



NOTICE OF PUBLIC MEETING

Notice is hereby given that:

Recent, and temporarily amended sections 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 the discussions and deliberations of all members of the public body, and in certain circumstances, address the public body themselves.

The Council of the City of North Canton shall hold the **Regular Committee of the Whole and Special City Council** on **Monday September 21, 2020 at 7:00 PM** via teleconference. See attached agenda for matters to be discussed.

Instructions to hear and perhaps participate in the meeting described above are as follows:

FOR THOSE WISHING TO WATCH THE MEETING:

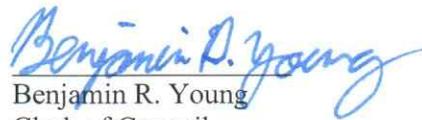
The meetings will be livestreamed via the City's YouTube page. The livestream can be accessed at the link below and will begin at approximately 6:55 p.m., Monday, September 21, 2020.

<https://youtu.be/iP25Za75-TA>

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

09/18/20

Date


Benjamin R. Young
Clerk of Council

NORTH CANTON CITY COUNCIL
COMMITTEE OF THE WHOLE
September 21, 2020, 7:00 PM, via teleconference
Agenda

1. Community and Economic Development Committee

Chairperson: Daryl Revoldt

Vice Chairperson: Mark Cerreta

- a. An ordinance establishing a Designated Outdoor Refreshment Area (DORA) in the City of North Canton under Ohio Revised Code (ORC) Section 4301.82, approving related Safety and Sanitation plans, and providing for oversight and review.
- b. An ordinance amending and retitling Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton.
- c. An ordinance to create Chapter 1302, Permits, of the Codified Ordinances of the City of North Canton in order to clarify the building permit process.
- d. An ordinance amending Chapter 1303, Razing of Buildings, specifically Section 1303.07(a), Fees for Permits, of the Codified Ordinances of the City of North Canton to set fees for permits for the razing of a building, structure, or part thereof.
- e. An ordinance to create Chapter 1310, Contractor Registration Requirements, of the Codified Ordinances of the City of North Canton in order to clarify the process by which contractors are registered with the City.

2. Finance and Property Committee

Chairperson: Stephanie Werren

Vice Chairperson: Matthew Stroia

- a. An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020, and declaring the same to be an emergency.
- b. An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the real property located at 1200 North Main Street in the City of North Canton, Stark County, Ohio (permanent parcel number 9207428) (The "Property") at a cost not to exceed \$705,000.00, and declaring the same to be an emergency.
- c. An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the real property located on Stratavon Street NW in the City of North Canton, Stark County, Ohio (permanent parcel number 10002818) (The "Property") at a

cost not to exceed \$150,000.00, and declaring the same to be an emergency.

3. Street and Alley Committee

Chairperson: Dominic Fonte

Vice Chairperson: Daniel Peters

- a. An ordinance amending Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, specifically Sections 907.02, 907.03, 907.06, and creating Section 907.07.
 - b. An ordinance to amend and retitle Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton.
 - c. Sidewalk policy and priority discussion.
4. Adjourn

APPLICATION TO THE NORTH CANTON CITY COUNCIL:
CITY OF NORTH CANTON DESIGNATED OUTDOOR REFRESHMENT AREA
O.R.C. 4301.82

The Office of the Director of Administration of the City of North Canton, Ohio, respectfully submits the following application to the North Canton City Council to approve and enact the Downtown North Canton Designated Outdoor Refreshment Area, in accordance with O.R.C. 4301.82.

RECEIVED
SEP 17 2020
COUNCIL OFFICE
NORTH CANTON, OHIO

Submitted
By: 
Patrick A. De Oro
Director of Administration

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- Exhibit B. – Location of Proposed DORA Signage & Existing Businesses
with Liquor Permits
- Exhibit C. – Safety Plan
- Exhibit D. – Sanitation Plan

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

Effective April 30, 2017, Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or “DORA’s”. In order to consider creation of DORA, the City Manager must file an application with the North Canton City Council to demonstrate compliance with certain statutory requirements. The application filing must be advertised once per week for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days after the initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

The Director of Administration is submitting the following application for creation of a DORA in downtown North Canton that includes businesses located primarily along Main Street, within the North Canton Main Street Business District corridor. The City of North Canton seeks to use a DORA designation in a portion of the downtown business district to enhance commerce, improve the economic climate within the DORA, create employment opportunities, and build an identity within the downtown business district. The DORA application is brought before City Council for formal action. Therefore, the following application is being respectfully submitted to City Council for consideration.

The application includes the following:

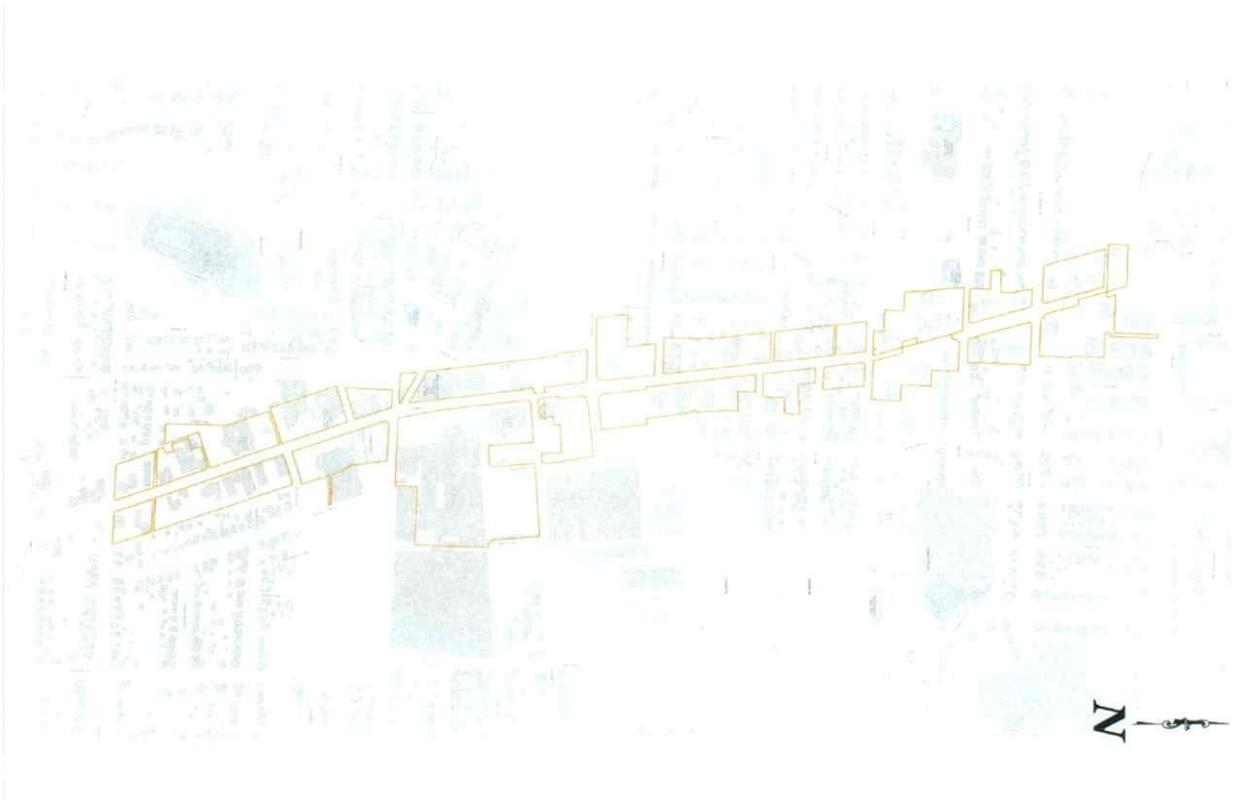
- Section II. Boundaries.** In accordance with O.R.C. § 4301.82(B)(1)(a) and F(1)(a), the boundaries of the DORA are included as an attached map. The DORA would extend along South Main Street from Harmon Street SW north along Main Street to 11th Street NW. The DORA would include properties along the east and west sides of the South to North corridor of Main Street.
- Section III. Establishments.** A comprehensive list of all first-floor businesses located in the proposed DORA district and a general description of their business.
- Section IV. Permit Holders.** A list of all liquor permit holders in the proposed DORA district. The O.R.C. requires a minimum of four. Staff has identified 5 in the proposed DORA district.
- Section V. Land Use and Zoning.** A land use and zoning map of the proposed DORA district.

