

RECORD OF RESOLUTIONS

1st Reading: 7-15-19

2nd Reading: 7-15-19

3rd Reading: 7-15-19

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 3737 Passed July 15, 20 19

RESOLUTION TRANSFERRING PREVIOUSLY APPROPRIATED FUNDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following transfers be made in the Finance Director's account:

Fund	Dept.	Account	Description	From	To
2016	740	71240	Park, Playground and Recreation, Community Center, Non-Bargaining	\$ 20,000.00	
2016	740	73210	Park, Playground and Recreation, Community Center, Repairs and Maintenance Services		\$ 20,000.00

SECTION 2: This resolution shall take effect at the earliest time permitted by law.

Passed: July 15, 2019 ML AZ  
Date President of Council

Attest: [Signature]  
Clerk of Council

Approved: July 16, 2019 Richard A. Edwards  
Date Mayor

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

CERTIFICATION  
This is to certify that the foregoing is a true copy of Res. No. 3737 passed by the Council of the City of Bowling Green, Ohio, July 15, 2019.  
[Signature]  
Clerk of Council

1st Reading: 6-17-19  
2nd Reading: 7-1-19  
3rd Reading: 7-15-19

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 8778 Passed July 15, 2019

## ORDINANCE FOR CLEANING OF STREETS BY SPECIAL ASSESSMENT

WHEREAS, the City of Bowling Green has for many years financed the cleaning of its streets by special assessment levied on the lots and lands in Bowling Green, Ohio, by a percentage of the tax valuation of the property assessed, and

WHEREAS, it is deemed advisable to continue to have the cleaning of streets in the City of Bowling Green financed by special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

SECTION 1: That the cost and expense of cleaning the streets, alleys, lanes, squares, and public places in the City be paid for by special assessments levied upon non-tax-exempt lots and lands within said City of Bowling Green, Ohio.

SECTION 2: Said special assessment shall be based upon a percentage of the tax valuation of all non-tax-exempt lots and lands within the City of Bowling Green, Ohio, to produce the sum of \$485,000.00 and shall be payable annually in two equal installments during the period of the assessment; that said assessments are hereby levied on all non-tax-exempt lots and lands in the City of Bowling Green for the year 2019. The City Finance Director is authorized and directed to certify the same to the County Auditor of Wood County, Ohio, to be collected as other taxes are collected and paid.

SECTION 3: This ordinance shall take effect at the earliest time permitted by law.

Passed: July 15, 2019 ML AJZ  
Date President of Council

Attest: [Signature]  
Clerk of Council

Approved: July 16, 2019 Richard A. Edwards  
Date Mayor

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

### CERTIFICATION

This is to certify that the foregoing is a true copy of Ord. No. 8778 passed by the Council of the City of Bowling Green, Ohio.

July 15, 2019  
[Signature]  
Clerk of Council

RECORD OF ORDINANCES

1st Reading: 6-17-19  
2nd Reading: 7-1-19  
3rd Reading: 7-15-19

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 8780 Passed July 15, 2019

**ORDINANCE AMENDING AND ADOPTING SECTION 30.115  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
BOWLING GREEN, OHIO, REGARDING  
THE SIDEWALK COMMISSION**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF BOWLING GREEN, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Section 30.115 of the Codified Ordinances of the City  
of Bowling Green, Ohio, is hereby amended and adopted to read as follows:

**§ 30.115 SIDEWALK COMMISSION.**

(A) The Sidewalk Commission shall determine those locations of the city that  
need sidewalk repair or new sidewalk construction. The recommendations shall  
be based on pedestrian safety. The priority list shall be subject to available city  
funds as appropriated in each calendar year.

(B) The Commission shall consist of seven members, namely: the Safety  
Director, a member of the Traffic Commission, a member of the Transportation  
and Safety Committee of the City Council and four citizen members appointed  
by the Mayor to serve four-year terms. At least two members shall be residents  
of the east side of the city as divided by Main Street, and at least two members  
shall be residents of the west side of the city so divided.

SECTION 2: This ordinance shall take effect at the earliest time  
permitted by law.

