

Pride ~ Progress ~ Possibilities

**Riverside Municipal Building
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

January 4, 2024

Council Meeting

6:00 P.M.

City Council

PETER J. WILLIAMS, MAYOR

ANDY BROWN
MIKE DENNING
BRENDA FRY
ZACHARY JOSEPH
SARA LOMMATZSCH
JESSE MAXFIELD

Josh Rauch, City Manager

Katie Lewallen, Communications Manager/Clerk of Council

Calendar for year 2024 (United States)



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Jan 1 • New Year's Day
Jan 15 • Martin Luther King Jr. Day
Feb 19 • Presidents' Day
May 27 • Memorial Day

Jun 19 • Juneteenth
Jul 4 • Independence Day
Sep 2 • Labor Day
Oct 14 • Columbus Day

Nov 11 • Veterans Day
Nov 28 • Thanksgiving Day
Dec 25 • Christmas Day

AGENDA

Please place all cell phones in silent mode before the meeting begins.

RIVERSIDE CITY COUNCIL

**Riverside Administrative Offices
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

**Thursday, January 4, 2024
Business Meeting 6:00 P.M.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) EXCUSE ABSENT MEMBERS
- 4) ADDITIONS OR CORRECTIONS TO AGENDA
- 5) APPROVAL OF AGENDA
- 6) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE - Remembrance of Corporal Derek C. Dixon and Private First-Class Lavern C. Ullmer.
- 7) MINUTES – Approval of minutes from the December 21, 2023, council meeting.
- 8) ESTABLISHING DATE AND TIME FOR MEETINGS
- 9) ELECTION OF DEPUTY MAYOR
- 10) ACCEPTANCE OF CITIZEN PETITIONS
- 11) PUBLIC COMMENT ON AGENDA ITEMS
- 12) UNFINISHED BUSINESS
 - A) ORDINANCES
 - I) **Ordinance No. 23-O-845** – An ordinance to amend Chapter 720 of the City of Riverside Administrative Code. (2nd reading and public hearing)
- 13) NEW BUSINESS
 - A) RESOLUTIONS
 - I) **Resolution No. 24-R-2903** – A resolution appointing the City of Riverside’s 2024 Representatives to the First Suburbs Consortium of Dayton, Ohio, Council of Governments.
 - II) **Resolution No. 24-R-2904** – A resolution appointing the City of Riverside’s 2024 Representatives to the Miami Valley Regional Planning Commission (MVRPC).

*If you need special accommodations to attend this meeting,
please notify the City of Riverside at least 72 hours in advance by calling 937.233.1801.*

III) **Resolution No. 24-R-2905** – A resolution by the Council of the City of Riverside, Montgomery County, Ohio, approving the city manager’s 2024 appointment of two members to the Tax Incentive Review Council (TIRC).

IV) **Resolution No. 24-R-2906** - A resolution authorizing the city manager to enter into final legislation with the Ohio Department of Transportation for the Urban Paving Program, PID No. 110194.

V) **Resolution No. 24-R-2907** – A resolution authorizing the purchase of a replacement sign for the city facility at 1791 Harshman Road.

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

15) CITY MANAGER REPORT

16) COUNCIL MEMBER COMMENTS

17) EXECUTIVE SESSION – 103.01(4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment.

18) RECONVENE

A) RESOLUTION

I) **Resolution No. 24-R-2908** – A resolution authorizing the city manager to enter into collective bargaining agreements between the City of Riverside and the Fraternal Order of Police, Lodge #161, for the period January 1, 2024, through December 31, 2026.

19) ADJOURNMENT

MINUTES

CALL TO ORDER: Mayor Williams called the Riverside, Ohio, City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices, 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, absent; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present were as follows: Josh Rauch, City Manager; Nia Holt, Community Development Director; Kim Baker, Finance Director; and Dalma Grandjean, Law Director.

EXCUSE ABSENT MEMBERS: Mr. Joseph moved, seconded by Mr. Maxfield, to excuse Mrs. Franklin. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO THE AGENDA: There were no changes to the agenda.

APPROVAL OF AGENDA: Mr. Joseph moved, seconded by Mr. Maxfield, to approve the agenda. All were in favor. **Motion carried.**

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Williams led the pledge of allegiance.

MINUTES: Mr. Joseph moved, seconded by Mr. Maxfield, to approve the December 7, 2023, council business meeting minutes. All were in favor. **Motion carried.**

LIQUOR LICENSE TRANSFER: Mr. Rauch stated there was no reason staff objected to the liquor license transfer from Punjab Ventures Inc. DBA Brandt Pike Marathon, 2100 Brandt Pike, Riverside, OH, 45404 to Gill Food Mart Inc., 2100 Brandt Pike, Riverside, OH, 45404. Council did not request a motion for a hearing.

WRITTEN CITIZEN PETITIONS: Mayor Williams stated that anyone wishing to speak should fill out a form located in the back of the room, and hand it to the clerk.

DEPARTMENT UPDATES

Police Department – Chief Robinson stated an offer was made to a young man for a police officer position. A conditional offer had also been made to a young lady who went to Stebbins then on to Sinclair for her degree and lives in Riverside. He stated the vehicles have arrived and are at either Danco or PNR getting upfitted and striped; they should have them by the end of January. He thanked council for all they do for the police department.

Fire Department – Chief Miller stated that thanks to the council they can hire three new additional full-time employees. They will begin work on Christmas Eve. This will help with

their minimum daily staffing. He added that they have attended several job fairs over the last month and found two Riverside residents that were in Sinclair's program. They are going to bring them on a little sooner than they would others. They took delivery of their 2023 1500 Chevy vehicles and will see that in the next couple of weeks. He thanked Councilman Denning for the Christmas Santa ride; it was a new experience for him and he was appreciative of that.

Public Services Department/City Manager Report – Mr. Rauch stated that public service is almost back to full staffing. He stated city offices will be closed Friday, December 22, and Monday, December 25, for the Christmas holiday. The offices will also be closed on Monday, January 1, 2024, for New Year's Day. He thanked everyone on staff as this has been a busy and productive year. He especially thanked those in public safety who are working the holidays and thanked them for their efforts. He recognized the department heads, stating that at the beginning of the year he mentioned that things could look a lot different by the time they reach the end of the year, and it does in a good way. He is excited for what next year can bring to the city. He added that department heads are a big reason why they can do the work that they do. He stated that he needs a motion from council for the planning commission to review the area-wide rezonings. Mr. Denning moved, seconded by Deputy Mayor Lommatzsch, to have the planning commission consider area-wide rezonings as recommended by staff. All were in favor. **Motion carried.**

Deputy Mayor Lommatzsch stated she wanted to acknowledge the service of Bob Turner who retired today. He retired once then came back to be the fire inspector. He has been an asset to the community for a lot of years and will be missed.

PUBLIC COMMENT ON AGENDA ITEMS: No one wished to speak on an agenda item.

UNFINISHED BUSINESS

A. ORDINANCES

- I) **Ordinance No. 23-O-841 – An ordinance to amend the Code of Ordinances, City of Riverside, Ohio, to provide amendments to the City Code, General Offenses Code, and Traffic Code, and approve current replacement pages to the Codified Ordinances of Riverside, Ohio, and declaring an emergency.** (2nd reading, public hearing, adoption)

Mr. Rausch stated this is for the annual codification for the City Codified Ordinances.

