

ORDINANCE NO. 260-24

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved Mariah M. Cunningham Asst. Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

| VOTE | 1ST | | 2ND | | 3RD | |
|-----------|-----|---|-----|---|-----|---|
| | Y | N | Y | N | Y | N |
| GORDON | | | | | | |
| WILKERSON | | | | | | |
| THOMPSON | | | | | | |
| JORDAN | | | | | | |
| JONES | | | | | | |
| GLENN | | | | | | |
| NEEPER | | | | | | |
| DIXON | | | | | | |
| TOTAL | | | | | | |

AN ORDINANCE AMENDING SECTION 1412.06 OF THE CODIFIED ORDINANCES OF THE CITY OF LIMA, USE OF PUBLIC PROPERTY IN BUILDING OPERATIONS, PERMIT REVOCATION; RESTORATION.

PREAMBLE: The purpose and authority of and for this ordinance are set forth as follows:

WHEREAS, Council finds that there is concern for the safety and welfare of people who are traveling on the City’s public streets where dumpsters are placed for construction projects; and,

WHEREAS, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet administrative operational deadlines, to provide for the concerns for people to safely travel the City’s public streets, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Section 1412.06 of the Codified Ordinances of the City of Lima, Ohio is hereby amended as follows:

1412.06 PERMIT REVOCATION; RESTORATION.

The City Engineer shall have the authority to revoke any permit for the occupancy of any public street or space if the public use of such street or space necessitates such revocation. The person to whom such permit was issued shall remove the material or dumpster from such street or space and restore the same to its former condition within ten days after having been notified to do so by the City Engineer.

Section 2. Existing Section 1412.06 is hereby amended as set forth above, and any previous sections or ordinances in conflict herewith are hereby repealed.

Section 3. The Auditor is authorized to take any action and to account for the activity authorized herein, as is appropriate under the circumstances of this ordinance and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in this ordinance; determine the correct legal description for any real property at issue in this ordinance; correct any error in any exhibit to this ordinance; correct any clear scrivener error in this ordinance and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

Section 4. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 5. In passing this ordinance Council hereby intends to and hereby expressly does invoke, assert, implement, and exercise the authority of the City under the Ohio Constitution, its Home Rule authority, and its Charter authority, to the fullest extent possible. To that end, Council hereby finds and declares that the subject matter of this ordinance is a matter of local concern only, and is thereby a matter of local self-government; or if this ordinance is determined to be an exercise of the City's police power that this ordinance is not in conflict with the general laws of the State. Therefore, it is the express intent of Council that the provisions of this ordinance shall prevail over any provisions of state law that might otherwise be applicable. This includes but is not limited to all administrative action regarding all advertising, bidding, contracting, procurement, purchasing, sales, disposition, or other manner or method which was followed or will be followed in dealing with the subject matter of this ordinance. Council hereby approves, authorizes, ratifies, and affirms all methods and procedures taken or followed (or to be taken or followed) leading to the award and execution of any contract, or purchase of goods or services, or any other action taken under authority of this ordinance or otherwise authorized herein, written or oral. Council expressly finds that the action authorized in this ordinance, and the procedures followed in carrying out the provisions or authorizations of this ordinance, including any leading to the award and execution or implementation of any contract, sale, or purchase, is authorized and passed under authority of the City's Charter, including but not limited to City Charter Sections 1 and 81, and its constitutional home rule authority, and is in the best interests of the City.

Section 6. The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 7. In accordance with City Charter Section 33, and for the reasons set forth in the Preamble above, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Jamie L. Dixon, President

Approved: _____, 2024

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council