Passed: July 15, 2019 Date ML AJZ President of Council

Attest: [Signature] Clerk of Council

Approved: July 16, 2019 Date Richard A. Edwards Mayor

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**  
This is to certify that the  
foregoing is a true copy of  
Ord No. 8780 passed  
by the Council of the City  
of Bowling Green, Ohio,  
July 15, 2019.  
[Signature]  
Clerk of Council

RECORD OF ORDINANCES

1st Reading: 6-17-19  
2nd Reading: 7-1-19  
3rd Reading: 7-15-19

BEAR GRAPHICS 800-325-2024 FORM NO. 30043

Ordinance No. 8781 Passed July 15, 2019

**ORDINANCE AMENDING AND ADOPTING SECTION 94.28 REGARDING LITTER; NOTICE TO REMOVE; FAILURE TO COMPLY, AND SECTIONS 152.20, 152.21, 152.24 AND 152.99 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING NUISANCES AND UNSAFE PREMISES**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the following sections of the Codified Ordinances of the City of Bowling Green, Ohio, are hereby amended and adopted to read in accordance with the Exhibit attached hereto and make a part hereof:

- Section 94.28 – Litter; Notice to Remove; Failure to Comply
- Section 152.20 – Nuisance Conditions Prohibited
- Section 152.21 – Notice to Abate Violations
- Section 152.24 – Failure to Comply; Abatement by City
- Section 152.99 – Penalty

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: July 15, 2019 MLAZ  
Date President of Council

Attest: [Signature]  
Clerk of Council

Approved: July 16, 2019 Richard A. Edwards  
Date Mayor

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**

This is to certify that the foregoing is a true copy of Ord No. 8781 passed by the Council of the City of Bowling Green, Ohio, July 15, 2019.  
[Signature]  
Clerk of Council

#### **§ 94.28 LITTER; NOTICE TO REMOVE; FAILURE TO COMPLY.**

(A) The Municipal Administrator or his or her designee, is authorized to give notice as provided in this section to the owner, lessee, agent, tenant, or occupant having charge of land to remove litter.

(B) If such person receiving notice does not remove the litter within five days from date of notice either by regular U.S. mail, or two days once posted upon the property by the city, or within two days if such person is contacted by electronic mail, then the Municipal Administrator or his or her designee shall cause such litter to be removed.

(1) Upon removal of any litter by the City or by order of the City, the Municipal Administrator or his or her designee shall have a billing statement sent by the City Finance Department to the owner or other person having charge or responsibility of the parcel requesting reimbursement at a rate to be set by the Municipal Administrator or his or her designee. The amount of reimbursement shall be based upon actual costs to the city for such services, including but not limited to staff time to process notices and invoicing for collection, labor, vehicle wear and tear, disposal or dump fees and fuel costs.

(2) If reimbursement is not made by the owner, then the Finance Director shall certify the billing for such services and labor for each parcel to the City Council so that such charges can be certified to the county auditor to be entered upon the tax duplicate to become a lien upon such lands from and after the date of entry and to be collected as other taxes and returned to the city according to law.

#### **NUISANCES AND UNSAFE PREMISES**

##### **§ 152.20 NUISANCE CONDITIONS PROHIBITED.**

No owner or occupant of any lot, building, or structure within the city shall:

(A) Maintain the building or structure in a condition which could cause damage or injury to persons or property using streets or public ways which adjoin the property;

(B) Allow any tree, stack, or other object to remain on any lot if it is in a condition which could cause damage or injury to persons or property using streets or public ways which adjoin the property;

(C) Allow an excavation or cellar to remain unguarded or in a condition which could cause damage or injury to persons or property using streets or public ways which adjoin the property;

(D) Allow an accumulation of earth, rubbish, garbage, litter, or other materials which could attract and propagate vermin or insects which could endanger public health;

(E) Maintain any building or structure in a condition which constitutes a fire hazard;

(F) Allow an accumulation of rubbish or other materials in an amount and condition which constitutes a fire hazard;

(G) Conduct any business which generates noxious odors, smoke, dust or dirt which are harmful to public health; operate any apparatus constituting a biofuel burner which generates or emits odors, smoke or dust, but excluding any properly maintained biofuel burner already in place and operating as of the effective date of this section. **BIOFUEL BURNER** shall be defined as an exterior device, structure, or apparatus, which supplies direct or indirect heat from the burning of a solid fuel, including, but not limited to, wood, corn, biomass pellets and other solid biofuels, to the structure. Traditional wood burning stoves and fireplaces are exempt;

(H) (1) Allow any building or structure to become so dilapidated as to materially interfere with the peaceful enjoyment of adjacent property owners or endanger public health or safety; or

(2) The Safety Director or his or her designee, at his or her discretion, may deem a building or structure an endangerment of public health or safety. If a building or structure is so deemed, the Safety Director may cause the public health or safety concern to be mitigated at the owner's expense, the cost which shall be paid to the Finance Director. If said expense is not paid within 30 days of notice, the Finance Director may certify the amount to the County Auditor and request that the charge be added to the tax duplicate associated with the property.