Section VI. Public Health & Safety. The Public Health and Safety Plan that will be implemented in the DORA district.

Section VII. Signage. A preliminary design of the signs that will be placed at the DORA district boundaries during times the DORA is enacted.

II. BOUNDARIES

In accordance with O.R.C. 4301.82(B)(1)(b), the boundaries of the DORA are depicted below:



The proposed DORA district falls within the Main Street Business Zoning (MSB) corridor and begins at South Main Street from Bitzer Street SE, running north along Main Street to 11th Street NW. The DORA would include properties along the east and west sides of the Main Street corridor. The total acreage of the DORA district is 56.673 acres.

III. NATURE OF ESTABLISHMENTS

In accordance with O.R.C. 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are listed below. The types of establishments located within or adjacent to the DORA district are primarily businesses in the retail, dining, or services sectors.

Examples of businesses on the first floor include:

Establishment Name	Address
Retail	
North Canton TV & Appliance	414 S. Main Street
Lee Spencer Photography	609 S. Main Street
Office Furniture Solutions	609 S. Main Street
The Hoover District	101 E. Maple Street
Family Dollar Store	700 N. Main Street
Aero Tech Hobbies	902 N. Main Street
Walgreens	1000 S. Main Street
North Canton Barber Shop / CKP Heating and Cooling	555 N. Main Street
Dining and Adult Beverages	
El Rincon Mexican Restaurant (Permit #6278818)	720 S. Main Street
Pav's Creamery (Permit #1821869)	708 S. Main Street
The Crows Nest Diner	707 S. Main Street
Main Street Grille (Permit #4246886)	123 S. Main Street
Bill & Mary's Diner	1022 N. Main Street
Mama Guzzardi's Italian Restaurant (Permit #3450998)	1107 N. Main Street
Hoover Town Center (Permit #5511085005 Pending)	100-198 N. Main Street (Even) 151-179 N. Main Street (Odd)
Donatos Pizza	814 N. Main Street
Caffe Gelato	506 S. Main Street
Services	
Jillian's Hair Boutique	717 S. Main Street
Sky Witness Healing Arts, LLC	452 N. Main Street
MStar Extended Stay Hotel	500 N. Main Street
Key Bank	932 N. Main Street
Huntington Bank	101 N. Main Street
Chase Bank	219 N. Main Street
Keller Williams Realty	549 N. Main Street
Howard Hannah Realty	623 N. Main Street
Crowl Marketing/Creative	713 S. Main Street

Other	
YMCA of Central Stark County	200 S. Main Street
Zion United Church of Christ	415 S. Main Street
St. Paul's Catholic Church	317 S. Main Street & 241 S. Main Street
North Canton Chamber of Commerce	121 S. Main Street
IBEW Union and Labor Museum	113 S. Main Street
Community Christian Church	210 N. Main Street
Right at Home, Stark County	430 N. Main Street
North Canton Public Library	185 N. Main Street
Government	
City of North Canton, Fire Department	416 N. Main Street
City of North Canton, City Hall	145 N. Main Street

Residential housing within the DORA is limited and consists of some urban apartments within the business district and a limited number of single-family residential units. Many single-family residential units have been converted to office and retail space.

IV. QUALIFYING PERMIT HOLDERS

In accordance with O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders.

North Canton has identified 4 qualified permit holders, and 1 pending D5 permit application and 1 pending D6 permit application under Permit Number 55110850005, that will be included in the DORA.

Permit Number	Business Name	DBA	Class	Street Address
6278818	N CAN MEX INC	El Rincon Mexican Restaurant	D1/ISSUED 4/20/2004 D2/ISSUED 4/20/2004 D3/ISSUED 4/20/2004 D6/ISSUED 12/24/2019	720 S. Main St. North Canton, OH 44720
4246886	JAYGOOGLE LLC	Main Street Grille	D1/ISSUED 7/6/2020 D2/ISSUED 7/6/2020 D3/ISSUED 7/6/2020	123 S. Main St. North Canton, OH 44720
1821869	CREAMERY IN NORTH CANTON LLC	Pavs Creamery	D5/ISSUED 2/2/2018 D6/ISSUED 2/2/2018	708 S. Main St. North Canton, OH 44720
3450998	GUZZARDIS PIZZA CO	Mama Guzzardi's Italian	D1/PENDING D2/PENDING D6/PENDING	1107 N. Main St. North Canton, OH 44720
55110850005	MAPLE STREET COMMERCE LLC	Hoover Town Center	D5/PENDING D6/PENDING	100-198 EVEN N. Main St. North Canton, OH 44720 151-179 ODD N. Main St. North Canton, OH 44720

V. LAND USE

In accordance with O.R.C. 4301.82(B)(4), the uses of land within DORA are zoned General Business A (GB-A), General Business B (GB-B) and Office Building (OB) and are in accords with the City of North Canton's master zoning plan.

VI. PUBLIC HEALTH & SAFETY

The City of North Canton seeks to use a DORA district to enhance commerce, create workforce opportunities, and create an identity within the downtown business district. The area of the DORA is envisioned as a mixed-use center of the community. The DORA designation complements this vision and therefore is noted as a specific strategy to implement in the document. We anticipate that the DORA will foster continued investment in the area.

City staff will ensure that adequate sanitation, signage, and public safety requirements are met for the DORA. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire, and emergency ingress and egress, crowd control, DORA boundary management and sanitation management will be addressed. When a special event will be hosted within the DORA, event organizers will be required to submit an application to the City of North Canton describing the special event and how event organizers will comply with the existing public safety requirements and provide adequate sanitation, signage, and pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate health, public and safety requirements.

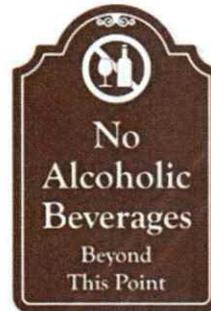
It is the City's intent that beer, wine, and intoxicating liquor may be carried through a DORA quadrant.

The Chief of Police will dictate at DORA events the need for additional police officers, at the expense of the host entity and what containers and their markings will be for anyone serving during a DORA event.

VII. SIGNAGE

In order to clearly mark the boundaries of the DORA district, signs that combine the DORA logo with the defined area, similar to a combination of the designs below, will be placed at the boundaries. The location and number of signs will be determined by the City Staff through the Public & Safety Requirements Policies.

Signage Examples:



VIII. QUALIFYING SPECIAL EVENTS

The DORA district may, from time to time, be the location of Special Events. Inclusion as an eligible DORA event does not necessitate participation. Each host organization will have the opportunity to decide if the event will participate in the DORA designated area. Organizations desiring to hold a Special Event within the DORA must complete and submit a Special Events Application to the Director of Administration not less than 90 days before the date of the event.

The City of North Canton staff may consider approval of additional events on a continual basis. Additional Special Events will be subject to local permitting processes and regulated by the approved boundaries and hours of operation established in this application.

IX. HOURS OF OPERATION

In accordance with ORC § 4301.82 (F)(I)(c), the hours of operation for the DORA will be: Monday through Sunday, 12:00 p.m. (noon) to 12:00 a.m. (midnight).

The applicant requests that City Council reserve the right to temporarily suspend DORA operations for a period of up to seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

X. SAFETY PLAN

In accordance with ORC § 4301.82 (8)(5) and (F)(1)(d), a Safety Plan has been developed to ensure public safety in the DORA. A copy of which is attached hereto as "Exhibit D." The Safety Plan can be executed with existing City staff.

