

Item 1:

Discussion: the legislation that was passed earlier this year concerning setbacks for temporary yard signs is not as clear as it could be concerning setbacks from the street, making it more difficult to enforce (someone would need to measure the sign to determine if it is setback an equal distance). To simplify things, I am proposing we just require that all signs be set back at least 15 feet from the street unless there are bushes blocking the view. Also, Bill has requested that we also include a restriction on how close to a neighbor's lot line a temporary sign may be placed. He recommended that we limit the placement of the sign to the width of the house, which makes sense to me. The other thing that Bill is interested in, including in the temporary yard sign legislation is a limit on how long the sign can be in the yard, like 60 days. I mentioned to Bill that this could be very hard to enforce, as it would require the police to write down when each sign was placed in a yard, and track how long it was there. Also, a lot of residents put temporary signs in their yard, identifying that they participate in a Mariemont school sport, and those signs tend to stay in the yard throughout whatever season it is (and the sports seasons tend to last longer than 60 days). All temporary yard signs need to be treated equally, so the high school sports signs would also be subject to a 60 day limit. In order to have an impact this year, this would need to be passed as an emergency measure.

§ 151.126 SIGNS WITHIN RESIDENTIAL DISTRICTS.

(A) (6) currently says:

Temporary signs not intended for permanent use, subject to requirements specified in § [151.131](#); Such signs will not exceed six square feet in area and shall be placed back from every street lot line at least the distance in feet equal to the number of square feet area of the sign; provided, that no such sign shall be placed nearer to a street lot line than 15 feet. An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given by the Chief of Police for a location other than that required under normal conditions as long as it does not create a safety issue.

Proposed changes are:

Temporary signs not intended for permanent use, subject to requirements specified in § [151.131](#); Such signs will not exceed six square feet in area and shall **not** be placed ~~back from every street lot line at least the distance in feet equal to the number of square feet area of the sign; provided, that no such sign shall be placed~~ nearer to a street lot line than 15 feet. **Also, such signs shall not be placed outside the width of the house that is facing the street.** An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given by the Chief of Police for a location other than that required under normal conditions as long as it does not create a safety issue.

Item 2:

Discussion: the legislation concerning streets with no parking is outdated in 2 sections. This would update the code book to reflect how this is currently being handled.

Chapter 79

Schedule I. No Parking

(B) (1) currently says:

Street	Between	Side	Ord. No.	Date
Wooster Pike	Bank Place and a distance of 20 feet west from Bank Place	South	O-5-61	
Wooster Pike	East Street and eastern corporation limit	South	O-39-83	11-14-1983
Wooster Pike	Eastern corporation limit and East Street	North	O-39-83	11-14-1983
Wooster Pike	Entrance and exit of the Kroger Store parking lot	North	O-26-60	

Proposed changes are:

Street	Between	Side	Ord. No.	Date
Wooster Pike	Miami Avenue Bank Place and a distance of 20 feet west from Bank Place	South	O-5-61	
Wooster Pike	East Street and eastern corporation limit	South	O-39-83	11-14-1983
Wooster Pike	Eastern corporation limit and East Street	North	O-39-83	11-14-1983
Wooster Pike	Entrance and exit of the Strand Kroger Store parking lot	North	O-26-60	

Item 3:

Discussion: the legislation concerning the Building Commissioner requires that the Building Commissioner be a resident of the Village. This limits our ability to pick a person who might be more qualified for the role. Also, the current legislation requires the Building Commissioner's term should not exceed the term of the Mayor. I would propose to make the position a two year appointment, consistent with the Fiscal Officer, Village Solicitor, Village Engineer and others, with the opportunity to reappoint the same person, just as we can reappoint all of the positions previously mentioned.

31.077 Building Commissioner

Currently says:

- (A) The Mayor shall appoint a Building Commissioner, subject to confirmation of Council. The Building Commissioner shall be a resident and elector of the village and be required to hold office, subject to removal at any time by the Mayor. Appointment shall be for the period designated and confirmed but shall not exceed the term of the Mayor.

Proposed changes are:

- (B) The Mayor shall appoint a Building Commissioner, subject to confirmation of Council. The Building Commissioner shall be ~~a resident and elector of the village and be required to hold office~~, subject to removal at any time by the Mayor. Appointment shall be **for a two year period** ~~designated but shall not exceed the term of the Mayor.~~

Item 4:

Discussion: the code book says that council shall follow Robert's Rule of Order. However, the section on what constitutes a majority is not consistent with Robert's rule of Order. Specifically, Robert's Rules of Order states that a "majority vote" means "more than half of the votes cast by persons legally entitled to vote, excluding blanks or abstentions." This change would make us consistent with Robert's Rule of Order.

📖 § 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(GG) *Rule 33.*

(1) The following procedures shall apply to the passage of ordinances and resolutions.

(a) Each ordinance and resolution may be read by title only, provided, the legislative authority may require any reading to be in full by a majority vote of its members.

(b) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

(c) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays, and entered on the journal.