(l) Allow any building or single apartment residence to become such a nuisance to the surrounding neighborhood that it impedes the quiet enjoyment of other residents or destroys the residential character of the community because it is the subject of habitual offenses of disorderly conduct; illegal open container; furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating to an underage person; possession or consumption of beer or intoxicating liquor by underage person; illegal use of a controlled substance; public indecency; unlawful deposit of litter or refuse; criminal damage; unlawful loud noise; violations of 152.20(D); or violations of Chapter 94.

(1) A building or single apartment residence that qualifies as a habitual offender has had a resident or occupant convicted of one or more of the following offenses in two or more separate incidents, in a six-month period of time, when such offenses take place in the residence or upon the property which the residence is erected:

- (a) Disorderly conduct;
- (b) Nuisance party;
- (c) Underage consumption or possession of beer or intoxicating liquor;
- (d) Unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor;
- (e) Illegal use of controlled substance;
- (f) Criminal damage;
- (g) Failure to maintain a litter free premises; and,
- (i) Nuisance violations (such as noise, overgrown weeds, grass, brush, or violations of Chapter 94).

(2) When a resident who is not the owner of the property is convicted of one of the offenses listed above the city prosecutor shall cause a letter to be sent to the last known owner of the property where the offense occurred according to the Wood County auditor records detailing the offense, the person convicted and the possible ramifications if another offense occurs within a six-month period.

(3) Plan of correction. Whenever the city prosecutor or his or her designee reasonably believes that any premises constitutes a "nuisance premises" as described in this section, he or she shall give written notice to the person who owns or controls or manages the premises and identify reasonable corrective measures that must be taken within 30 days of the notice. The notice shall be in writing and may be served in person or sent by certified mail, with first class postage prepaid, return receipt requested. The notice shall provide the recipient a reasonable opportunity to meet with the city prosecutor or his or her designee and other representatives of the city to discuss allegations in the notice and plan of correction. Any plan of correction shall require the taking of reasonable measures designed to prevent the recurrence of the illegal activity in light of the magnitude of the harm caused by the illegal activity, the value of the property, and the extent to which the person who owns or controls or manages the premises has failed to take effective measures to correct the conditions giving rise to the determination that the premises is a "nuisance premises." Upon the failure to implement the corrective measures identified in the notice or other corrective measures which successfully correct the nuisance within the 30-day period following the notice, the city prosecutor may issue a citation against the person who owns, controls, or manages the premises for a violation of this subsection. The city prosecutor may, upon good cause shown, extend the time for implementation of a plan of correction.

(4) Reasonable corrective measures include, but are not limited to:

- (a) A meeting with neighbors to address complaints;
- (b) A contractual addendum to the lease agreement subjecting the tenant to eviction if any further criminal citations result from activity within the residence;
- (c) A written agreement from the landlord to ensure reasonable patrol of the residence;
- (d) An agreement by the tenants to move out of the residence;
- (e) Institution of eviction proceeding; and

(f) A plan of correction shall have an assessment mechanism to determine if the corrective measure is working. The assessment mechanism can be based upon the number of calls for service to the residence, the number of criminal citations, the number of citizen complaints or some other reasonable measurement mechanism agreed to by the city prosecutor and the landlord. If a corrective measure does not work within a reasonably agreed upon time within the plan of correction then the city prosecutor shall require the next more intrusive means of correction. All plans of correction shall detail under what circumstance each corrective measure will be required. In all instances the meeting with neighbors shall be the first measure and then based upon the agreed upon assessment mechanism, if certain trigger events occur (e.g. calls for service, criminal complaints, citizen complaints, and the like) the next corrective measure shall be required. This process shall be followed until eviction occurs.

(1980 Code, § 152.20) (Am. Ord. 7240, passed 6-7-2004; Am. Ord. 8045, passed 10-4-2010; Ord. 8566, passed 3-6-2017) Penalty, see § [152.99](#)

### **§ 152.21 NOTICE TO ABATE VIOLATIONS.**

(A) Whenever complaint is made to the Municipal Administrator, or designee, of a violation of § [152.20](#) or whenever he or she has reason to believe a violation exists, he or she shall promptly inspect the premises on which the alleged violation exists. The Municipal Administrator, or designee, shall cause photographs of the property showing the unlawful condition(s) to be made and filed with the report. The Municipal Administrator, or his/her designee, after an inspection finds that a violation does exist, he or she shall promptly notify the Fire Chief or the county health commissioner, along with the person who, from the property records of Wood County, appears to be the owner of the premises. The Municipal Administrator, or designee, shall request the Fire Chief or health commissioner to perform an inspection, whichever most closely aligns with the violation.