XI. SANITATION PLAN

In accordance with ORC § 4301.82 (8)(5), (F)(1)(e), and (F)(1)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as Exhibit "E". The Sanitation Plan can be executed with existing City staff.

XII. OFFICIAL DORA CUP

In accordance with ORC § 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed in the DORA in the plastic bottles or other specifically designated plastic containers produced and provided by the City of North Canton (the "Official DORA Cup"). The Official DORA Cup will be distinctly marked with the DORA logo. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.



If changes to the Official DORA Cups are made, qualified permit holders will be given a 90-day notice of the change.

Official DORA Cups will be produced and provided by the City of North Canton. Each qualified permit holder must order and purchase cups through the City of North Canton in lots of 500. The City will be reimbursed for its cost to purchase approved cups.

XIII. ADDITIONAL RULES AND REQUIREMENTS

In accordance with ORC § 4301.82 (8)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

A. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

1. The permit holder's premise is located within the DORA; and
2. The permit held by the permit holder has been issued an outdoor refreshment area designation by the division of liquor control.

B. No person shall do any of the following:

1. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
2. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.

Exhibit A.

Street addresses of properties within the boundaries of the DORA.

Street Name	Range	Even/Odd
S. Main Street (East Side)	122 – 720	Even
S. Main Street (West Side)	101 – 717	Odd
E. Maple Street (Hoover District Site)	101	Odd
N. Main Street (East Side)	210 – 1030	Even
N. Main Street (West Side)	101 – 1105	Odd

Exhibit B.

Location of DORA signage and location of existing businesses with liquor permits.

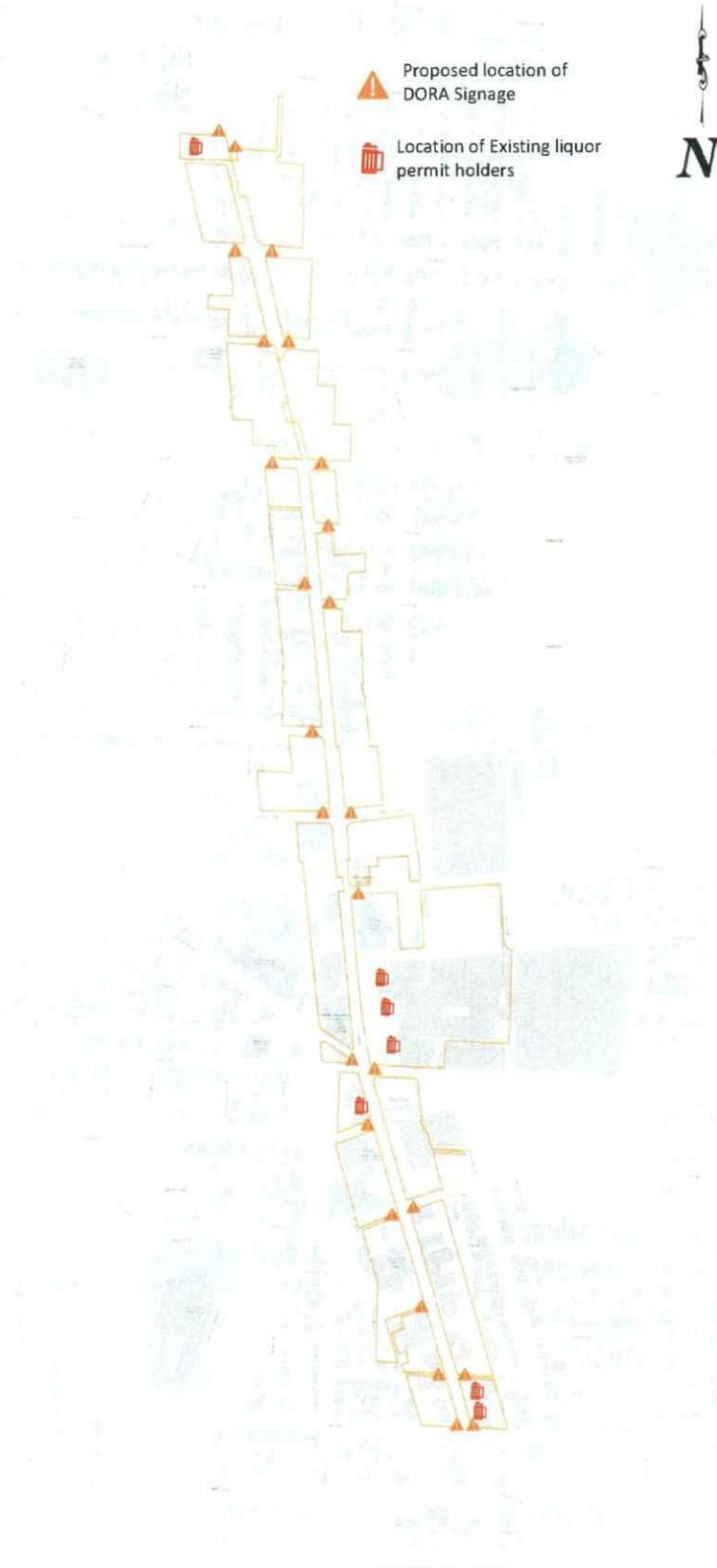


Exhibit C.

City of North Canton DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) Safety Plan.

The Safety Plan will help maintain public safety within the City of North Canton DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA). The City of North Canton Police Department (NCPD) has multiple resources which will enable it to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) to include the downtown core business district and main street business district. NCPD has the flexibility when deploying resources and has demonstrated experience managing large crowds throughout the year.

Law Enforcement Staffing in the DORA would consist of:

1. NCPD has permanently assigned patrol officers to the road division 24 hours a day, 7 days a week. In addition, NCPD has two (2) intermediate shifts for extra patrol coverage from 11:00am to 3:00am or an additional sixteen (16) hours a day Tuesday through Sunday morning. The regularly scheduled NCPD officer(s) will be patrolling the DORA as it is within their assigned patrol responsibility.
2. To help supplement the regular scheduled NCPD officers on peak weekdays and/or weekends, extra dedicated NCPD Officers will be assigned either by the City of North Canton and/or NCPD Officers will be contracted for service through the City by liquor permit businesses within the DORA who shall pay to the City the full cost for providing the extra duty officer(s). The contracted officer('s) primary responsibility will be within the DORA.

Beginning with the commencement of the DORA continuing for a period of six (6) consecutive months, the Director of Administration of the City of North Canton (the Director), and the Chief of Police of the City of North Canton (the Chief) shall meet monthly and review the Safety Plan herein for the purpose of determining whether updates, modifications, or supplementation may be advisable or required. In the event, the Director and the Chief determine the Safety Plan should be changed, such changes shall be presented to Council for consideration and implementation. The Director and the Chief shall meet and review the Safety Plan as needed for any special events within the DORA or as other circumstances may require.

The Director and the Chief have determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Frank Kemp, Jr., Chief of Police, City of North Canton

Exhibit D.

City of North Canton DORA Sanitation Plan.

The Sanitation Plan will help maintain the appearance and public health of the DORA.

1. Rubbish, garbage, and other materials shall not be stored or allowed to accumulate in passageways, doorways, streets, or any areas of the DORA.
2. There are currently 0 trash receptacles located in the proposed outdoor refreshment area. The department of Administration plans to initially place 20 trash receptacles. If extra trash receptacles are determined necessary for a special event they shall be provided, serviced, and emptied by the event sponsor.
3. The Director of Administration (the Director) or his/her designee shall establish a pickup and disposal schedule for refuse so that the DORA is maintained in a clean and safe manner. Ongoing evaluation of additional services will be monitored, as necessary.
4. Trash receptacles may be moved, and additional trash receptacles may be added within the DORA at the discretion of the Director. Upon approval of the Director additional receptacles may be added by the city or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.
5. Each qualified permit holder located within the DORA shall be responsible for the collection of litter and trash near or around the premises occupied by the permit holder, both private areas and public areas.
6. The Director, with input from Superintendent of Street & Sewer, shall evaluate the need and frequency of street sweeping and servicing trash receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the DORA until the dissolution of the DORA.
7. The Director, with input from Superintendent of Street & Sewer, has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Mike Battershell, Superintendent of Street & Sewer, City of North Canton

North Canton City Council
Community and Economic Development Committee

ORDINANCE ## - 2020

An ordinance establishing a Designated Outdoor Refreshment Area (DORA) in the City of North Canton under Ohio Revised Code (ORC) Section 4301.82, approving related Safety and Sanitation plans, and providing for oversight and review.