(d) An ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority.

(2) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

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(d) An ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority, **excluding blanks or abstentions.**

(2) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

Item 5:

Discussion: Section 90.01 (A) (1) (b) currently states that dogs are allowed in the Tot Lot area of Dogwood Park if they are under positive leash control. However, council passed a law some years ago not allowing dogs in the Tot Lot area at all, and there is signage at the Tot Lot indicating that ban. Thus, the code book needs to be updated to reflect that.

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS.

(A) *Animals running at large.*

(1) (a) Any person who is the owner or has charge of any animal shall not permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure. Any such time that a dog is not in an enclosed and secured area on its owner's property, it shall be under positive leash control of the owner, keeper, or harborer of the dog.

(b) Notwithstanding the provisions set forth in division (A)(1)(a) above, an owner, keeper, or harborer of a dog may allow the dog to run off leash at Ann Buntin Becker Park, Dogwood Bell Tower Park, the green space on the south side of Miami Bluff Drive between 6812 Miami Bluff and 6973 Miami Bluff, including the Mariemont Concourse, the lower 80 acres, the grassy boulevard between Hiawatha Avenue and Rembold Avenue, and the practice field at Waldorf School; provided, that the dogs must be under positive leash control while in the Tot Lot area of Dogwood Park as well as at all times in the sports field area of Dogwood Park and the practice field by Waldorf School during sporting activities.

(c) This division (A)(1) shall go into effect at the earliest date allowed by law.

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(b) Notwithstanding the provisions set forth in division (A)(1)(a) above, an owner, keeper, or harborer of a dog may allow the dog to run off leash at Ann Buntin Becker Park, Dogwood Bell Tower Park, the green space on the south side of Miami Bluff Drive between 6812 Miami Bluff and 6973 Miami Bluff, including the Mariemont Concourse, the lower 80 acres, the grassy boulevard between Hiawatha Avenue and Rembold Avenue, and the practice field at Waldorf School; provided, that the dogs must be under positive leash control **while in the Tot Lot area of Dogwood Park as well as** at all times in the sports field area of Dogwood Park and the practice field by Waldorf School during sporting activities.

(c) This division (A)(1) shall go into effect at the earliest date allowed by law.

Item 6:

Discussion: remove Section 31.078 creating the position of Dog and Cat Warden. I did not see any reference to ORC saying this was required. Also, this section of the code book was last updated in 1967.

§ 31.078 DOG AND CAT WARDEN.

(A) *Position established.*

(1) The position of Dog and Cat Warden is established and appointment of the position shall be made by the Mayor. The person appointed shall perform the duties hereinafter set forth, under the direction of the Mayor, and shall be paid a monthly salary established by Council, chargeable to the Dog and Cat Warden Account of the General Fund. The person appointed may, but need not, be one who is already a village employee.

(2) If a village employee is appointed, his or her duties as Dog and Cat Warden and his or her compensation as such shall be additional to his or her other duties and compensation.

(B) *Duties.* The Dog and Cat Warden shall take and impound any dogs or cats found running at large in the village, whether the animal is licensed or unlicensed. Any animals so impounded shall not be returned to the owner, harborer, or claimant thereof until an impounding fee as set by Council is paid the village, for which a receipt shall be issued. The fee shall be credited to the General Fund.

(C) *Notification to owner; disposition of animal.* Whenever the owner or harborer of any impounded licensed dog or of any impounded cat is known to the Warden, he or she shall notify the owner or harborer that the animal has been impounded. If the owner or harborer does not claim the dog or cat within 48 hours of such notification and pay the impounding fee, the animal shall be kept impounded by the Warden for the seven days following the 48-hour period. If, during the seven-day period, the owner or harborer calls for and claims the dog or cat, pays the impounding fee and a boarding charge as set by Council per day for the number of days of the seven-day period that have elapsed, the Warden shall deliver the animal to the owner, harborer, or claimant. If, at the end of the seven-day period, the owner or harborer has not claimed the animal, the Warden shall notify the owner or harborer that if the animal is not called for and all charges paid within 24 hours following notification, the animal shall be deemed abandoned property and will be disposed of by the Warden by sending the animal to the SPCA or to any cat or dog pound maintained by the county or any governmental unit that may be available, or by humanely or otherwise disposing of that animal.

(D) *Unknown owner or unlicensed dog; disposition of animal.* Whenever the owner or harborer of any dog or cat is unknown to the Warden, or the animal impounded is an unlicensed dog, and no person makes claim to the dog or cat within 48 hours of the impounding, the animal shall be disposed of as provided above for animals deemed abandoned property. No unlicensed dog shall be returned to any claimant until the claimant has procured and exhibited a license therefor.

(E) *Violations.* The Warden, whenever he or she has reasonable or probable cause to believe an owner or harborer of a dog or cat has violated village ordinances with respect to dogs and cats, shall also file an appropriate affidavit before the Mayor or other magistrate, charging such violation.

