughter, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchildren, grandchild and grandparent-in-law.
- (2) With permission of the department head and the concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office, the employee may be allowed one day for a funeral other than that of a relative. This time off shall not be charged against sick leave or vacation allowance but shall be leave with pay.

(f) Jury Duty Leave.

- (1) Any employee who is called for jury duty, either Federal, County or Municipal, shall be paid the employee's regular salary, less any compensation received for jury duty, as provided for in the Revised Code when said jury duty conflicts with the employee's work schedule.
- (2) Paid Jury Duty Leave will not exceed eighty hours per year without approval of City Council. It will be the employee's responsibility to present to the City the necessary documents, including pay vouchers/check from the Clerk of Courts.

(g) Maternity Leave.

- (1) This policy applies only to those not eligible for maternity leave pursuant to Family Medical Leave Act of 1993("FMLA"). Employees eligible for FMLA maternity leave shall receive leave pursuant to that Act in the manner described in the City of North Canton Personnel Handbook.

Maternity Leave shall include pregnancy, childbirth and related medical conditions.

- (2) Upon written request to the Director of Administration, Director of Finance, or President of Council, whoever is applicable, a pregnant employee may be granted a leave of absence without pay, subject to the following rules.
 - (A) Length of Leave: Leaves of absence for maternity leave shall be limited to the period of time that the pregnant employee is unable to perform the substantial, material duties of the employee's position. This period may include reasonable pre-delivery, delivery and recovery time, as certified in writing by a physician, not to exceed one hundred and eighty days. Such leave shall not include time being requested for the purposes of child care following the recovery of the employee.
 - (B) Physician Certificate: A pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will not be able to perform substantial, material duties of the employee's position due to pregnancy, childbirth or related medical conditions.
 - (C) Sick Leave Usage: Upon request to the Director of Administration, Director of Finance, President of Council, whoever is applicable, and in accordance with the rules of the City of North Canton with regard to sick leave, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time as certified by the physician's certificate that the employee isn't able to work as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence for maternity leave purposes without pay for the remainder of the period.
 - (D) Service Credit: Authorized leaves of absence under this rule for maternity leave without pay will count as service credit for all purposes related to seniority, provided the employee has properly returned to service and is not serving a probationary period. Employees that do not return to service from a personal leave of absence for maternity leave shall not receive service credit for the time spent on such leave.
 - (E) Employee Benefits: Hospitalization and life insurance benefits will remain in effect as long as the employee is on maternity leave as provided for herein.
 - (F) Return to Service: Upon completion of a leave of absence for maternity leave purposes, without pay, the employee shall be returned to the same or similar position within the employee's former classification.
 - (G) Failure to Return: An employee who fails to return to duty upon completion or valid cancellation of leave of absence without pay and

without explanation to the Director of Administration, Director of Finance, President of Council, whoever is applicable or their representatives, may be removed from the service of the City. An employee who fails to return to service from a leave of absence without pay and is subsequently removed from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

(H) Abuse of Leave: If it is found that a leave is not actually being used for the purpose for which it was originally granted, the Director of Administration, Director of Finance, or President of Council, whoever is applicable, may cancel the leave and direct the employee to report for work by giving written notice to the employee.

(h) Disability Pay. For a period of up to 12 months, a full-time employee injured in the line of duty, whose claim is allowed by the Bureau of Workmen's Compensation, may receive the difference between the amount allowed by the Bureau of Workmen's Compensation and the employee's regular pay.

(i) Unpaid Leave of Absence. Leave of Absence without pay may be granted upon written request and approval of Director of Administration. Attendance at job related conferences, meetings, seminars, require prior written request and approval from the responsible departmental authority.

(j) Public Accountability Salary Deduction. To the extent permitted by law, exempt employees who are entitled to accrue personal leave and sick leave will have their salary reduced for absences of less than full work days when accrued leave is not used by an employee because: a) permission for its use has not been sought or has been sought and denied; b) accrued leave has been exhausted; or c) the employee chooses to use leave without pay.

SECTION 155.09 MEDICAL AND LIFE INSURANCE

(a) Full-time personnel shall be eligible for medical benefits in accordance with the City's group health benefits plan, according to the terms of such plan, as amended from time to time.