WHEREAS, the Director of Administration, on September 17, 2020, filed with the Office of City Council an application for the establishment of a Designated Outdoor Refreshment Area (DORA), and

WHEREAS, notice of the receipt of such application was published by the Office of City Council in the Canton Repository, a newspaper of general circulation, on September XX, 2020 and September XX, 2020 in accordance with ORC 4301.82(C), and

WHEREAS, notice of this action before Council was published by the Office of City Council in the Canton Repository, a newspaper of general circulation, on September XX, 2020 and October XX, 2020 in accordance with ORC 4301.82(F)(2), and

WHEREAS, the City seeks to use a DORA designation in a portion of the downtown business district to enhance commerce, improve the economic climate, create employment opportunities, and build an identity within the district.

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

- Section 1. That a Designated Outdoor Refreshment Area (DORA) as defined under Ohio Revised Code (ORC) Section 4301.82 be, and is hereby, established in the City of North Canton as depicted in the map attached hereto and incorporated herein as “Exhibit “A” encompassing not fewer than four (4) qualified permit holders.
- Section 2. That the boundaries of the DORA shall be designated by signs denoting the existence, boundaries, and limitations of the DORA to be placed at such locations as marked in “Exhibit A” attached hereto and incorporated herein.
- Section 3. That for the purposes of this ordinance “qualified permit holder” shall have the same meaning as defined in ORC 4301.82(A) or its successor provisions.
- Section 4. That within the established DORA a person may have in the person’s possession one (1) open container of beer, wine, or other intoxicating liquor at an outdoor location within the DORA provided the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
- a. The permit holder’s premises are located within the DORA; and
 - b. The permit held by the permit holder has been issued an outdoor refreshment area designation by the Ohio Division of Liquor Control.
- Section 5. That within the DORA no person shall do any of the following:
- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or other intoxicating liquor acquired elsewhere;
 - b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under Division (D) or (E) of ORC Section 4301.62;
 - c. Remove any open container of beer, wine, or intoxicating liquor from within the DORA, as established by this ordinance.
- Section 6. That within the DORA beer, wine, and intoxicating liquor shall only be served and consumed in the plastic cups, or other specially designated plastic containers produced and provided by the City.
- a. The Official DORA Cup shall be designed and distributed by the Director of Administration and shall be distinctly marked with a clear DORA logo.

- b. The Director of Administration shall provide each qualified permit holder Official DORA Cups in lots of at least 500 units and may charge such fees as are necessary to reimburse the City for the costs of producing the cups and additional fees of up to 10% of the cost of producing the cups with proceeds from such additional fees to go exclusively towards the offsetting of costs incurred by the City for the administration of the DORA.
- c. If changes are made to the Official DORA Cup, the Director of Administration shall notify all qualified permit holders of such changes at least 90 days prior to such changes taking effect.

Section 7. That the hours of operation for the DORA will be Monday through Sunday, 12:00 pm (noon) to 12:00 am (midnight).

Section 8. That City Council reserves the right to temporarily suspend all DORA operations, by vote of Council, for a period not to exceed seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA. Organizations desiring to hold a special event within the DORA must complete and submit a special events application to the Department of Administration not less than 90 days before the date of the event.

Section 9. That the City of North Canton DORA Safety Plan be, and is hereby, approved as attached hereto and incorporated herein as "Exhibit B".

Section 10. That the City of North Canton DORA Sanitation Plan be, and is hereby, approved as attached hereto and incorporated herein as "Exhibit C".

Section 11. That the Director of Administration be, and is hereby, authorized to amend the North Canton DORA Safety or Sanitation Plans provided notice of such changes is given to City Council at least fourteen (14) days prior to such changes taking effect.

Section 12. That beginning in 2025, and every fifth year thereafter City Council shall review the operation of the DORA and, by ordinance, either approve the continued operation of the area or dissolve the DORA. Notice of such proposed action shall be published in a newspaper of general circulation once a week for two consecutive weeks prior to its adoption by Council.

Section 13. That City Council may at any time, by ordinance, dissolve all or part of the DORA provided that notice of such proposed action is published in a newspaper of general circulation once a week for two consecutive weeks prior to its adoption by Council.

Section 14. That whosoever violates the provisions of Sections 4, 5, 6, 7, or 8 of this ordinance shall be guilty of a minor misdemeanor.

Section 15. That the Clerk of Council be, and is hereby instructed, to provide notice to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety of the establishment of the DORA and of the public health and safety requirements established herein.

Section 16. 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 17. That this ordinance shall take effect and be in full 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: _____

Exhibit A: Map of North Canton Designated Outdoor Refreshment Area (DORA)



City of North Canton DORA Safety Plan.

The Safety Plan will help maintain public safety within the City of North Canton DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA). The City of North Canton Police Department (NCPD) has multiple resources which will enable it to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) to include the downtown core business district and main street business district. NCPD has the flexibility when deploying resources and has demonstrated experience managing large crowds throughout the year.

Law Enforcement Staffing in the DORA would consist of:

1. NCPD has permanently assigned patrol officers to the road division 24 hours a day, 7 days a week. In addition, NCPD has two (2) intermediate shifts for extra patrol coverage from 11:00am to 3:00am or an additional sixteen (16) hours a day Tuesday through Sunday morning. The regularly scheduled NCPD officer(s) will be patrolling the DORA as it is within their assigned patrol responsibility.
2. To help supplement the regular scheduled NCPD officers on peak weekdays and/or weekends, extra dedicated NCPD Officers will be assigned either by the City of North Canton and/or NCPD Officers will be contracted for service through the City by liquor permit businesses within the DORA who shall pay to the City the full cost for providing the extra duty officer(s). The contracted officer('s) primary responsibility will be within the DORA.

Beginning with the commencement of the DORA continuing for a period of six (6) consecutive months, the Director of Administration of the City of North Canton (the Director), and the Chief of Police of the City of North Canton (the Chief) shall meet monthly and review the Safety Plan herein for the purpose of determining whether updates, modifications, or supplementation may be advisable or required. In the event, the Director and the Chief determine the Safety Plan should be changed, such changes shall be presented to Council for consideration and implementation. The Director and the Chief shall meet and review the Safety Plan as needed for any special events within the DORA or as other circumstances may require.

The Director and the Chief have determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Frank Kemp, Jr., Chief of Police, City of North Canton

City of North Canton DORA Sanitation Plan.

The Sanitation Plan will help maintain the appearance and public health of the DORA.

1. Rubbish, garbage, and other materials shall not be stored or allowed to accumulate in passageways, doorways, streets, or any areas of the DORA.
2. There are currently 0 trash receptacles located in the proposed outdoor refreshment area. The department of Administration plans to initially place 20 trash receptacles. If extra trash receptacles are determined necessary for a special event they shall be provided, serviced, and emptied by the event sponsor.
3. The Director of Administration (the Director) or his/her designee shall establish a pickup and disposal schedule for refuse so that the DORA is maintained in a clean and safe manner. Ongoing evaluation of additional services will be monitored, as necessary.
4. Trash receptacles may be moved, and additional trash receptacles may be added within the DORA at the discretion of the Director. Upon approval of the Director additional receptacles may be added by the city or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.
5. Each qualified permit holder located within the DORA shall be responsible for the collection of litter and trash near or around the premises occupied by the permit holder, both private areas and public areas.
6. The Director, with input from Superintendent of Street & Sewer, shall evaluate the need and frequency of street sweeping and servicing trash receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the DORA until the dissolution of the DORA.
7. The Director, with input from Superintendent of Street & Sewer, has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Mike Battershell, Superintendent of Street & Sewer, City of North Canton

ORC 4301.82(C):

Within forty-five days after the date the application is filed with the legislative authority of a municipal corporation or township, the legislative authority shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section [7.16](#) of the Revised Code. The legislative authority shall ensure that the notice states that the application is on file in the office of the clerk of the municipal corporation or township and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the legislative authority.

