Prepared:	2/1/2016
Revised:	2/24/2016
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 which, for the purposes of Traffic Code, shall be defined 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 provisions of this Traffic Code shall apply whenever a bicycle or children's vehicle is operated upon any street, sidewalk, or upon any shared-use paths.

(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: 3/03/2016
Introduced: 3/15/2016
Revised:
Adopted:
Effective:

RESOLUTION R-13-2016

A RESOLUTION TO REQUEST PERMISSION FROM THE AUDITOR OF STATE TO CREATE AN ECONOMIC DEVELOPMENT CAPITAL IMPROVEMENT FUND

WHEREAS, New Albany City Council by adoption of Resolution 52-2004, authorized the City Manager to enter into an agreement with the New Albany Community Authority to establish an Economic Development Fund by virtue of the laws of the State, including Article VIII, Section 13 of the Ohio Constitution and Chapters 165 and 349 of the Ohio Revised Code; and

WHEREAS, the agreement authorized the Finance Director to request funds from the New Albany Community Authority held Economic Development fund to finance or fund Capital Improvements associated with economic development within the city; and

WHEREAS, the city often receives state grants associated with the New Albany Community Authority Economic Development Fund Projects that are required to be deposited in a Capital Improvement Fund.

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

SECTION 1. City Council hereby requests permission from the Auditor of State to create an Economic Development Capital Improvement Fund for the purpose of restricting its income and expenditures to capital improvement projects funded by the New Albany Community Authority held Economic Development Fund.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

_____
Sloan T. Spalding,
Mayor

_____
Jennifer H. Mason,
Clerk of Council

PROPOSED

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-13-2016 were posted for 30 days starting on _____, 2016.

_____ _____
Jennifer H. Mason, Clerk of Council Date

PROPOSED

Prepared: 3/3/2016
Introduced: 3/15/2016
Revised:
Adopted:
Effective:

RESOLUTION R-14-2016

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH FYDA FREIGHTLINER COLUMBUS, INC. FOR THE PURCHASE OF A TRUCK CAB AND CHASSIS UNIT AS SET FORTH IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM INVITATION NUMBER 023-15 AT A PRICE NOT TO EXCEED $78,000 FOR THE PURPOSE OF MAINTAINING CITY STREETS AND INFRASTRUCTURE BY THE PUBLIC SERVICE DEPARTMENT

WHEREAS, the City of New Albany sees the need to purchase a dump truck for the Public Service Department for the purpose of plowing and salting public streets, performing right of way maintenance, repairing city infrastructure; and

WHEREAS, the purchase of a dump truck for the public service department was approved in the FY2016 Operating Budget and provided for in the Annual Appropriations Ordinance.

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 enter into a purchase agreement with FYDA Freightliner Columbus Inc. for the purchase of a truck cab and chassis unit as set forth in the State of Ohio Cooperative Purchasing Program Number 023-15.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

_____
Sloan T. Spalding,
Mayor

_____
Jennifer H. Mason,
Clerk of Council

PROPOSED

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-14-2016 were posted for 30 days starting on _____, 2016.

_____ _____
Jennifer H. Mason, Clerk of Council Date

PROPOSED