Mr. Denning moved, seconded by Deputy Mayor Lommatzsch, to approve the second reading of Ordinance No. 23-O-841. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:11 pm. No one came forward to speak on the ordinance. Mayor Williams closed the public hearing at 6:11 pm.

Roll call went as follows: Mr. Denning, yes; Ms. Lommatzsch, yes; Ms. Fry, yes; Mr. Joseph, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

- II) Ordinance No. 23-O-842 – An ordinance providing for the issuance of not to exceed \$4,565,000 Building Acquisition and Improvements Special Obligation Bond Anticipation Notes, 2024 renewal, by the City of Riverside, Ohio, in anticipation of the issuance of bonds, providing for the pledge of revenues for the payment of such notes, and declaring an emergency. (2nd reading, public hearing, adoption)**

Mr. Rauch stated this is the annual note issuance for Wright Point. There is one minor change from the first reading. They have updated the exhibit at the recommendation of counsel so that when they issue notes, they will include a callable provision which means they can repay the bonds early should they be successful in positioning the buildings.

Mr. Denning moved, seconded by Mr. Maxfield, to approve the second reading of Ordinance No. 23-O-842. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:12 pm. No one came forward to speak on the ordinance. Mayor Williams closed the public hearing at 6:13 pm.

Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes.

- III) Ordinance No. 23-O-843 – An ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2023. (2nd reading, public hearing, adoption)**

Mr. Rauch stated that this is supplemental appropriation for the remainder of the year.

Mr. Maxfield moved, seconded by Deputy Mayor Lommatzsch, to approve the second reading of Ordinance No. 23-O-843. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:14 pm. No one came forward to speak on the ordinance. Mayor Williams closed the public hearing at 6:14 pm.

Roll call went as follows: Mr. Maxfield, yes; Ms. Lommatzsch, yes; Mr. Denning, yes; Ms. Fry, yes; Mr. Joseph, yes; and Mayor Williams, yes.

- IV) Ordinance No. 23-O-844 – An ordinance to make permanent appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2024. (2nd reading, public hearing, adoption)**

Mr. Rauch stated this is the budget for 2024.

Mr. Maxfield moved, seconded by Mr. Joseph, to approve the second reading of Ordinance No. 23-O-844. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:15 pm. No one came forward to speak on the ordinance. Mayor Williams closed the public hearing at 6:15 pm.

Mr. Denning thanked the manager and finance department for making the budget easily understandable. The additional software is money well spent. Mr. Rauch stated they will continue to develop the platform.

Roll call went as follows: Mr. Maxfield, yes; Mr. Joseph, yes; Mr. Denning, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 23-O-845 – An ordinance to amend Chapter 720 of the City of Riverside Administrative Code (1st reading)

Mr. Rauch stated this is what Ms. Holt briefed council at during a work session regarding proposed changes to the rental registration program. The ordinance would have the city require certificates and self-inspections for rental properties so they will know what is available for rent and to try and get better compliance on building and property maintenance codes.

Deputy Mayor Lommatzsch moved, seconded by Mr. Joseph, to approve the first reading of Ordinance No. 23-O-845. The clerk read the ordinance by title only.

Mr. Denning thanked Ms. Holt for all her hard work.

Roll call went as follows: Ms. Lommatzsch, yes; Mr. Joseph, yes; Mr. Denning, yes; Ms. Fry, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

B. RESOLUTIONS

I) Resolution No. 23-R-2899 – A resolution by the Council of the City of Riverside, Ohio, recognizing the Riverside Senior Citizens, Inc.

Mr. Rauch stated this clarifies the relationship between the city and the senior's organization updating a prior resolution passed in 2009.

Mr. Denning moved, seconded by Mr. Joseph, to approve Resolution No. 23-R-2899.

All were in favor. **Motion carried.**

II) Resolution No. 23-R-2900 – A resolution authorizing the city manager to enter into a professional service agreement with Colliers International as the property management agent for the Wright Point Office Park, 5100 and 5200 Springfield Street, Riverside, Ohio.

Mr. Rauch stated this continues the relationship with Collier's for property management services that is to take care of maintenance issues at the building which follows a bid process conducted a couple of weeks ago.

Mr. Maxfield moved, seconded by Mr. Denning, to approve Resolution No. 23-R-2900.

All were in favor. **Motion carried.**

III) Resolution No. 23-R-2901 – A resolution imposing a twelve (12) month moratorium on specific zoning and land uses.

Mr. Rauch stated this is coming forward as the city plans to take a comprehensive rewrite to the zoning code in 2024 to bring the Comprehensive Land Use Plan to life. The uses that are described in the moratorium tend to be the kinds of things that they want to look at closely to be sure they are putting the right uses in the right place. This gives them a bit of time to study that issue in detail while they undertake the rewrite.

Mr. Joseph moved, seconded by Mr. Maxfield, to approve Resolution No. 23-R-2901.

All were in favor. **Motion carried.**

IV) Resolution No. 23-R-2902 – A resolution authorizing the city manager to enter into an agreement with the City of Dayton regarding the protection of the Source Water Protection Areas within the City of Riverside, Ohio.

Mr. Rauch stated this is the agreement with the City of Dayton to provide some sort of front-line services to help ensure that the source water protection code requirements are met. That means they do a little bit of extra review when things come in. The value of this contract is around \$90,000 - \$100,000.

Mr. Joseph moved, seconded by Mr. Maxfield, to approve Resolution No. 23-R-2902.

All were in favor. **Motion carried.**

PUBLIC COMMENT ON NON-AGENDA ITEMS: No one came forward to speak.

OATH OF OFFICE: Law Director Dalma Grandjean administered the oath of office to re-elected Mayor Pete Williams. Mayor Pete Williams administered the oath of office to re-elected Councilman Jesse Maxfield. Mayor Pete Williams administered the oath of office to newly elected Councilman Andy Brown.

COUNCILMEMBER COMMENTS: Mr. Denning wished everyone a Merry Christmas and Happy New Year. He thanked the fire department for doing the Christmas Engine tour. This was the third year for it; it has been wonderful to participate in that. More people were out than any other year.

Ms. Fry welcomed Mr. Brown to council. She wished everyone a Happy Holidays for whatever holiday they celebrate along with safe travels.

Deputy Mayor Lommatzsch stated the fire truck route was advertised very well and that may be why so many were able to be out. She thanked all the staff and the police department. She stated it is unbelievable the number of wrecks they have and asked drivers to slow down and observe yellow lights. She stated driving is out of control and wants everyone to be safe. She wished everyone a Happy New Year.

Mayor Williams stated that in 2022 he recalled saying it would be a year of planning and 2023 would be a year of progress, and he states he has been proven correct on that with the leadership of the city manager and the team he has built. Things are happening in the city. He thanked Mr. Rauch for his leadership, friendship, guidance, and team he has built; he is excited for the future. He welcomed Mr. Brown to council and stated he is happy he ran and is going to be a doer for the city. He thanked him for taking the chance and wanting to get involved. He wished everyone a Merry Christmas, Happy Holidays, and Happy New Year.