Notice to be published in Canton Repository pursuant to ORC 4301.82(C):

On Thursday September 17, 2020 the Department of Administration of the City of North Canton filed, with the Office of City Council, an application for the creation of a Designated Outdoor Refreshment Area (DORA). The DORA would create a special area for the consumption of alcohol outdoors along the Main Street Business corridor. The application is on file in the Office of the Clerk of City Council and is available for inspection by the public during regular business hours of North Canton City Hall.



City of North Canton Office of City Council

Agenda Request Form

DATE: 9/16/2020

SUBJECT: Title 13 Revisions

I am requesting:

Ordinance **Resolution** **Discussion** **Vote of Council**

FOR: Amend Title 13 adopt by reference the Ohio building codes, provide clarification for addressess, plan review fees, language to keep project sites clean, regulations for portable sanitation facilities, update demolition fees, and contractor registration requirments.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY:

SIGNED: *[Signature]* **Title:** Chief Building Official **Date:** 9/16/2020

Only requests originating from anyone other than the Directors of Administration, Finance, or Law, the Clerk of Council, or elected officials must have appropriate approval shown below.

APPROVAL NEEDED:

Dir. of Administration Dir. of Finance Dir. Of Law Council Pres.

APPROVED BY:

[Signature] **Title:**

Date: 9/16/2020

PART 13 – BUILDING ~~CODE~~SAFETY
CHAPTER 1301 –~~RESIDENTIAL~~ BUILDING CODE

Section 1301.01 Adoption..... 1
Section 1301.02 Amendments, Modifications, and Deletions 2

SECTION 1301.01 ADOPTION OF RESIDENTIAL CODE OF OHIO

This chapter does hereby approve, adopt, and enact the ~~2004 most current edition of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, and subsequent editions or amendments as may hereinafter be adopted and promulgated by the International Code Council and the Ohio Building Officials Association for the City of North Canton, Ohio, together with all changes, amendments, and revisions thereto and made a part of this chapter as Section 1301.02, save and except such portions as are hereinafter deleted, amended or modified by these Regulations, are~~ 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, ~~with the exception of Appendix B, C and D of the North Canton Building Code.~~

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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.~~

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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 4 inches high with a minimum stroke width of 1/2 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.~~

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SECTION 1301.04 PLAN REVIEW FEES

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

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SECTION 1301.05 RUBBISH AND DEBRIS

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(a) All Residential construction sites shall provide 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 work site environment.

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(b) All Non-Residential construction sites shall provide 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 work site environment.

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(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.

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SECTION 1301.06 PORTABLE/TEMPORARY SANITATION FACILITIES

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(a) 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.

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Section 1301.02 AMENDMENTS, MODIFICATIONS, AND DELETIONS

North Canton Building Department amendments to the Residential Code of Ohio 2004 Edition for 1, 2 and 3 family dwellings.

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(a) The following sections of the 2004 Residential Code of Ohio have been deleted, or amended by the City of North Canton.

Chapter 1 Administration

- ~~1. R101.01 insert North Canton.~~
- ~~2. R101.2 amend to read "one, two and three family dwellings" Exception delete entire passage.~~
- ~~3. R102.5 amend to read "Provisions in the appendices shall not apply, but be for reference only."~~
- ~~4. R102.7 delete (EB) and "The International Property Maintenance Code or The International Fire Code"~~
- ~~5. R102.7.1 delete (EB).~~
- ~~6. R103 delete entire section.~~
- ~~7. R105.2 building: delete 1, 2 and 5.~~
- ~~8. R105.3 amend "department of building safety" to "building department".~~

- ~~9. R107.3 amend “ICC Electric Code” to read “National Electric Code”.~~
- ~~10. R110.2 delete (EB).~~
- ~~11. R110.3 amend “department of building safety” to “building department”.~~
- ~~12. R112.3 qualifications delete in entirety.~~
- ~~13. R113.4 Add to end of paragraph “violations of this code constitute a minor misdemeanor”.~~
- ~~14. Table 301.2(1) The following is the standard design criteria for North Canton:~~
 - ~~a. Ground Snow Load 20 pounds per square foot~~
 - ~~b. Wind Speed 90 MPH~~
 - ~~c. Seismic Design Category A~~
 - ~~d. Weathering Severe~~
 - ~~e. Frost Line Depth 36 inches~~
 - ~~f. Termite Moderate to Heavy~~
 - ~~g. Decay Slight to Moderate~~
 - ~~h. Winter Design Temperature 6~~
 - ~~i. Ice Shield Underlayment Required Yes~~
 - ~~j. Flood Hazard November 3, 1982~~
 - ~~k. Air Freezing Index 1260~~
 - ~~l. Mean Annual Temperature 50.~~

~~TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA~~

SUBJECT TO DAMAGE FROM											
Ground-snow load	Wind speed^a (mph)	Seismic design category^b	Weathering^c	Frost line depth^d	Termite^e	Decay^d	Winter design temp.^f	Ice shield underlayment required^g	Flood hazards^h	Air-freezing index⁷	Mean annual temp.³
20	90	A	Severe	36	Mod	slight	6	Yes	1982	1260	50

- ~~For S1: 1 pound per square foot = 0.0479 kN/m², 1 mile per hour = 1.609 km/h.~~
- ~~a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible”, “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.~~
 - ~~b. The frost line depth may require deeper footings than indicated in Figure 403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.~~
 - ~~c. The jurisdiction shall fill in this part of the table with “very heavy”, “moderate to heavy”, “slight to moderate”, or “none to slight” in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.~~
 - ~~d. The jurisdiction shall fill in this part of the table with “moderate to severe”, “slight to moderate” or “none to slight” in accordance with Figure 301.2(7) depending on whether there has been a history of local damage.~~
 - ~~e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.~~
 - ~~f. The outdoor design dry bulb temperature shall be selected from the columns of 97 ½ percent values for winter from Appendix D of the International Plumbing Code. Deviations from the~~

~~Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.~~

~~g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.~~

~~h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinances for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.~~

~~i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3 and R905.8.3, for areas where the average daily temperature in January is 25° F (4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the table with "NO".~~

~~j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index—USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.~~

~~k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index—USA Method" (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.~~

Chapter 1302 - PERMITS

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 an 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 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 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 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.

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.

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 application for another permit in accordance with Section 1302.02.

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 jurisdiction of the United States Army Corp 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.

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.

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.

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.

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.

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 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.

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.

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.

1303.10 - 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.

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:

(1) Permit for a structure comprised of more than a total of 200 square feet of floor or ground area and classified as not having been a dwelling or commercial building	\$50.00 <u>\$75.00</u>
(2) Permit for single dwelling	\$50.00 <u>\$150.00</u>
(3) Permit for a duplex or double house	\$100.00 <u>\$200.00</u>
(4) Permit for business, commercial public or semipublic building	\$100.00 <u>\$250.00</u>

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

CHAPTER 1310 – CONTRACTOR REGISTRATION REQUIREMENTS

1310.01 DEFINITIONS.

(A) For purposes of this Chapter, 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 et seq.

(B) GENERAL CONTRACTOR. 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. 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. 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.

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 for Trade Contractors or \$1,000,000 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 1310.01 through 1310.07.