(b) Full-time personnel, and those part-time personnel designated by Council, shall be eligible for life insurance in accordance with the City's life insurance plan, according to the terms of such plan, as amended from time to time.

SECTION 155.10 RETIREMENT AND PENSION

(a) Retirement.

(1) For the purpose of administering Section 155.08 retirement is defined as eligible retirement as determined by the Public Employees' Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund.

- (2) Disability Retirement is defined as recognition of eligible disability retirement from the Public Employees' Retirement System and the Police and Firemen's Disability and Pension Fund.

(b) Pension Pickup.

- (1) Any employee of the City of North Canton who is a member of the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund shall have the employee's compensation reduced by an amount equivalent to that employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, and that the amount of the employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, be paid by the City of North Canton on behalf of the employee; and that the amount of the contribution so paid on behalf of the employee by the employer be added to the salary or wage of the employee in the calculation of pensions and other benefits and is subject to the City of North Canton income tax. The employee is not given the option of choosing to receive said amount directly instead of having them paid directly to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund.
- (2) In respect to the employee's contribution to the Public Employees Retirement System of Ohio, that contribution shall be the employee's contribution to the employee's savings fund defined by R.C. 145.47.

SECTION 155.11 DRUG TESTING POLICY

(a) Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be solely for administration purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be released to a third party for the use in a criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.

(b) Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.

(c) All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometry procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.

(d) Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second

confirmatory test of the split sample done at a lab of the employee's choosing, at the employee's expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.

(e) If all the screening and confirmatory tests are positive, then the employee involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.

(f) Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.

(g) An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

(h) Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to the employee's former position.

(i) Such employee may be subject to random retesting upon return to the employee's position for a period of one year from the date of return.

(j) Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed 90 days.

(k) If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or fails to complete a program of rehabilitation, or should test positive at any time within one year after return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

(l) Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

(m) For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one-year period after return from a rehabilitation program.

(n) For the purpose of implementing the provisions of this Article, each employee shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of

examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer.”

CHAPTER 907 – STREET EXCAVATIONS

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SECTION 907.01 SCOPE OF REGULATIONS

The conditions contained in this chapter apply to any individual, firm, corporation, utility, or governmental subdivision, which finds it necessary to excavate within any dedicated street, alley, or right of way within the corporate limits of the City. The specifications contained in this chapter apply to any and all excavations made within the street lines or right of way lines of any dedicated street or alley within the corporate limits of the City.

SECTION 907.02 STREET OPENING PERMIT; FEE; EXCEPTIONS

(a) Before excavation is made, a street opening permit must be obtained from the Superintendent of Permits and Inspection. The cost of such a permit shall be one hundred dollars (\$100.00) for each excavation. Utilities operating under franchise and performing work with their own employees within the City shall pay no permit fee for openings, but must report all openings to the Superintendent of Permits and Inspection and follow the specifications and procedures of this chapter.

(b) The work to be done under the permit, and the restoration of the rights of way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, and the surrounding areas, including trench backfill, paving, and its foundations in accordance with any applicable laws and the standards established by the City Engineer, and must inspect the area of the work and use reasonable care to maintain the same condition for 180 days thereafter.

(c) The Superintendent of Permits and Inspection shall not issue any street opening permit until all requirements of this chapter have been satisfied as determined by the City Engineer and no opening of streets shall be commenced until a street opening permit is obtained from the Superintendent of Permits and Inspection.

(d) A street opening permit is not required for the replacement of existing sidewalks located in the public right-of-way.

(Ord. 61-2020 eff. 11/25/2020)

SECTION 907.03 DEPOSIT REQUIRED

(a) All persons, firms or corporations, except franchised utility companies performing work with their own employees and the City of North Canton, upon obtaining a street opening permit, shall make a deposit in the form of a performance bond or certified check in an amount determined by the City to be sufficient to cover the cost of restoring the Rights of Way in accordance with any applicable laws and the standards established by the City Engineer. If one hundred eighty days after completion of the Restoration of the Rights of Way, the City determines that the Rights of Way have been properly restored, the surety on the Construction Bond shall be released.

