Prepared: 2/4/2016
Introduced: 2/16/2016
Amended:
Adopted:
Effective:

ORDINANCE O-05-2016

AN ORDINANCE APPOINTING AND CONFIRMING THE PRESIDENT PRO TEMPORE TO PRESIDE IN THE CITY'S MAYOR'S COURT AND ESTABLISHING THE ADDITIONAL SALARY FOR DOING SO

WHEREAS, The Mayor has the authority to appoint the President *Pro Tempore* to preside over the City's Mayor's Court, subject to Council's approval; and

WHEREAS, The Ohio Supreme Court Rules of Superintendence relating to Mayor's Courts and related authorizing documents address only the "Mayor" or "Acting Mayor", and do not specifically reference the position of President *Pro Tempore*; and

WHEREAS, The Ohio Supreme Court's Miscellaneous Rules regarding mayor's courts, defining "mayors", provide that "Mayor" includes a municipal official who is authorized by statute, charter or municipal ordinance to conduct mayor's court; and

WHEREAS, it is also necessary to establish additional compensation for the President *Pro Tempore* who presides over Mayor's Court.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio:

Section 1. The President *Pro Tempore* is hereby appointed by the Mayor and approved and authorized by Council to preside over Mayor's Court.

Section 2. The President *Pro Tempore* who is regularly scheduled to preside in Mayor's Court, averaging two court sessions per month, shall receive Five Thousand One Hundred Twenty-Five Dollars ($5,125.00) per year in additional salary.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

ATTEST:

_____ _____

Sloan T. Spalding, Mayor Jennifer H. Mason, Clerk of Council

APPROVED AS TO FORM:

_____

Mitchell Banchefsky, Law Director

I hereby certify that copies of this Ordinance were posted in accordance with Section 6.12 A of the Revised Charter starting on _____.

_____ _____

Jennifer H. Mason, Clerk of Council Date

Prepared:	2/1/2016
Introduced:	3/1/2016
Revised:	
Adopted:	
Effective:	

ORDINANCE 0-06-2016

AN ORDINANCE TO AMEND CHAPTER 373 OF THE NEW ALBANY CODIFIED ORDINANCES ENTITLED "BICYLES AND MOTORCYCLES" SO AS TO REQUIRE CHILDREN RIDING BICYCLES AND OTHER CHILDREN'S VEHICLES TO OPERATE THOSE VEHICLES SAFELY AND TO WEAR AN APPPROVED HELMET - ALTERNATIVELY TITLED THE "NEW ALBANY CHILD HELMET SAFETY ACT"

WHEREAS, it is Council's desire to protect the health, safety and welfare of New Albany's children by enacting a child helmet safety law, and;

WHEREAS, One of New Albany's core values is to promote a culture of healthy living, and;

WHEREAS, Statistics compiled from the National Electronic Injury surveillance system show that bicycle accidents resulted in more traumatic brain injuries than any other type of physical activity engaged in by Ohio children, and;

WHEREAS, Children's vehicles, motorized and non-motorized, have proliferated in recent years making children's vehicle-related injuries more common, and;

WHEREAS, Council finds that amending Chapter 373 of the Codified Ordinances to mandate that children wear an approved helmet when riding on or operating a bicycle or other children's vehicle as set forth herein will promote safe use and operation thereof, and;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio that:

SECTION 1. Existing Chapter 373, entitled **"BICYLES AND MOTORCYCLES"** is hereby amended as follows:

CHAPTER 373
BICYCLES, MOTORCYCLES AND OTHER CHILDREN'S VEHICLES

373.01 CODE APPLICATION TO BICYCLES AND OTHER CHILDREN'S VEHICLES

(a) The provisions of this Traffic Code which are applicable to bicycles shall also apply to other children's vehicles such as scooters, skateboards, roller skates, roller blades, razors and similar vehicles, as well as low-horsepower motorized vehicles including, but not limited to, mini-motorcycles, powered scooters and any other motorized vehicle under five horse-power, gasoline or electric-powered that does not require a license. This Chapter does not include golf-carts or motorized wheelchairs.

(b) This provision shall apply whenever a bicycle or children's vehicle is operated upon any street, sidewalk, or upon any path set aside for the exclusive use of bicycles.

(c) Except as provided in division (e) of this section, a bicycle or children's vehicle operator who violates any provisions of this Traffic Code described in division (b) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or children's vehicle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(d) Except as provided in division (e) of this section, in the case of a violation of any provision of this Traffic Code described in division (b) of this section by a bicycle or children's vehicle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of other riders at the time of the violation, the court, notwithstanding any provision of the Ohio Revised Code to the contrary, may require the bicycle operator, children's vehicle operator, or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Ohio Revised Code for that violation.

(e) Divisions (c) and (d) of this section do not apply to violations of Ohio R.C. 4511.19, or a substantially equivalent municipal ordinance.

(f) Every person operating a bicycle or children's vehicle shall obey the instructions of official traffic control devices and signals applicable to vehicles, unless otherwise directed by a police officer.

373.13 RIDING BICYCLES; HELMETS.

(a) No person under the age of eighteen (18) years shall operate a bicycle within the City of New Albany unless such person is wearing a protective helmet on his/her head with a properly fastened chin strap. Such helmets shall be appropriately fitted to the size of the operator and shall meet or exceed the standards set by the U.S. Consumer Product Safety Commission.