1310.03 TERM AND RENEWAL .

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

(B) A registration certificate issued pursuant to 1310.02 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Council and proof of continued liability insurance coverage as required by 1310.02(B)(2) and a copy of the current qualification certificate as required by 1310.02(B)(3).

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.

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 § 1310.02(B)(2); or

(5) The contractor violates any provision of 1310.01 through 1310.07.

(B) An order of the Chief Building Official suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor.

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.

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.

1310.07 WORK WITHOUT PERMITS/REGISTRATION.

In addition to the penalties provision 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.

North Canton City Council
Community and Economic Development Committee

ORDINANCE ## - 2020

An ordinance amending and retitling Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton.

WHEREAS, the City wishes to adopt the most current versions of the Residential Code of Ohio and Building Code of Ohio, and

WHEREAS, the City wishes to create clarifying provisions to address identification and plan review fees, and

WHEREAS, the City wishes to create provisions establishing standards for the sanitation of project sites.

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

Section 1. That Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton be, and is hereby, amended to read as follows:

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 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. 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 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 work site 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 work site 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.

Section 2. That Chapter 1301, Residential Building Code, of the Codified Ordinances of the City of North Canton be, and is hereby, retitled “Building Code”.

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 shall take effect and be in full 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: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE ## - 2020

An ordinance to create Chapter 1302, Permits, of the Codified Ordinances of the City of North Canton in order to clarify the building permit process.

WHEREAS, the City wishes to create provisions to more clearly govern the issuance of permits for the construction, movement, alteration of, addition to, or excavation of buildings within the City.

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

Section 1. That Chapter 1302, Permits, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton and shall read as follows.

CHAPTER 1302 - PERMITS

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 an 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 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 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 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 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 jurisdiction of the United States Army Corp 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.

(a) 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 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.

(a) 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.

Section 2. 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 3. That this ordinance shall take effect and be in full 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: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE ## - 2020

An ordinance amending Chapter 1303, Razing of Buildings, specifically Section 1303.07(a), Fees for Permits, of the Codified Ordinances of the City of North Canton to set fees for permits for the razing of buildings, structures, or parts thereof.

WHEREAS, The City wishes to raise the fees for permits regarding the razing of buildings, structures, or parts thereof to more adequately reflect the costs incurred by the City in issuing such permits.

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

Section 1. That Chapter 1303, Razing of Buildings, specifically Section 1303.07(a), Fees for Permits, of the Codified Ordinances fo the City of North Canton be, and is hereby, amended to read as follows.

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 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

Section 2. 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 3. That this ordinance shall take effect and be in full 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: _____

North Canton City Council
Community and Economic Development Committee

ORDINANCE ## - 2020

An ordinance to create Chapter 1310, Contractor Registration Requirements, of the Codified Ordinances of the City of North Canton in order to clarify the process by which Contractors are registered with the City.

WHEREAS, the City wishes to condense all provisions governing Contractor registration into a single Chapter for clarity of understanding, and

WHEREAS, the City wishes to update Contractor registration requirements to conform to current best practices of the industries affected.

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

Section 1. This Chapter 1310, Contractor Registration Requirements, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton and shall read as follows.

CHAPTER 1310 – CONTRACTOR REGISTRATION REQUIREMENTS

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 for Trade Contractors or \$1,000,000 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 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 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 upon the Contractor.

SECTION 1310.06 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 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 1310.07 WORK WITHOUT PERMITS/REGISTRATION

In addition to the penalties provision 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.

Section 2. 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 3. That this ordinance shall take effect and be in full 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: _____



City of North Canton Office of City Council

Agenda Request Form

DATE: 9/15/2020

SUBJECT: September Supplemental Appropriations

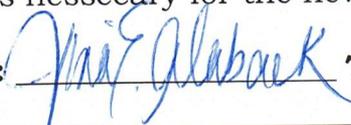
I am requesting:

Ordinance **Resolution** **Discussion** **Vote of Council**

FOR: •\$7,500 increase the Farmers Market budget by the additional donations/sponsorships received to continue the Farmers Market indoors/all season
•\$68,400 increase the General Fund -Law and Council Departments to pay out severance due to former Law Director (net of benefits savings) and to add contract for professional legal services

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY: To complete the pay out severance due to the former Law Director as promptly as possible and provide the financial resoucrs nessecary for the new legal services contract.

SIGNED:  **Title:** Director of Finance **Date:** 9/15/2020

Only requests originating from anyone other than the Directors of Administration, Finance, or Law, the Clerk of Council, or elected officials must have appropriate approval shown below.

APPROVAL NEEDED:

Dir. of Administration Dir. of Finance Dir. Of Law Council Pres.

APPROVED BY:

_____ **Title:** **Date:**

North Canton City Council
Finance and Property Committee

ORDINANCE ~~xx~~43 - 2020

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020, declaring the same to be an emergency.

WHEREAS, the City has received additional revenue in the form of ~~sponsorships/grant funding/donations~~ for the ~~purchase of ballistic vests~~ Farmers Market and Municipal Road Funds for the ~~East Maple and Portage street projects~~ that must be appropriated before use.

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2020, the following funds, be, and are hereby, set aside and appropriated as follows:

FIRE GENERAL FUND			
101204.622	Law Dep Fire	Wages &	\$
433	Suppression department	Benefits Operating	<u>42,125,850.00</u>
		Supplies	
		Prof. Services	<u>\$48,750.00</u>
<u>100.623</u>	<u>Council Department</u>	Wages & Benefits	<u>\$15,525.00</u>
GENERAL TRUST CAPITAL IMPROVEMENT MUNICIPAL ROAD FUND			
330.546	212 Farmers	Paving/Curb/Gutter	<u>\$975,500.00</u>
1416	546 Market	Transportation	
	Contract Payments		
TOTAL SUPPLEMENTAL APPROPRIATIONS			<u>\$7597,900</u> 850 .00

Section 2. That the Director of Finance, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that 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 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.

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~~That this ordinance shall take effect and be in full 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: _____

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North Canton City Council
Finance and Property Committee

ORDINANCE - 2020

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020, and declaring the same to be an emergency.

WHEREAS, the City has received additional revenue in the form of sponsorships/donations for the Farmers Market that must be appropriated before use, and

WHEREAS, the City must change the appropriation of existing funds to cover the expenses of the City's legal services contract, and

WHEREAS, the City is obligated to meet certain compensation requirements related to the recent departure of the former Director of Law.

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2020, the following funds, be, and are hereby set aside and appropriated as follows:

GENERAL FUND

101.622	Law	Wages & Benefits	\$ 4,125.00
101.622	Law	Prof. Services	\$48,750.00
101.623	Council	Wages & Benefits	\$15,525.00

GENERAL TRUST FUND

212.416	Farmer's Market	Sponsorships	\$ 7,500.00
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TOTAL SUPPLEMENTAL APPROPRIATIONS			\$75,900.00
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Section 2. That the Director of Finance, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that 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 prompt payment of the City's obligation relating to the new legal services contract, 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: _____

North Canton City Council
Finance and Property Committee

ORDINANCE - 2020

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the real property located at 1200 North Main Street in the City of North Canton, Stark County, Ohio (permanent parcel number 9207428) (The "Property") at a cost not to exceed \$705,000.00, and declaring the same to be an emergency.

WHEREAS, the City wishes to acquire Property on which to construct a new Police/Fire/EMS safety building in order to house its emergency responders and thereby improve the service, resources, and efficiency of such departments; and

WHEREAS, the City has lawfully acquired revenue from the issuance of bonds in the principal amount of \$2,900,000 in order to fund such purchase through Ordinance 11-2020 and appropriated the use of such funds through ordinance 14-2020.