Mr. Joseph thanked staff for their work this year. He is aware there is a culture of everyone putting in hard work and the progress they have made this year. He is aware of how time consuming the work is especially the financial work this year. He stated he is excited about serving the next two years and working with his council members. He wished everyone Happy Holidays and a Happy New Year.

Mr. Brown thanked the residents for voting for him. He didn't know what to expect, but he wanted to be involved in the city and be a part of the things happening. He thanked each member of council for being welcoming and answering questions. He thanked Mr. Rauch for meeting him for coffee and explaining things he needs to know. He is aware there is a lot to learn but welcomes the challenge and wants to see Riverside grow. He wished everyone a Merry Christmas and Happy Holidays.

Thursday, December 21, 2023

Mr. Maxfield stated that this council is a great group. He thanked the staff for everything they have done. He thanked his family for allowing him to do this another four years. He wished everyone a Merry Christmas and Happy New Year.

Deputy Mayor Lommatzsch added that the service department is doing a heck of a job. She observed them training snowplow drivers in her neighborhood. She stated they have been keeping the city and the parks in good condition. She is aware the streets need attention, but the service department is doing a great job. She added that public safety gets a lot of attention as they are out in front, and people do not see how much the service department does to keep the city looking the way it looks. She is happy with their work.

ADJOURNMENT: Mr. Joseph moved, seconded by Mr. Maxfield, to adjourn; council adjourned at 6:40 p.m.

Pete Williams, Mayor

Clerk of Council

CITY COUNCIL CALENDAR

2024 COUNCIL CALENDAR

January 4, 2024

- Remembrance of Corporal Dixon/PFC Ulmer
- Establish Date and Time for Meetings (note: July 4, 2024, is on the first Thursday in July – cancel meeting now) - Josh scheduled leave Sept 5th
- Election of Deputy Mayor
- Resolution: First Suburbs Representatives
- Resolution: MVRPC Representatives
- Resolution: Tax Incentive Review Members
- Resolution: 2024 Urban Paving Program - SR 201, SR 202, SR 835 (Josh)
- Resolution: 1791 Sign (Josh)

January 11, 2024 – Work Session

- Monthly Update: Finance, Administration, Community Development
- Council Policy Manual
- Charter Review Commission Process
- Tax Incentive Request
- Investment Review Committee

January 18, 2024

- Ordinance: Tax Incentive
- Resolution: Personnel Manual Update (Josh)
- Resolution: Surplus – Fire (Mark)

February 1, 2024

- Adoption of Council Policy Manual (including Proclamation Policy)

February 8, 2024 – Work Session

- Monthly Update: Police, Fire, Public Services
- Hold for United Way Presentation
- Business Licensing/Registration Discussion (Nia)

February 15, 2024

- Ordinance: Business Licensing/Registration Code Update (1st Reading)
- Resolution: Bob Chiles Golf Outing

March 7, 2024

- Ordinance: Creation of Springfield St. TIF District (1st Reading)
- Resolution: Fisher-Nightingale Houses All-American Evening

LEGISLATION



MEETING DATE: January 4, 2024
AGENDA ITEM: Unfinished Business

TO: Riverside City Council

FROM: Joshua Rauch, City Manager
Lori Minnich, Economic Development Specialist

SUBJECT: Ordinance No. 23-O-845 – An ordinance to amend Chapter 720 of the City of Riverside Administrative Code.

EXPLANATION:

The City of Riverside adopted a Rental Registration Program in 2004. The program was paused due to changes in staffing and legislation in the State. The Community Development Department recognizes the need to preserve and promote the quality of existing housing and to provide safe and sanitary conditions for tenants. To reach this objective, the Rental Registration Program needs to be revised and carried out.

The Rental Registration Program requires all owners of rental property in the city to obtain a certificate for each rental property. Rental properties must be inspected by the City of Riverside consultant to ensure compliance with any applicable local, state, and federal laws and regulations at the initial time of application, and not less than once every two years following the initial exterior inspection, and at each change of occupancy, and each change of ownership. The property owner is responsible for interior self-inspection based on a provided checklist.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached ordinance.

FISCAL IMPACT

2024 Fiscal Year – The RFP will require eligible respondents to recover registration costs through fees.

SOURCE OF FUNDS

Registration Fees

23-O-845

AN ORDINANCE TO AMEND CHAPTER 720 OF THE CITY OF RIVERSIDE ADMINISTRATIVE CODE.

WHEREAS, Article VI, Section 3 of the City of Riverside Charter grants the City Manager the power to exercise control over all City departments and to recommend to the City Council for adoption such measure as he may deem necessary and expedient; and

WHEREAS, the City Manager and Community Development Staff have recommended a revision of Chapter 720; and

WHEREAS, the City of Riverside Administrative Code must be amended to accurately reflect these changes; and

WHEREAS, the Council of the City of Riverside, Ohio has held a public hearing thereon after notice of the time and place thereof had been given as required by law

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That Chapter 720 Registration & Inspection Program be amended as stated in "Exhibit A" of this Ordinance.

Section 2: This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

23-O-845

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-845 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK

~~CHAPTER 720 REGISTRATION OF RENTAL PROPERTY~~

Chapter 720

RENTAL PROPERTY REGULATIONS

Section

- 720.01 Purpose
- 720.02 Definitions
- 720.03 Rental registration required
- 720.04 Form
- 720.05 Exceptions
- 720.06 Maintenance Responsibilities – New Section
- 720.07 ~~Inspection requirements~~ Exterior and interior inspection~~s~~ requirements
- 720.08 ~~Issuance of certificate of compliance~~ Self-Certification Inspection Program???? Yes or no
- 720.09 ~~Designated agent; service of process or notice~~ Issuance of certificate of compliance
- 720.10 ~~Term and Renewal~~ Designated agent; service of process or notice
- 720.11 ~~Fees~~ Term and Renewal
- 720.12 ~~Transfer of certificate~~ Fees
- 720.13 ~~Falsification, misrepresentation~~ Transfer of certificate
- 720.14 ~~Registration suspension, revocation~~ Falsification, misrepresentation.
- 720.15 ~~Transfer of ownership~~ Registration suspension, revocation.
- 720.16 ~~Vacating a rental unit~~ Transfer of ownership.
- 720.17 ~~Vacating a rental unit~~.
- ~~Disclaimer of liability.~~
- 720.18 ~~Appeals~~ Disclaimer of liability.
- 720.19 ~~Validity~~ Appeals.
- 720.20 ~~Validity~~ Penalty.
- ~~720.21 Penalty.~~

~~720.01 Purpose.~~

~~It is the purpose of this section to provide for the protection of the public health, safety, and welfare of the citizens of Riverside by requiring the registration of all rental units within the incorporated limits. This registration provides the City with the information necessary to enforce the Property Maintenance Code of Chapter 1331 and to allow for periodic exterior inspections.
(Ord. 04 O 310, Passed 10-21-04)~~

720.01 Purpose.

It is the purpose of this section to protect public health, safety and welfare by enforcing minimum standards governing the maintenance of all rental properties and to impose certain responsibilities and duties upon the Owner(s) and Tenant(s) and/or Occupant(s) and to ensure they are educated about those responsibilities; to authorize and establish the process to verify

compliance with the City of Riverside Exterior Building and Property Maintenance Code, and the Residential Ohio Building Code, Code of Ohio, and all other applicable laws. This section is hereby declared to be remedial and essential for the public interest, and it is intended that this section be liberally construed to effectuate the purpose as stated herein.