(F) *Equipment.* The Mayor shall procure and furnish from time to time any equipment deemed by him or her necessary or desirable for use by the Dog and Cat Warden in the performance of his or her duties, and shall charge the cost thereof to the Dog and Cat Warden account of the General Fund.

(1967 Code, § 33.02) (Ord. O-15-54, passed 12-27-1954)

Item 7:

Discussion: Section 32.13 (S). I propose adding two items to this section. The first is for council to have the opportunity to weigh in when items are assigned to committees or moved to another committee. Under the previous administration, items were at times assigned in a way that was inconsistent with what is in the code book. This attempts to rectify that, or at least for council to agree to not follow what is in the code book. The second item is to establish a process for council to create any new special committees or commissions, similar to what we did with the Swim Pool Task Force. In particular, creating a charter document helps to ensure that expectations and scope are understood up front by all involved.

§ 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(S) *Rule 19.* There shall be six standing committees appointed of three members each. Each member of Council shall be Chairperson of one committee and serve on two other committees. The standing committees are as following with functions:

- (1) *Rules and Laws.* General assembly, law, contracts, and claims;
- (2) *Health and Recreation.* Health, sanitation, parks, playgrounds, waste, and garbage collection;
- (3) *Finance.* Appropriation of property, sale of property, assessments for improvement, finance, ways and means;
- (4) *Public Safety.* Fire, police, and traffic;
- (5) *Public Works and Services.* Light, telephone, telegraph, gas, water, conduits, sewers, heat, streets, roads, and transportation; and
- (6) *Planning, Zoning, and Economic Development.* Building code, zoning, and dedication of property.

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- (4) *Public Safety.* Fire, police, and traffic;
- (5) *Public Works and Services.* Light, telephone, telegraph, gas, water, conduits, sewers, heat, streets, roads, and transportation; and
- (6) *Planning, Zoning, and Economic Development.* Building code, zoning, and dedication of property.

(7) Items shall be assigned to the committees by the Mayor with the consent of Council. Items can also be moved from one committee to another by the Mayor, again with the consent of Council.

(8) Any special committees or commissions created by the Village shall be voted on and approved by Council. A charter shall also be created, laying out clear responsibilities, deliverables and any desired timelines. Any committees or commissions that are temporary should be called out as such.

Item 8:

Discussion: Section 32.13 (Z) Rule 25. I propose adding that if a motion is required to be put in writing, that it can be done right then and does not need to be postponed to a later council meeting. Once again, this tactic had been used by the previous administration to delay action on items proposed by council. This is an attempt to address that.

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The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(Z) *Rule 25.* When a motion is made and seconded, before debate, it shall be stated by the Mayor or presiding officer. A motion shall be reduced to writing, if the Mayor or any member requires it.

(Z) *Rule 25.* When a motion is made and seconded, before debate, it shall be stated by the Mayor or presiding officer. A motion shall be reduced to writing, if the Mayor or any member requires it. **The writing of such motion can occur during the meeting or be presented at a following meeting, at the discretion of the person making the motion.**

Item 9:

Discussion: Section 70.30 Traffic Control Devices. The Village Solicitor has confirmed that per Section 4511.11 of Ohio Revised Code, Mariemont does need to follow the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). However, many council members are not aware of that and there have been instances where council has voted to install traffic control devices that do not comply with the OMUTCD. As such, I would propose we insert a preamble to Section 70.30 which states that per ORC Section 4511.11 Mariemont has to follow the OMUTCD, and also states that council should refer to the requirements laid out in the OMUTCD before voting to install any new traffic control devices.

§ 70.30 OBEYING TRAFFIC-CONTROL DEVICES.

(A) (1) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this traffic code, unless at the time otherwise directed by a police officer.

(2) No provision of this traffic code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this traffic code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

§ 70.30 OBEYING TRAFFIC-CONTROL DEVICES.

Per Ohio Revised Code 4511.11, Mariemont has to follow the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) concerning the installation and maintenance of any and all traffic control devices. As such, before voting to install or modify a traffic control device, council should refer to the OMUTCD if any new traffic control devices are being contemplated, to ensure they comply with Ohio law.

(A) (1) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this traffic code, unless at the time otherwise directed by a police officer.

(2) No provision of this traffic code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this traffic code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

Item 10:

Discussion: On July 18, 2016, council passed ordinance No. O-14-16, to maintain the historic and aesthetic character of the entire Village of Mariemont. However, in an email from our Village Solicitor, Ed McTigue, to our then Mayor, Dan Policastro, dated June 8, 2016, Ed stated the following concerning ordinance No. O-14-16, “Frankly, ordinances such as this are often times considered vague and overbroad, so they may not survive a constitutional challenge.” It doesn’t make sense to me that we would have a law on the books that our Village Solicitor has said is likely unconstitutional. Furthermore, the Planning and Zoning & Economic Development Committee currently has as an agenda item titled “Building Tear Down Aesthetics” that is meant to address the vague and overbroad legislation that was passed back in 2016. As such, I would propose that we remove ordinance No. O-14-16 from our code book.