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

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized, through the Board of Control, to enter into an agreement for the purchase of the real property located at 1200 North Main Street in the City of North Canton, Stark County, Ohio (permanent parcel number 9207428) at a cost not to exceed \$705,000.00.
- Section 2. That the Director of Finance of the City of North Canton, be, and is hereby, authorized to issue warrants from appropriations established by Ordinance 14-2020 for the payment of the above specified contract upon receipt of vouchers duly approved by the proper departmental authority.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that 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 to ensure the prompt appropriation of funds since the closing date for the purchase of property was completed on July 14, 2020, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, together with the Mayor's approval, this ordinance shall be retro-active and take effect and be in full force as of July 14, 2020. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 20__.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed: _____



City of North Canton Office of City Council

Agenda Request Form

DATE: 9/3/2020

SUBJECT: Property Acquisition

I am requesting:

Ordinance **Resolution** **Discussion** **Vote of Council**

FOR: Authorizing the Mayor, through the Board of Control, to enter into an agreement to purchase a 5.8 acre residential vacant land on Stratavon Street NW, North Canton, and being known as parcel number 10002818 at a price not to exceed \$150,000.00.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY: In order to meet the closing date of sale

SIGNED:  **Title:** Director of Administration **Date:**
9/3/2020

Only requests originating from anyone other than the Directors of Administration, Finance, or Law, the Clerk of Council, or elected officials must have appropriate approval shown below.

APPROVAL NEEDED:

Dir. of Administration Dir. of Finance Dir. Of Law Council Pres.

APPROVED BY:

_____ **Title:** **Date:**

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- Profile**
- Values
- Values History
- Appeal Tracking
- Sales
- Tax Summary
- Tax Detail
- Tax Distribution
- Special Assessments
- Tax Estimator

Land

CAUV Application

Residential

Commercial

Outbuildings

Manufactured Homes

Sketch

Tax Map

Aerial Map

Pictometry

Parcel: 10002818

JRK HOLDINGS LTD

STRATAVON ST NW

Parcel

Address	STRATAVON ST NW
Unit	
City, State, Zip	NORTH CANTON OH 44720-
Routing Number	92070 030100
Class	R - RESIDENTIAL
Land Use Code	500 - R - RESIDENTIAL VACANT LAND
Tax Roll	RP_OH
Neighborhood	92020101 - 92020101
Acres	5.58
Taxing District	00535
District Name	NORTH CANTON CITY - NORTH CANTON CSD
Gross Tax Rate	104.5
Effective Tax Rate	57.861568
Non-Business Credit	8.9112
Owner Occupancy Credit	2.2278

[Link to GIS Map Application](#)

Auditor Alerts

Exempt Status	-
Sewer Flag	-
One Year Note	-

Owner

Owner 1	JRK HOLDINGS LTD
Address	4767 HIGBEE AVE NW
	CANTON OH 44718

Tax Mailing Name and Address

Mailing Name 1	JRK HOLDINGS LTD
Mailing Name 2	
Address 1	4767 HIGBEE AVE NW
Address 2	
Address 3	CANTON OH 44718

[Click Here](#) for Address Change Form

Mortgage Company
 Mortgage Company Name
 Mortgage Company Address

1 of 1

- Actions**
- Printable Summary
 - Printable Version

- Reports**
- Printable Tax Bill

Additional Information
 Printable Tax Bill
 Instructions

Homestead Exemption	NO
Disabled Veteran Benefit	NO
Owner Occupancy Credit	NO
Non-Business Credit	YES
CAUV Reduction	NO
Agriculture District	NO

Property Inspections/Reviews

Date	Entrance Code	Info Code	Reviewer ID
06-DEC-17	4:EXTERIOR (NO ACCESS)	A:APPRAISER	JSW
19-JUN-15	2:OCCUPANT (NO ACCESS)	A:APPRAISER	JSW
17-DEC-12	4:EXTERIOR (NO ACCESS)	A:APPRAISER	DLC

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North Canton City Council
Finance and Property Committee

ORDINANCE - 2020

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the real property located on Stratavon Street NW in the City of North Canton, Stark County, Ohio (permanent parcel number 10002818) (The "Property") at a cost not to exceed \$150,000.00, and declaring the same to be an emergency.

WHEREAS, the City wishes to acquire the Property for the purposes of economic development and land banking, and

WHEREAS, the City has lawfully acquired revenue from the issuance of economic development notes in the principal amount of \$4,400,000.00 in order to fund such purchase through Ordinance 21-2020 and appropriated the use of such funds through ordinances 26-2020 and 38-2020; and

WHEREAS, an emergency exists in that it is necessary that this ordinance be immediately effective in order to ensure the prompt appropriation of funds prior to the narrow and strict closing date for the purchase of the Property before September 25, 2020

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

- Section 1. That the Mayor, be, and is hereby authorized, through the Board of Control, to enter into an agreement for the purchase of the real property located on Stratavon Street NW in the City of North Canton, Stark County, Ohio (permanent parcel number 10002818) (The "Property") at a cost not to exceed \$150,000.00.
- Section 2. That the Director of Finance, be, and is hereby authorized to issue warrants from appropriations established by ordinances 26-2020 and 38-2020 for the payment of the above specified contract upon receipt of vouchers duly approved by the proper departmental authority.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that 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 to ensure the prompt appropriation of funds prior to the narrow and strict closing date for the purchase of the Property before September 25, 2020, 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 _____ 20__.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed: _____



City of North Canton Office of City Council

Agenda Request Form

DATE: 9/16/2020

SUBJECT: Title 9 Revisions

I am requesting:

Ordinance **Resolution** **Discussion** **Vote of Council**

FOR: Amend Title 9 to update the bond requirements for work in the public right-of-way and contractor registration to be consistent with the new Title 13 contractor registration requirements.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY:

SIGNED:  **Title:** Chief Building Official **Date:** 9/16/2020

Only requests originating from anyone other than the Directors of Administration, Finance, or Law, the Clerk of Council, or elected officials must have appropriate approval shown below.

APPROVAL NEEDED:

Dir. of Administration Dir. of Finance Dir. Of Law Council Pres.

APPROVED BY:



Title:

Date: 9/16/2020

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.

(Ord. 2535. Passed 2-27-67.)

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 ~~fifty-one hundred~~ dollars (\$~~50~~100.00) for each excavation. Utilities operating under franchise and performing work with their own employees within the City ~~and the City of North Canton~~ 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 deposit is not required for the replacement of existing sidewalks located in the public right-of-way.

~~(Ord. 15-11. Passed 3-14-11.)~~

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 ~~wherein cuts will be made in pavements, or sidewalks~~, shall ~~makemake a deposit the following cash deposits 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~~ which will ensure the replacement of permanent pavement and sidewalks. 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. ~~in the manner described in this chapter. No opening of streets shall be permitted until a street opening permit is obtained from the Superintendent of Permits and Inspection.~~~~

~~—(1) Brick pavements, concrete pavements and blacktop streets; two hundred dollars (\$200.00) per cut in pavement where it does not exceed two square yards and fifty dollars (\$50.00) per square yard for all over two square yards.~~

~~—(2) Sidewalks: seventy-five dollars (\$75.00) per cut in sidewalk where it does not exceed one square yard and ten dollars (\$10.00) for each square foot for all over one square yard.~~

~~—(3) Curb or curb and gutter: seventy five (\$75.00) where it does not exceed two linear feet and twenty dollars (\$20.00) for each additional foot.~~

~~—(4) Surface treated macadam or other flexible pavements: fifty dollars (\$50.00) per square yard for all over two square yards.~~

(b) If within 3 days of notice from the City, any opening deficiency is not returned to its original condition within twenty four (24) hours 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 Division of Permits and Inspection City, all deposits shall be forfeited and to cause the City and the work completed by the Service Department to complete the work. The forfeiture of a deposit shall not prejudice the City from pursuing any additional cost to the incurred by the City.

(c) ~~Cash~~ Deposits shall be held for ninety one hundred eighty (90180) days after final inspection to insure quality of work. ~~{Ord. 3-11. Passed 2-14-11.}~~

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 the excavation.

(Ord. 2535. Passed 2-27-67.)