~~720.02 Definitions.~~

~~As used in this chapter, the following terms shall have the following meanings respectively ascribed to them in this section:~~

~~*Lease* means any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of rental dwellings or rental units.~~

~~*Notice of violation* means a notice issued to the owner or responsible local agent stating that there has been a violation of a provision of this chapter or any other applicable codes, ordinances, rules, or regulations concerning said premises.~~

~~*Premises* means any lot or parcel of land.~~

~~*Owner* means the individual or individual(s), natural or corporate, in possession of lawful title to property. In the absence of substantial evidence to the contrary, the ownership records of the Montgomery County Auditor's office used for property tax purposes shall be conclusive evidence of the ownership of property regulated pursuant to this article.~~

~~*Rental units* means any real property that is being rented to only one tenant, group of tenants, or family under one lease.~~

~~(Ord. 04 O 310, Passed 10-21-04)~~

720.02 Definitions.

As used in this chapter, the following terms shall have the following meanings respectively ascribed to them in this section:

Business - a for-profit organization or enterprising entity engaged in commercial, industrial, or professional activities or a non-profit organization fulfilling a charitable mission or furthering a social cause.

Certificate - a document certifying that a rental unit(s) ~~one~~ has fulfilled the requirements of this chapter.

Common space - the areas or amenities that are available for common use by all tenants (or) groups of tenants and their invitees.

Designated Agent - a person or representative of a partnership, firm, joint venture, trust, association, organization, or other entity, located in Montgomery County, Ohio, with an address other than a post office box, eighteen (18) years or older, designated by the property owner as a secondary point of contact responsible for the use and maintenance, land, occupancy, and the physical condition of structures on a platted lot or parcel of land within the city limits.

Enforcement Officer – shall be ~~the Zoning~~ the Zoning Administrator and any technical consultants or their designee who is charged by the City Manager with the implementation, administration, and enforcement of this Code. The Enforcement Officer can call upon any department or contractor of the City of Riverside for assistance. In the absence of a Zoning Administrator, the City Manager shall designate the Enforcement Officer.

Exterior property areas - the open space on the premises, including curtilage, and on adjoining property under the control of owners or operators of such premises~~—~~.

Interior property areas ~~— the spaces, parts, or elements of an individual rental unit which exclude those spaces of the exterior property. ———~~

Lease - any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of rental dwellings or rental units.

Living space - the space in a structure for living, sleeping, eating, or cooking, including water closet, clothing and storage closet, hallway, and entryway.

Notice of violation - a notice issued to the owner or responsible local agent stating that there has been a violation of a provision of this chapter or any other applicable codes, ordinances, rules, or regulations concerning said premises.

~~Owner — an individual or individual(s), natural or corporate, in possession of lawful title to property. In the absence of substantial evidence to the contrary, the ownership records of the Montgomery County Auditor's office used for property tax purposes shall be conclusive evidence of the ownership of property regulated pursuant to this article.~~

Occupant ~~any~~ any person who holds a written or oral lease of, or who actually occupies the whole or part of such building or land, either alone or with others, on a permanent basis. A person visiting the primary registered occupant(s) of a rental unit on a short-term basis, and who otherwise holds effective, legal, and permanent occupancy elsewhere shall not be considered to constitute an occupant of the property. However, any such person(s) that utilize the address of the rental unit in

question in order to access city or community services that are otherwise reserved exclusively to the residents of the city shall be considered to be, and must qualify as, an occupant of the premises.

Owner - the individual or individual(s), natural or corporate, in possession of lawful title to property. In the absence of substantial evidence to the contrary, the Montgomery County Auditor real estate data used for property tax purposes shall be conclusive evidence of the ownership of property regulated pursuant to this section.

Premises - a lot, plot, or parcel of land, including the buildings or structures thereon.

Rental unit Inspection - the inspection of any real property in the City intended to be rented or sought to be rented in an effort to ensure compliance with all applicable local, state, and federal laws and regulations to help ensure the safety and welfare of tenants.

Self-Inspection - the act of the owner, in possession of lawful title to the property, or the designated agent conduct the inspection of a rental unit, intended to be rented or sought to be rented, in an effort to ensure the safety and welfare of tenant(s) and occupant(s).

Rental Property - real estate assets owned by individuals or entities that are rented out to tenants for a specified period, to live or conduct business in exchange for payment.

Dwelling unit; any multi-family building, apartment building(s), or multi-family condominium, a rented room within a single family or two-family dwelling or duplex, the third floor of a two-family dwelling or duplex, or any lawful premise where either money or other valuable consideration is paid for occupancy of such unit.

Commercial Unit –a building, office, suite or room within a commercial strip center(s), office building, public facility, or any commercially leased building, where either money or other valuable consideration is paid for occupancy of such unit to conduct business.

Tenant – a person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit, pursuant to a rental or lease agreement to the exclusion of others.

720.03 Rental registration required.

An owner or the designated agent of both residential dwelling and commercial unit(s), shall not lease, rent, or cause to be occupied a rental property without a valid Certificate of Rental Property Compliance, issued from the City of Riverside in the name of the owner and issued for a specific property, unit, and term.

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- (a) The owner of one or more rental unit located within the city of Riverside shall comply with all requirements of the Montgomery County Residential Rental Unit Registration program per the State of Ohio Revised Code, Section 5323.02, filing of information by owner with ~~C~~ounty Auditor ~~-. Owner~~The owner of said rental units shall update the information within sixty (60) days after any change ~~into~~ the information occurs, per ORC 5323.02 (C) ~~-.~~ .
- (b) The property owner of one or more commercial property(s) shall register each commercial unit as described in the provisions of this Chapter.

720.04 Form

The application for said certificate will be made to the Community Development Department by the owner or designated agent upon the prescribed forms, with payment of the applicable fee(s), as establish by City Council, no later than 30 days after receipt of notice from the City. The owner will be notified by regular mail, sent to an address on record with the Montgomery County Auditor ~~-.~~ .

- (a) ~~Application shall include all information required by the City~~ The application shall include at a minimum, but at a minimum the following:
- (1) Name, address, telephone, and e-mail address, of an individual owner, sole proprietor or a corporate officer or business representative of a corporation, trust, or other entity capable of holding title.
 - (2) No post office boxes shall be accepted as a legal address for purposes of this Chapter.
 - (3) Name, address, telephone, and e-mail address, of the designated agent and the company managing the property, if applicable.
 - (4) Twenty-four (24) hour emergency contact including name, address, telephone, e-mail address, of the designated agent and the company managing the property.
 - (5) Parcel identification number and property address of each rental unit and total units the owner holds title in the City; application submission is required regardless of active tenant occupancy.
 - (6) A copy of the lease template used in renting the rental units; indicate 'no lease' if not applicable.
 - (7) The type of voucher(s) accepted from not-for-profits or other organizations providing shelter, if applicable.
 - (8) Identification of trash service provider for each Rental Unit.
 - (9) Any other pertinent information required by the City of Riverside.
- (b) Incomplete applications will not be accepted. Registration applications shall be retained at the City as a public record according to the records management schedule.