(B) The Municipal Administrator, or designee, shall serve the person who is in possession or in charge of the premises or the person who from the property records in Wood County appears to be the owner of the property. If that person cannot be found, he or she shall post a copy of the notice on the premises. The notice shall refer to the provisions of this chapter and shall state that unless the violation is abated, proceedings will be taken in accordance with this chapter.

a. For violations of 152.20(D), notice shall be mailed to the owner as identified by the records of Wood County or posted on the premises. Notice shall allow five days to abate violation if mailed or two days to abate if posted upon the premises.

(C) Upon receipt of notice, the Fire Chief shall inspect the premises and make a written report of his or her findings, which, together with the report of the Municipal Administrator or his or her designee, shall be filed.

(1980 Code, § 152.21) (Ord. 4493, passed 11-19-1984)

**Section 152.22 & 152.23 are removed and reserved for future use.**

### **§ 152.24 FAILURE TO COMPLY; ABATEMENT BY CITY.**

If the unlawful condition referred to in § [152.21](#) is not abated within the time stated in the notice, the Municipal Administrator or his or her authorized representative shall have the right to enter the premises or upon the property and abate any unlawful condition at the cost to the property owner. The Municipal Administrator or designee shall send an invoice to the property owner for payment. If payment is not made by the owner, then the Finance Director shall certify the billing for such services and labor to the City Council so that such charges can be certified to the county auditor to be entered upon the tax duplicate to become a lien upon such lands from and after the date of entry and to be collected as other taxes and returned to the city according to law.

(1980 Code, § 152.24)

**Section 152.25 through Section 150.70 remain unchanged.**

**§ 152.99 PENALTY.**

(A) Whoever violates any provision of the building code or any lawful order issued by any public official or public employee pursuant to the building code shall be guilty of a minor misdemeanor. It shall be a separate offense for each successive day the violation continues.

(B) Any person who neglects or refuses to obey a proper order issued by the Planning Director or his or her authorized representative shall be guilty of a minor misdemeanor. Each day the unlawful condition is permitted to exist after the time specified for abatement shall constitute a separate offense. (C) Any person who violates § [152.03](#) or who erects, constructs, alters, or repairs a building or structure in violation of a permit shall be guilty of a minor misdemeanor. It shall be a separate offense for each successive day the violation continues.

(1) The owner of a building or structure and an architect, builder, contractor, or agent who may have assisted in the commission of a violation shall be guilty of a separate offense and on conviction shall be fined as provided above.

(2) The imposition of penalties as provided in this section shall not preclude the city attorney from instituting an appropriate action to prevent an unlawful erection, construction, alteration, repair, conversion, maintenance, or use, or to restrain, correct, or abate a violation, or to prevent occupancy of a building or structure, or to prevent an illegal act, conduct, business, or use in or about any premises.

(D) Whoever violates any other provision of this chapter shall be guilty of a minor misdemeanor. It shall be a separate offense for each successive day the violation continues. (1980 Code, § 152.99) (Ord. 2223, passed 8-1-1966; Am. Ord. 4042, passed 10-6-1980)

# RECORD OF ORDINANCES

1st Reading: 7-15-19  
2nd Reading: 7-15-19  
3rd Reading: 7-15-19

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 8783

Passed July 15, 2019

## ORDINANCE PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BOWLING GREEN, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN,  
STATE OF OHIO:

SECTION 1. That the following sums be appropriated as follows:

Fund	Dept.	Account	Description	Amount
1010	190	90200	General, Miscellaneous, Economic Development	\$ 41,000.00
1010	190	74510	General, Miscellaneous, Grounds Maintenance	\$ 12,000.00
1010	190	71310	General, Miscellaneous, Retirement Payout	\$ 65,000.00

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed:

July 15, 2019  
Date

MZ Aiz  
President of Council

Attest:

[Signature]  
Clerk of Council

Approved:

July 16, 2019  
Date

Richard A. Edwards  
Mayor

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

### CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 8783 passed by the Council of the City of Bowling Green, Ohio,

July 15, 2019  
[Signature]  
Clerk of Council