907.05 EXCAVATIONS, SIZE AND BACKFILLING.

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

(Ord. 2535. Passed 7-27-67.)

(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.

(Ord. 3133. Passed 8-28-72.)

(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.

(Ord. 2535. Passed 2-27-67.)

907.06 REPLACEMENT OF PERMANENT PAVEMENT.

All persons, firms, corporations, franchised utility companies and governmental subdivisions shall replace permanent pavements in the following manner:

(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 concrete base shall be placed on the prepared granular backfill. After the concrete has set, two inches of 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.

(Ord. 3133. Passed 8-28-72.)

(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. 2535. Passed 2-27-67.)

(c) Surface Treated Macadam or Other Flexible Pavements. 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 twelve inches from the top of existing surface. 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 and the granular material shall terminate six inches from the top of existing pavement and the balance shall be hot mix. Cold mix can be used only when hot mix is not available. All joints of blacktop shall be sealed.

(Ord. 3133. Passed 8-28-72.)

(d) Sidewalks, Curbs and Gutters. If, after thirty days, the Division of Permits and Inspection is convinced that further settlement of backfill will not occur, sidewalks and curbs and gutters shall be replaced as specified in Chapters 903 and 909 .

(Ord. 2535. Passed 2-27-67.)

907.07 TRAFFIC CONTROL.

(a) Permittee shall notify the City of North Canton Police Department with no less than 24 hours with any 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.

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. (Ord. 15-11. Passed 3-14-11.)

CHAPTER 909 – REGISTRATION OF CONTRACTORSCONTRACTOR REGISTRATION

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.~~(a) ~~Registration Application and Fee.~~ Any contractor, person, firm or corporation performing the work of constructing, repairing or replacing any curb, sidewalk or drive on any street, alley, thoroughfare or other public property of the City, or driveways which enter or abut public rights of way, shall first obtain a Registration before any work is performed. Any person or firm hereunder shall make application with the Department of Permits & Inspection, or its successor, for a Registration to perform concrete or asphaltic concrete work in the City. Upon approval of the application by the City Engineer, the applicant shall pay a Registration fee of one hundred fifty dollars (\$150.00) which shall expire on December 31 of each year.

~~—(b) Contractors and Subcontractors.~~

~~—(1) Registration includes but is not limited to the following contractors for any new, addition, alteration, etc.: building/general; home improvement; siding; roofing; decks; plumbing; electrical; HVAC; paving; masonry; cement; asphalt; excavation; sewer; trenching; low voltage; alarm; communication; control; signage; lawn irrigation; demolition; house moving; sprinkler; hood suppression; fire pumps; etc.~~

~~—(2) The Superintendent of Permits & Inspection shall have final discretion.~~

~~—(c) Bond.~~ Upon approval of an application for a Registration herein, the applicant shall furnish a bond to the City of ten thousand dollars (\$10,000.00).

~~—(d) Registration Fee for Electrical and Plumbing Journeymen:~~ Electrical and plumbing journeymen shall pay a registration fee of twenty five dollars (\$25.00) per year and a late fee of twenty five dollars (\$25.00).

~~—(e) Examination Fee for Electrical and Plumbing Journeymen:~~ Electrical and plumbing journeymen shall pay an examination fee of twenty five dollars (\$25.00).

~~—(f) Registration Fee for Electrical and Plumbing Apprentices:~~ Electrical and plumbing apprentices shall pay a registration fee of ten dollars (\$10.00) per year.

~~—(g) Penalty:~~ Any contractor, journeyman, apprentice performing work without a permit and/or registration shall be fined at a rate double the established fees.

~~—(h) Homeowner Exemption.~~ Owners of owner occupied single family residential premises performing concrete or asphaltic concrete work on such owner occupied single family residential premises with their own noncompensated labor shall be exempted from the Registering and bonding requirements of this section.

909.02 INSURANCE COVERAGE REQUIRED.

~~—(a) Evidence of Insurance. The contractor shall furnish evidence of public liability insurance to the Superintendent of Permits and Inspection who is issuing the Registration under this chapter. 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.~~

~~909.03 REGISTRATION REVOCATION; APPEAL; HEARING AND DECISION.~~

~~—(a) Revocation and Notice. Any Registration issued under the provisions of this chapter may be revoked and cancelled at any time by the Mayor for any violation of State law or City ordinances, or for failure to conform to the specifications and requirements of this chapter. Failure to conform to the specifications and requirements of this chapter shall also be just cause for Registration revocation. When any work previously done is found to be defective in any respect, and a record of the work has been kept by the City showing the date, name of the Registration, the location in the City and the owner or person in control of the property where any such work is performed contrary to law and written notice, the Registration shall be notified by certified mail, at the last known address, to immediately correct such defective work.~~

~~—(b) Conforming Work: Appeal. Such Registration shall immediately upon receipt of the written notice, make the work conform to law. If the Registration claims that the work or material set forth and stated in the notice is not defective and is in strict accord with State and City specifications, the Registration shall so notify the Mayor, in writing, within forty eight (48) hours after the notice is made.~~

~~—(c) Reinspection: Hearing. The Mayor shall then order a reinspection to be made by another inspector, and if the Registration is dissatisfied with the report of the second inspector, the Mayor shall, upon written application by the Registration, within seventy two (72) hours after the reinspection, give the Registration a hearing.~~

~~—(d) Decision. The Mayor may revoke the Registration at the hearing; his decision shall be final.~~

~~909.04~~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.

~~909.99~~909.03 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.

North Canton City Council
Street and Alley Committee

ORDINANCE ## - 2020

An ordinance amending Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, specifically Sections 907.02, 907.03, and 907.06, and creating Section 907.07.

WHEREAS, the City seeks to streamline the process by which City streets, alleys, or right-of-ways may be excavated in the course of construction and City improvement projects.

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

Section 1. That Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, be, and is hereby, amended as follows.

a. Section 907.02, Street Opening Permit; Fee; Exceptions, is amended to read as follows:

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.

b. Section 907.03, Deposit Required, is amended to read as follows:

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 quality of work.

c. Section 907.06, Replacement of Permanent Pavement, is amended as follows:

SECTION 907.06 TRAFFIC CONTROL

(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 concrete base shall be placed on the prepared granular backfill. After the concrete has set, two inches of 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.

d. That Section 907.07, Traffic Control, is created and shall read as follows:

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.

Section 2. 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 3. That this ordinance shall take effect and be in full 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: _____

North Canton City Council
Street and Alley Committee

ORDINANCE ## - 2020

An ordinance to amend and retitle Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton.

WHEREAS, the City wishes to update the permit and fee requirements for work in the public right-of-way, and

WHEREAS, contractor registration procedures are to be standardized and condensed into Chapter 1310 of the Codified Ordinances by Ordinance __-2020.

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

Section 1. That Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton, be, and is hereby, amended to read as follows:

909.01 REGISTRATION REQUIRED

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

909.02 (REPEALED)

909.03 (REPEALED)

909.04 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.

909.05 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.

Section 2. That Chapter 909, Registration of Contractors, of the Codified Ordinances of the City of North Canton be, and is hereby, retitled as "Contractor Registration".

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 shall take effect and be in full 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: _____



City of North Canton Office of City Council

Agenda Request Form

DATE: 09/15/2020

SUBJECT: City Sidewalk Priorities

I am requesting:

Ordinance Resolution Discussion Vote of Council

FOR: Discussion of the City's sidewalk priorities, plans, and policies.

*Requested by members of Council on the record during Committee of the Whole meeting on August 31, 2020.

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY:

SIGNED: Benjamin R. Yang **Title:** Clerk of Council **Date:** 09/15/2020

Only requests originating from anyone other than the Directors of Administration, Finance, or Law, the Clerk of Council, or elected officials must have appropriate approval shown below.

APPROVAL NEEDED:

Dir. of Administration Dir. of Finance Dir. Of Law Council Pres.

APPROVED BY:

_____ **Title:** **Date:**