720.05 Exempted rental units.

Nothing in the provisions of this chapter shall be interpreted as applying to dwellings:

-
- (a) Classified as nursing homes under Section 1133.15(c);
 - (b) Classified as halfway houses under Section 1133.09(a);
 - (c) Classified as foster care homes under Section 1133.07(o); and
 - (d) Classified as community-oriented residential social service facility under Section 1133.04(j).
- (Ord. 04-O-310, Passed 10-21-04)

720.08 Periodic inspections.

~~The Zoning Administrator shall conduct a periodic exterior inspection of rental units registered under Section 720.03. Such inspections shall occur once every three years and shall be conducted from a public right of way. The inspection shall determine whether the registered rental unit complies with the Property Maintenance Code specified in Chapter 1331.~~
~~(Ord. 04-O-310, Passed 10-21-04)~~

720.06 Maintenance Responsibilities.

- (a) The owner or designated agent of every rental unit and/or structure shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of this chapter, Chapter 1331 of the City Code, and all other applicable law. The owner will be responsible for maintaining in a safe and sanitary condition the shared or common space of the premises.
- (b) The occupant(s) of a residential rental unit or premises shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintaining in a safe condition all equipment and appliances which he or she owns, used within the residential unit, or stored on the premises.

720. Inspection Requirement

~~Two options for NUMBER (1) is proposed below (Inspection Fees?)~~

- ~~(a) The City will provide a rental property inspection checklist to assist in preparing for the required rental property inspections and reinspections. The inspection requirements will be conducted as follows;~~
 - ~~(1) The City will issue an initial inspection schedule with 90 days of the adoption of this ordinance identifying the month and year when all registered Rental Properties are planned to be inspected during the initial two (2) year inspection period. As soon as practicable, the designated City Official shall issue notification to all owners and designated agents, by ordinary mail and posted on the City of Riverside website, as to the expected month and year in which the initial inspection of each property will be conducted. Owners or designated agents shall communicate this information in writing to all Tenants as soon as practicable after receiving notice from the City Official.~~
 - ~~(1) A designated City Official shall conduct all inspections in accordance with Chapter 1331, Exterior Property Maintenance Code, and will obtain affirmative consent by the owner or~~

~~designated agent, to access the front, side, and rear yards of the property. If said consent is not granted, the Enforcement Officer may seek an administrative warrant as provided by law to gain access to the property in order to conduct the inspection.~~

~~(1) The owner or designated agent will conduct a self inspection, applying the Rental Property Inspection Checklist, listing the property maintenance standards 1331.02 (a), (b), (c), (d), (e), (f), and return the completed checklist within 30 days of submitting the registration forms.~~

~~(2) The designated City Official will send by regular mail or the preferred method of contact selected upon the registration forms, the Inspection Report to the owner and designated agent. The Inspection Report will indicate 'passed or failed' inspection.~~

~~i. Passed Inspection: the owner will be mailed the Certificate of Rental Compliance along with the Inspection Report.~~

~~ii. Failed Inspection: the City Official shall provide to the owner and designated agent, a notice of violations for the rental property and the timeframe to repair or correct the violations.~~

~~(3) The rental property is required to pass inspection prior to the issuance of the Certificate of Rental Property Compliance. SECTIONS??~~

~~(4) Inspections or re-inspection may be rescheduled with no less than seven (7) days prior notice from the City Official.~~

~~(5) Failure of an owner or designated agent, to appear for a scheduled inspection or re-inspection shall result in a re-inspection fee being charged, as set forth by City Council.~~

720.07 ~~Inspections required~~ Exterior and Interior Inspections required

The exterior and interior inspection of the premises, its structures, and each unit, shall be conducted in order to establish compliance with the minimum maintenance and safety standards of Chapter 1331, the Exterior Property Maintenance Code, Ohio Building Code, and Ohio Fire Code, ~~and the Residential Code of Ohio~~. The exterior and interior inspection requirements will be conducted as follows;

(a) Exterior Inspection

(1) The Enforcement Officer shall conduct all inspections in accordance with Chapter ~~1331,~~ and 1331 and will seek affirmative consent by the owner or designated agent, to access the front, side, and rear yards of the property.

(2) If said consent is not granted, the Enforcement Officer will follow all applicable provisions of Chapter 1331 to enter permissible areas of the property to enforce City ~~Codes,~~ and Codes and may seek an administrative warrant as provided by law to gain further access to the property necessary to conduct the inspection.

(3) A Certificate of Rental Property Compliance shall not be construed as consenting to a search or entry into a rental unit except as provided for in this section.

~~(b)~~ Initial Self-Inspection.

~~—~~The property owner or designated agent shall conduct the interior
~~—~~self-inspection in accordance
with the provisions of Chapter 1331 and the conditions ~~herein;~~ herein.

(1) provide all tenants and/or occupants listed on the rental registration submission, a copy of the self-inspection checklist at least seven (7) days prior to the scheduled self-inspection; ~~and~~

(2) the interior of each occupied and vacant units, common space, janitorial and maintenance areas will be inspected; ~~and~~

(3) the results of inspection will be clearly recorded on the city prescribed form; ~~and~~

(4) the completed inspection form will be signed by the owner or designated agent, and occupant if a unit is occupied at the time of inspection. The occupant's signature attests only to receipt of the inspection checklist, and not to its accuracy; ~~and~~

(5) provide a copy of the completed self-certification forms to the occupants of the corresponding rental units; and ~~5~~

~~(5)~~ (6) the completed self-inspection report will be filed with the city within 30 days of the submission of the rental registration application.

~~(6)~~ (1) ~~provide a copy of the completed self-certification forms to the occupants of the corresponding rental units.~~

The city shall have the authority and discretion to verify compliance prior to issuance of the Certificate of Rental Property compliance~~ee~~, 720.08.4 and may conduct onsite inspections and/or through any other relevant appropriate and permissible means, as arranged by consent with the

owner, manager, or designated agent, or pursuant to an administrative search warrant issued by judicial authority.

~~(c)~~ Subsequent Self-Inspection.

—The self-inspection reports will be completed and filed on a biennial basis (every two years), (a) or as authorized. The filing date for each property will be listed on the rental property inspection schedule the City will post by January 31 each year and at least a 30-day notice prior to a scheduled inspection date.

~~(d)~~ Inspection Summary Report.

(b) The Enforcement Officer will provide a summary inspection report of the findings of the exterior inspection report and interior self-inspection reports of each property to the owner.

(1) The City will send by regular mail, or the preferred method of contact selected upon the registration forms, the summary inspection report to the owner, and designated agent if requested by the property owner. The summary inspection report will indicate 'passed' or 'failed' inspection.