(b) If within 3 days of notice from the City, any deficiency not corrected by the permittee in accordance with standards and materials specified by the City, the City shall have the authority to prescribe the manner and extent of the restoration and may do so in written procedures of general application or on a case-by-case basis. After being notified by the City, all deposits shall be forfeited and cause the City to complete the work. The forfeiture of a deposit shall not prejudice the City from pursuing any additional cost incurred by the City.

(c) Deposits shall be held for one hundred eighty (180) days after final inspection to ensure the quality of work.

(Ord. 61-2020 eff. 11/25/2020)

SECTION 907.04 EQUIPMENT; BARRICADES; LIGHTS

(a) Equipment. Any equipment used for making excavations covered by this chapter shall be mounted on pneumatic tires, rubber covered tracks, or street pads. Equipment having steel lugs or steel tracks shall not be loaded, unloaded, or operated in any fashion on the improved portion of the street, alley, or right of way.

(b) Barricades and Lights. Barricades strong enough to support a pedestrian shall be placed completely around all excavations. Lights, lanterns, or torches shall be placed at all corners of the barricades and at intervals not to exceed ten feet on centers. Lights, lanterns, or torches shall be lit thirty minutes before sundown and operate continuously until thirty minutes after sunup. Should the excavation be made on an uninhabited or unimproved street, barricades and lights shall be placed at all entrances and exits and need not be placed along with the excavation.

SECTION 907.05 EXCAVATIONS, SIZE, AND BACKFILLING

(a) Excavations. All excavations shall be made as small as practical for the prosecution of the work.

(b) Backfill.

- (1) Under pavements or traveled alleys. After installation or repair of the structure, which necessitated the excavation, select earth shall be tamped in six-inch layers around the structure and to a depth of six inches above it. The remainder of the backfill shall be a granular material known as crusher run stone, grits, bank-run gravel, or another granular material approved by the Excavation Inspector. The granular material shall be tamped in six-inch layers. The granular backfill shall terminate eight inches from the top of the existing pavement. The final eight inches shall consist of six inches of concrete base and two inches of asphalt concrete.
- (2) Under sidewalks and driveway approach slabs. Excavations under sidewalks and drives shall be backfilled exactly as for that under pavements except that the granular backfill shall be terminated one inch below the subgrade of the sidewalk and two inches of No. 67 stone shall be evenly spread over the sidewalk area and shall be checked and maintained for a period of thirty days.
- (3) Under areas between the pavement and the sidewalk. Excavations between the sidewalk and the pavement shall be backfilled with select earth, tamped in six-inch layers, and terminated in a neat mound six inches above the surrounding surface. Should the excavation impair the strength of the adjacent pavement or sidewalk, granular backfill shall be placed in the six-inch compacted layers, to a depth of eighteen inches below the existing surface. The remainder of the backfill shall then be select earth placed as described above. The agency making the excavation shall be responsible for replacing all pavement or sidewalk, existing or new, damaged by careless excavation or improper backfilling.

SECTION 907.06 REPLACEMENT OF PERMANENT PAVEMENT

(a) Brick Pavements and Blacktop Streets. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to a depth of eight inches. The remaining granular backfill surface shall be leveled, tamped, and moistened. Six inches of the concrete base shall be placed on the prepared granular backfill. After the concrete has set, two inches of the asphaltic concrete surface shall then be compacted on the concrete base. All blacktop joints shall be sealed. Based on the existing pavement thickness and the average daily traffic, the City Engineer may specify a different pavement replacement section.

(b) Concrete Pavements. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to such a depth that seven a minimum of eight inches of Portland cement concrete pavement can be placed.

(Ord. 61-2020 eff. 11/25/2020)

SECTION 907.07 TRAFFIC CONTROL

(a) Individuals who receive permits shall notify the City of North Canton Police Department with no less than 24 hours prior notice of any planned disruption in traffic patterns.

(b) All traffic safety and control shall be in accordance with the latest version of the Ohio Manual of Uniform Traffic Control Devices as adopted by the Ohio Department of Transportation.

(Ord. 61-2020 eff. 11/25/2020)

SECTION 907.99 PENALTY

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 909 – REGISTRATION OF CONTRACTORS

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SECTION 909.01 REGISTRATION REQUIRED; FEE AND BOND

All contractors shall register in accordance with Chapter 1310 of this Code prior to performing any work in the City.