(b) No person the age of one (1) year or older but under the age of eighteen (18) years shall be a passenger on a bicycle or bicycle trailer within the City of New Albany unless such person is wearing a protective helmet on his/her head, with a properly fastened chin strap. Such helmet shall be appropriately fitted to the size of the passenger and shall meet or exceed the standards set by the U.S. Consumer Product Safety Commission.

(c) No parent, guardian, or legal custodian of a person under the age of eighteen (18) years, who fails to comply with subsections (a) or (b), shall knowingly aid, abet, cause, encourage, or permit such conduct.

(d) This section shall not be applicable to the operation of a bicycle on private residential property.

373.14 HELMET-RELATED PENALTIES AND NEGLIGENCE

(a) Notwithstanding Section 373.12 herein, an operator and/or passenger over the age of one (1) year but under the age of eighteen (18) years who violates Section 373.13 of this section and the

parent, guardian, or legal custodian of said operator and/or passenger, may be given a written warning detailing the violation along with information concerning the dangers which result when an accident occurs to a person who is not wearing a helmet. On a second violation of this section within one year from the date of the written warning, the parent, guardian, or legal custodian of said rider and or passenger, is guilty of an unclassified misdemeanor and subject to a fine in an amount not to exceed twenty-five dollars ($25.00). For each and every subsequent violation of this section the fine shall not exceed fifty dollars ($50.00).

(b) Failure to wear a protective helmet as required in section 373.13 of this Chapter shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.

SECTION 2. This Ordinance is passed and shall take effect and be in force as set forth in Section 3. herein, provided that the first six (6) months following the effective date of this ordinance shall serve as a grace period during which only verbal warnings will be issued.

SECTION 3. Pursuant to Article VI of the Charter of the City of New Albany, this Ordinance shall take effect and be in force at the earliest period provided by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

_____
Sloan T. Spalding
Mayor

_____
Jennifer H. Mason
Clerk of Council

Approved as to form:

_____
Mitchell H. Banchefsky
Law Director

PROPOSED

Prepared: 2/17/2016
Introduced: 3/1/2016
Revised:
Adopted:
Effective:

RESOLUTION R-11-2016

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE A CONTRACT(S) OR TO PARTICPATE IN A STATE CONTRACT OR OTHER COOPERATIVE NEGOTIATIONS FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) AND TO ENTER INTO SUCH AGREEMENT AS THE MANAGER DEEMS IN THE BEST INTERESTS OF THE CITY.

WHEREAS, The City of New Albany requires the purchase of sodium chloride (rock salt) for use in maintaining city roads free from snow and ice; and

WHEREAS, In order to ensure that the city maintain an adequate supply of rock salt at the most reasonable price, it is necessary to evaluate and utilize all possible providers; and

WHEREAS, the purchase of rock salt was provided for in the Annual Appropriations Ordinance (Ord. O-39-2015).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

SECTION 1. The City Council of New Albany hereby authorizes the City Manager to advertise, bid, award and execute a contract(s) or to participate in a state contract or other cooperative negotiations for the purchase of rock salt for the 2016-2017 winter season.

SECTION 2. The City Council of New Albany hereby authorizes the City Manager to enter into such contracts or agreements for the purchase of rock salt for the 2016-2017 winter season as the City Manager deems to be in the best interests of the city.

SECTION 3. It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this Resolution were adopted in an open meeting of the council and that all deliberations of this Council and any decision making bodies of the City of New Albany which resulted in such formal actions were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, Ohio.

SECTION 4. This Resolution shall take effect and be in force at the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

_____
Sloan T. Spalding,
Mayor

_____
Jennifer H. Mason,
Clerk of Council

Approved as to form:

_____
Mitchell H. Banchefsky
City Attorney

CERTIFICATION BY CLERK OF COUNCIL OF PUBLICATION OF LEGISLATION

I certify that copies of Resolution R-11-2016 were posted for 30 days starting on _____ _____, 2016.

_____
Jennifer H. Mason, Clerk of Council

_____
Date

Prepared: 2/17/2016
Introduced: 3/1/2016
Revised:
Adopted:
Effective:

RESOLUTION R-12-2016

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. (QCI) TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE CITY OF NEW ALBANY ON SELECT PROJECTS

WHEREAS, The City of New Albany is in need of inspection services on certain select projects as requested by the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, That:

Section 1: That the City Manager is hereby authorized to enter into an agreement with QCI, for the calendar year 2016, in order to provide inspection services to the City of New Albany.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any decision making bodies of the Municipality of New Albany which resulted in such formal action were in meetings open to the public and in compliance with all legal requirements of the Municipality of New Albany, Counties of Franklin and Licking, State of Ohio.

Section 3: This Resolution shall be in full effect at the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of March, 2016.

Attest:

Sloan T. Spalding,
Mayor

Jennifer H. Mason,
Clerk of Council

Approved as to form:

_____
Mitchell H. Banchefsky
City Attorney

CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION

I certify that copies of Resolution R-12-2016 were posted for 30 days starting on _____
_____, 2016.

_____ _____
Jennifer H. Mason, Clerk of Council Date

DRAFT