(2) The rental property is required to pass inspection pursuant to Chapter 1331, Exterior Property Maintenance Code, prior to the issuance of the Certificate of Rental Property Compliance. ~~SECTIONS??~~

- i. Rental Property which has Passed Inspection. ~~The City determined the rental property complies with the provisions of Chapters 1331, and this Chapter, the Ohio Building Code, and other applicable laws. And the~~ Certificate of Rental Property Compliance will be issued to the property owner.
- ii. Rental Property which has Failed Inspection. ~~The City determined the rental property is not in compliance with the provisions of Chapter 1331, this Chapter, the Ohio Building Code, and other applicable laws. Chapters 1331 and this Chapter.~~ A notice of violation, per 1331.12, describing the violation(s) and the timeframe to repair or correct ~~per Chapter 1331.13,~~ will be provided to the owner. For more than two (2) failed inspections on the same rental property or rental property owned by the same owner within one (1) year the penalties outlined herein shall apply. ~~or designated agent.~~

(3) Inspections or re-inspections may be rescheduled with no less than ~~fourteen~~ seven (14) days prior notice from the ~~Enforcement Officer~~ City Official.

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- (4) Failure of an owner or designated agent, to appear for a scheduled inspection or re-inspection shall result in a re-inspection fee being charged, as set forth by City Council.

(4)

720.08 Issuance of certificate of compliance

- (a) The City will issue the Certificate of Rental Property Compliance to owners of rental property ~~owners or designated agents~~ having met the provisions of this Chapter, as stated herein:
- (1) A lawful rental property registration for residential properties with the Montgomery County Auditor, ORC 5323 or proof of rental unit registration exception, sections 1133.15(c); 1133.09(a); 1133.07(o); 1133.04(j); and
 - (2) A copy of the ~~Central Collection Agency (CCA)~~ tax withholding registration form for both the property owner and each tenant of commercial rental property; and
 - (3) A valid certificate of occupancy from the Montgomery County Building Department; and
 - (4) A completed City Rental Property Self-Inspection checklist is completed and filed with the City; and
 - (5) A 'passed inspection' summary inspection report, verifying property maintenance compliance, thus permitting the owner or designated agent to lease, rent, or cause to be occupied a rental property, 720.04; and
 - (6) A copy of the lease template, if applicable; and
 - (7) Proof of full payment of property taxes for property owned in the incorporated city limits or documentation of being on a Montgomery County payment plan in good standing; and
 - (8) All documented property maintenance violations or assessment on any property within the City has been abated per the ~~Enforcement Officer.~~ City Official.
- (b) The said certificate shall be attached to all tenant rental agreements, remain on file with the owner and a copy on file of the rental property. ~~A copy of the certificate will be provided upon request to a tenant, prospective tenant and/or member of the public.~~

~~Self-Certification Inspection Program~~ (Bowling Green – 121.05 Self-Certification Inspection Program.)

- ~~(a) A rental property shall be approved for the self-certification inspection program if all of the following provisions are met and documented by the Enforcement Officer:~~

~~(1) — The date of the last inspection conducted pursuant to this chapter, the Enforcement Officer determines that either no violations exist on the property, or the violations identified were abated the timeframe on the violation notice, except when the time to abate was extended by the Enforcement Officer.~~

~~(2) — The owner and designated agent are complying with all applicable provisions of this chapter; and the property owner is not delinquent on any payment to the city; fees, penalties, taxes, or any other monies related to any owned property in the city limits.~~

~~(b) — A rental property may be removed from the **self-certification inspection program** if any of the following circumstances occurs:~~

~~(1) — A notice and order relating to the rental property is issued pursuant to the provisions of this code;~~

~~i. The rental property is repeatedly in violation of Chapter 1331 or any other applicable law, even though the violations are abated within 30 days; or any of the circumstances set forth in this section cease to exist.~~

~~(c) — A property owner can participate in the Self-certification inspection program per the conditions set forth herein, and approval from the Community Development Director.~~

~~(1) — register with the city on the prescribed self-certification inspection program form; and~~

~~(2) — complete the EXTERIOR? premises and interior inspection of each rental property and units, applying requirements, 720.07 (a), (b), and record on the inspection checklist, including all violations.~~

~~(3) — violations detected in the inspection are repaired or corrected within 30 days except when time has been extended by the Enforcement Officer.~~

~~(4) — file the inspection report, service statements and/or documents verifying repairs and the self-certification form with the Community Development Director for approval or denial. The property owner, designated agent, and at least one current occupant of each unit are required to sign the forms.~~

~~(d) — If a rental property does not qualify for self-certification due to required repairs to meet compliance standards, the owner shall notify the city of a plan and timeframe to correct violation(s),~~

~~within 10 business days of receipt of the notice of decision on participation in the rental property self-certification inspection program.~~

~~— (e) It shall be unlawful to falsify any information required on the self-certification inspection form.~~

720.09 Designated agent; service of process or notice

(a) The owner shall name a local designated agent for operating such premises in compliance with all provisions of this Chapter. The City will deliver service of process or official notices to the owner and ~~for the designated agent upon owner request~~. Failure of owner and/or designated agent to comply with said notices is subject to penalties, section 720.2019.

(b) The designated agent shall maintain a current list of the number of occupants of each rental unit listed on the Certificate of Rental Property Compliance.

~~Issuance of certificate of compliance~~

~~(a) The City will issue the Certificate of Rental Property Compliance to owners or designated agents having met the provisions of this Chapter, as stated herein:~~

~~(1) A lawful rental property registration for residential properties with the Montgomery County Auditor, ORC 5323 or proof of rental unit registration exception, sections 1133.15(c); 1133.09(a); 1133.07(e); 1133.04(j); and~~

~~(2) A copy of the Central Collection Agency (CCA) tax withholding registration form for both the property owner and each tenant; and~~

~~(3) A valid certificate of occupancy from the Montgomery County Building Department; and~~

~~(4) A completed City Rental Property Self-Inspection checklist is completed and filed with the City; and~~

~~(5) A 'passed inspection' summary inspection report, verifying property maintenance compliance, thus permitting the owner or designated agent to lease, rent, or cause to be occupied a rental property, 720.04; and~~

~~(6) A copy of the lease template, if applicable; and~~

~~(7) Proof of full payment of property taxes for property owned in the incorporated city limits or documentation of being on a Montgomery County payment plan in good standing; and~~

~~(8) All documented property maintenance violations or assessment on any property within the City has been abated per the City Official.~~

~~(b) The said certificate shall be attached to all tenant rental agreements, remain on file with the owner and a copy on file of the rental property. A copy of the certificate will be provided upon request to a tenant, prospective tenant and/or member of the public.~~

~~720.04 Agent to operate rental unit; service of process or notice.~~

~~Every owner of a rental unit shall register each rental unit with the City and shall designate a person as the responsible local agent who shall be responsible for operating the registered rental unit and may accept service of process or official notice on behalf of the owner. Any official notice or service of process so issued shall be deemed to have been issued upon the owner of record. Each responsible local agent shall maintain a current list of the number of occupants of each rental unit for which he/she is responsible. A "certificate of registration" shall not be issued if the registration provisions of this chapter are not complied with.~~

~~(Ord. 04-O-310, Passed 10-21-04)~~

720.10 Term and renewal

The Certificate of Rental Property Compliance shall be valid as long as the owner remains unchanged, and the premises are not modified.

(a) The owner or designated agent will make a new application biennially and return it to the Community Development Department in accordance with biannual inspection schedule.