(Ord. 60-2020 eff. 11/25/2020)

SECTION 909.02 CONSTRUCTION PERMITS; FEES

(a) Permits. Before proceeding with the construction of sidewalks, curbs, gutters, and driveways which enter or abut public rights of way, a permit shall first be obtained by the owner or his agent from the Superintendent of Permits and Inspection or its successor.

(b) Fees. The Superintendent of Permits and Inspection, or his successor, shall make out the permits required and collect a fee for new construction of fifty dollars (\$50.00) and for replacement construction, fifty dollars (\$50.00) therefor.

SECTION 909.99 PENALTY

Whoever violates any provision of this chapter is guilty of a minor misdemeanor; a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 959 – RENTAL RATES AND POLICIES

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SECTION 959.01 POWERS OF DIRECTOR OF ADMINISTRATION

(a) The Director of Administration is authorized to develop, implement, and maintain administrative policies, guidelines, and fees governing the rental of City-owned buildings, facilities, parks, sports fields, and portions thereof, Said administrative policies and guidelines shall include, but not be limited to

- (1) preserving and protecting City-owned facilities available for rent;
- (2) providing for the fair and orderly reservation and usage of facilities;
- (3) and promoting access for City residents, guests, businesses, schools, and community organizations.

(b) City-owned buildings, facilities, parks, sports fields, and portions thereof held for rental may require additional maintenance and other administrative fees, subject to change, as determined by the Director of Administration, which are not included in the Daily Rental Rates.

SECTION 959.02 RENTAL RATES

(a) the Director of Administration is authorized to establish rental rates for City-owned buildings, facilities, parks, sports fields, and portions thereof.

(b) Any changes to rental rates made by the Director of Administration must be announced at a public meeting of City Council at least 14 calendar days prior to such rate changes taking effect.

(c) The rentals rates as established by City Council in Ordinance 96-2017 shall continue until such time as new rates are established pursuant to this Section.

(Ord. 40-2020 eff. 10/14/2020)

SECTION 959.03 DISCOUNTS

(a) For the rental of the North Canton Civic Center Events Hall a contract rate discount of 10% off the Daily Rental Rate for three or more reservations in a rolling 12 month period from the date of the initial contract.

(b) For the rental of the North Canton Civic Center Events hall and the North Canton Dogwood Park Pavilion a contract discount rate of 5% off the Daily Rental Rates for residents of the City of North Canton.

SECTION 959.04 FUTURE CAPITAL IMPROVEMENTS

The Director of Finance is authorized to set aside up to 10% of the effective Daily Rental rate on every facility use agreement for the future capital improvements of the above facilities

SECTION 959.05 REFUND POLICY

The Refund Policy for a reservation cancelation is as follows:

(a) Rentals of Picnic Shelters, Sports Fields, Offices, Portico, and Council Chambers shall be nonrefundable.

- (b) Rentals of the Civic Center Events Hall and Dogwood pavilion shall be refunded
- (1) 100% for cancellations 180 days or more prior to event;
 - (2) 50% 90 to 179 days prior to event; or
 - (3) Nonrefundable 89 days or less prior to event.

SECTION 959.06 RENTAL POLICIES

(a) Rental Rates of Sports Fields for purposes of all practices shall be limited to a four hour permitted use.

(b) The provisions of this chapter shall not apply to leagues for Sports Fields that have paid any applicable league fee required by the North Canton Department of Recreation.

(c) Games of Chance shall be permitted only at the Dogwood Park Pavillion and the North Canton Civic Center Event Hall, providing the lessee complies with the laws of the State of Ohio and the City of North Canton.

(d) North Canton Civic Center Events Hall.

- (1) At any Events where alcoholic beverages are to be provided, the Lessee shall, in advance, pay to the City the cost of providing security services for a period of four hours.
 - (A) Should security be required for more than four hours additional hourly rates will apply
- (2) An Advance damage security deposit in the amount of \$400 shall be required.

- (A) The advance deposit does not reflect the maximum amount to which a lessee may be held responsible.
- (3) Governmental and School entities shall have the option of leasing through the use of a purchase order.
 - (4) Rental in conjunction with the Civic Center Gazebo includes the use of up to 50 outdoor chairs.