(b) The owner or designated agent will record changes or conditions of the registered property on the prescribed form and return to the city within 10 business days of said changes.

i. New tenant occupancy of any unit.

ii. The owner acquires additional rental units during the calendar year, within thirty (30) days after the date of acquiring ownership or transfer of the title, and while the unit is still vacant, the owner or designated agent shall file an updated application.

iii. Upon construction of new residential rental dwelling units or conversion of existing building space not previously used for residential rental purposes an owner shall complete and submit a new application, within five (5) days of sale or transfer, Section 720.132 of this Chapter.

~~Designated agent; service of process or notice~~

- ~~(a) The owner shall name a local designated agent for operating such premises in compliance with all provisions of this Chapter. The City will deliver service of process or official notices to the owner and/or the designated agent. Failure of owner and/or designated agent to comply with said notices is subject to penalties, section 720.19.~~
- ~~(b) The designated agent shall maintain a current list of the number of occupants of each rental unit listed on the Certificate of Rental Property Compliance.~~

720.11 Fees

The City Manager or a designee may set and periodically revise a schedule of fees to be approved by City Council for the registration and self-inspection program created by this chapter.

720.12 Transfer of certificate

- (a) The Certificate of Rental Property Compliance is specific to the owner and the physical location, not transferrable to a new owner or physical address. The sale or transfer of property shall cause the certificate to expire and be no longer valid.
- (b) Any new owner will make a new application for each rental property prior to the closing sale so as to maintain a continuous record of ownership in case of damage, vandalism, premise condition or other requirement necessitating public notification to the owner, but in no case more than five (5) days after the sale or transfer.

720.134 Falsification, misrepresentation.

~~Persons s_ allowing participating in the preparation of the application shall be held responsible for submission contributions to the application shall hold responsibility of false or fictitious name or address or representation representation by words or action to being an agent, partner or representative of any person or organization, when in fact, he or she is not the agent, partner or representative of such person or organization.~~

~~(c) —~~

720.142 Registration suspension, revocation.

~~A certificate issued under this chapter may be revoked or suspended at any time by the City, when violating any provision of this section;section; for and for fraud, misrepresentation or falsification falsification ofed any statement in securing a certificate or during the course of~~

business; or failure to have valid permits or licenses required by a county department, in accordance with the State of Ohio; or for any of the reasons which could have been grounds for refusing to issue the certificate, or the applicant is otherwise not in compliance with the provisions of Chapter 135.02, *Revocation and Denial of Permits.*

~~**Falsification, misrepresentation:**~~

~~Persons allowing participating in the preparation of the application shall be held responsible for submission contributions to the application shall hold responsibility of false or fictitious name or address or representation by words or action to being an agent, partner or representative of any person or organization, when in fact, he or she is not the agent, partner or representative of such person or organization.~~

720.153 Transfer of ownership.

It shall be unlawful for the owner of any rental unit who has received a notice of violation to transfer, convey, lease, enter a land contract or sell his/her ownership or interest in any way to another unless such owner shall have first furnished to the grantee, lessee, or vendee or transferee a true copy of any notice of violation and shall have furnished to the Building Official a signed and notarized statement from the grantee, vendee or lessee, or transferee acknowledging the receipt of such notice of violation: (Ord. 04-O-310, Passed 10-21-04).

~~**Registration suspension, revocation:**~~

~~A certificate issued under this chapter may be revoked or suspended at any time by the City, when violating any provision of this section; and for fraud, misrepresentation or falsified any statement in securing a certificate or during the course of business; or failure to have valid permits or licenses required by a county department, in accordance with the State of Ohio; or for any of the reasons which could have been grounds for refusing to issue the certificate, or the applicant is otherwise not in compliance with the provisions of Chapter 135.02, *Revocation and Denial of Permits.*~~

720.164 Vacating a rental unit.

In the event a rental property is vacant, not occupied for a period more than 90 days, it shall be considered abandoned and will not be reoccupied unless a valid Certificate of Rental Property Compliance has been obtained. The owner or designated agent is responsible for registering the property as a vacant property under Chapter 1321, Registration of Foreclosing Mortgages Property and Vacant Property, and to secure said vacant unit against trespass or vandalism by a means such as but not limited to boarding of windows and securing of doors with locks. The property shall meet all the provisions of Chapter 1321 until such a time as it is occupied and registered as a rental unit.

~~**Transfer of ownership:**~~

~~It shall be unlawful for the owner of any rental unit who has received a notice of violation to transfer, convey, lease, enter a land contract or sell his/her ownership or interest in any way to another unless such owner shall have first furnished to the grantee, lessee, or vendee or transferee a true copy of any notice of violation and shall have furnished to the Building Official a signed and notarized statement from the grantee, vendee or lessee, or transferee acknowledging the receipt of such notice of violation. (Ord. 04-O-310, Passed 10-21-04)~~

~~720.12 Vacating a rental unit.~~

~~In the event a rental unit is not occupied for a period of over one year, it is considered abandoned. It shall be the responsibility of the owner or the responsible agent to secure said vacant unit against trespass or vandalism by a means such as but not limited to boarding of windows and securing of doors with locks.~~

~~(Ord. 04-O-310, Passed 10-21-04)~~

~~720.175 Disclaimer of liability.~~

~~A Certificate of Rental Property Compliance is not a warranty or guarantee that there are no defects in the rental dwelling unit or units and the City shall not be held liable to any person for the condition of the property. The City at times shall be immune from liability in administering the provisions of this Chapter pursuant to Ohio Revised Code 2744.02, et. seq.—seq. (Jim)~~

~~Vacating a rental unit.~~

~~In the event a rental property is vacant, not occupied for a period more than 90 days, it shall be considered abandoned and will not be reoccupied unless a valid Certificate of Rental Property Compliance has been obtained. The owner or designated agent is responsible for registering the property as a vacant property under Chapter 1321 and to secure said vacant unit against trespass or vandalism by a means such as but not limited to boarding of windows and securing of doors with locks. The propertyThe property shall meet all the provisions of Chapter 1321, Registration of Foreclosing Mortgages Property and Vacant Property, until such a time as it is occupied and registered as a rental unit.~~

~~720.16 Right of entry; consent; and search warrant requirements.~~

~~Absent emergency circumstances, whenever necessary to make inspection to enforce any of the provisions of the Property Maintenance Code of Chapter 1331, or whenever the public officer or his or her authorized representative has reasonable cause to believe that there exists in any dwelling which is required to be registered by this chapter, any condition or violation which makes such dwelling or premises unsafe, dangerous or hazardous, the public officer or his or her authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this chapter, provided that such entry is pursuant to the law, and further provided if such building or premises is occupied, the public officer shall first present proper credentials and request entry; and if entry is denied the public officer shall have authority to seek lawful entry pursuant to an administrative search warrant or other lawful means. (Ord. 04-O-310, Passed 10-21-04)~~

~~720.187 Appeals.~~

(a) Any owner aggrieved by any order of the Enforcement Officer Director of Community Development to refuse to issue a Certificate of Rental Property Compliance may appeal such order directly to the Office of the City Manager or his or her designee within five (5) days of receiving the Officer's initial decision. The City Manager will decide to either approve or reverse the Enforcement Officer's Director of Community Developments decision or may refer the appeal to the Board of Zoning Appeals. :

(b) Any owner has the right to appeal the findings of the exterior inspection summary report to the Property Maintenance Appeals Board pursuant to Chapter 1331.18. The appeal must be filed on the appropriate form provided by the City within ten (10) days from the date of the report was filed. :

Disclaimer of liability:

~~A Certificate of Rental Property Compliance is not a warranty or guarantee that there are no defects in the rental dwelling unit or units and the City shall not be held liable to any person for the condition of the property. The City at times shall be immune from liability in administering the provisions of this Chapter pursuant to Ohio Revised Code 2744.02, et. seq. (Jim)~~

720.198 Appeals:

~~Any owner aggrieved by any order of the Director of Community Development to refuse to issue a Certificate of Rental Property Compliance may appeal such order directly to the Office of the City Manager or his or her designee within five (5) days of receiving the Director's initial decision. The City Manager will decide either approving or reversing the Director of Community Developments decision.~~

Validity:

Should any section, clause, or paragraph of this chapter be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the chapter as a whole or part thereof other than the part declared to be invalid.

720. Savings clause. Include?

~~All proceedings pending and all rights and liabilities existing and acquired or incurred at the time this chapter takes effect are saved and may be consummated according to the law in force when they are commenced.~~

~~(Ord. 04 O 310, Passed 10-21-04)~~

720.2019 Validity.

~~Should any section, clause, or paragraph of this chapter be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the chapter as a whole or part thereof other than the part declared to be invalid. Penalty (per Chapter 1331.99)~~

~~—Whoever violates any section of this Code shall be subject to fines as follows:~~

~~(a)~~

~~(1) One hundred dollars (\$150.00) for the first offense;~~

~~(2) Two hundred fifty dollars (\$250.00) for the second offense; and~~

~~(3) Five hundred dollars (\$500.00) for each subsequent violation, whether of the same particular subsection or not.~~

~~(b) Each day during which any condition in violation this Code shall constitute a separate violation and subject to the fines described in Section 720.20(1331.99.a).~~

~~(c) Other Remedies. Nothing herein contained shall prevent the City of Riverside from taking such other lawful action as is necessary to prevent or remedy any violation.~~

~~720.20 Penalty. DO you want to use the penalty fines established in Chapter 1331?~~

~~Any person who knowingly:~~

~~(a) Violates Section 720.03 is guilty of operating an unlicensed rental unit, a misdemeanor in the fourth degree;~~

~~(b) Violates Section 720.10 is guilty of illegally conveying a registered rental unit, a misdemeanor in the fourth degree;~~

~~(c) Violates Section 720.12 is guilty of failing to secure an abandoned building, a misdemeanor in the fourth degree.~~

~~(d) Any person in violation of any provision or fails to conform to any of the requirements of this chapter shall be subject to one or more of the penalties herein~~

~~{Ord. 04 O 310, Passed 10-21-04}~~

720.19 Penalty ~~(per Chapter 1331.99)~~

~~(a) Whoever violates any section of this Code shall be subject to fines as follows:~~

~~(1) One hundred dollars (\$150.00) for the first offense;~~

~~(2) Two hundred fifty dollars (\$250.00) for the second offense; and~~

~~(3) Five hundred dollars (\$500.00) for each subsequent violation, whether of the same particular subsection or not.~~

~~(b) Each day during which any condition in violation this Code shall constitute a separate violation and subject to the fines described in Section 1331.99.a.~~

~~Any person in violation of any provision or fails to conform to any of the requirements of this Chapter, shall be subject to one or more of the penalties herein;~~

~~(1) enforced removal of prohibited conditions; or~~

~~(2) subject to fines per Chapter 1331.00~~

~~(3) cease renting until such time the building, maintenance or fire code violation is eliminated.~~

~~;~~



MEETING DATE: January 4 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Katie Lewallen, Clerk of Council

SUBJECT: **Resolution No. 24-R-2903** – A resolution appointing the City of Riverside's 2024 representatives to the First Suburbs Consortium of Dayton Ohio Council of Governments.

EXPLANATION

Annual appointment for the First Suburbs. The current representatives are **Brenda Fry** and **April Franklin** with **Zachary Joseph** as the alternate representative.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

N/A

SOURCE OF FUNDS

Not Applicable

EXHIBITS

Legislation

24-R-2903

A RESOLUTION APPOINTING THE CITY OF RIVERSIDE'S 2024 REPRESENTATIVES TO THE FIRST SUBURBS CONSORTIUM OF DAYTON, OHIO, COUNCIL OF GOVERNMENTS.

WHEREAS, the City Manager does report the need to appoint the City of Riverside's representatives for 2024 to the First Suburbs Consortium of Dayton, Ohio, Council of Governments.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That _____ and _____ are hereby appointed as representatives of the City to the First Suburbs Consortium and _____ is appointed an alternate representative. Said appointments to expire on December 31, 2024.

Section 2: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and the City's representatives.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2903 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK



MEETING DATE: January 4, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Katie Lewallen, Clerk of Council

SUBJECT: Resolution No. 24-R-2904 – A resolution appointing the City of Riverside's 2024 representatives to the Miami Valley Regional Planning Commission (MVRPC).

EXPLANATION

Annual appointment for the MVRPC. The current representatives are **Sara Lommatzsch** as the City's voting member to the MVRPC Board and the MVRPC Transportation board with **April Franklin** as the alternate representative for both. **Kathy Bartlett** serves as the City's representative to the MVRPC Transportation Technical Advisory Committee with **Kevin Miller** as the alternate representative.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

N/A

SOURCE OF FUNDS

Not Applicable

EXHIBITS

Legislation

24-R-2904

A RESOLUTION APPOINTING THE CITY OF RIVERSIDE'S 2024 REPRESENTATIVES TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION (MVRPC).

WHEREAS, the City Manager does report the need to appoint the City of Riverside's representatives for 2024 to the Miami Valley Regional Planning Commission (MVRPC).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That _____ is appointed the City's voting member and _____ is appointed the City's alternative voting member to the MVRPC Board.

Section 2: That _____ is appointed the City's voting member and _____ is appointed the City's alternative voting member to the MVRPC Transportation Committee.

Section 3: That _____ is appointed as the City's representative to the MVRPC Transportation Technical Advisory Committee and _____ is appointed as the City's alternate.

Section 4: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and the City's representative.

Section 5: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

24-R-2904

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2904 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK



MEETING DATE: January 4, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Katie Lewallen, Clerk of Council

SUBJECT: **Resolution No. 24-R-2905** – A resolution by the council of the City of Riverside, Montgomery County, Ohio approving the City Manager's appointment of two members to the Tax Incentive Review Council (TIRC).

EXPLANATION

Annual appointment for the Tax Incentive Review Council. The current representatives are **Lori Minnich** and **Chris Lohr**. Two representatives are to be appointed.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

N/A

SOURCE OF FUNDS

Not Applicable

EXHIBITS

Legislation

24-R-2905

A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE, MONTGOMERY COUNTY, OHIO, APPROVING THE CITY MANAGER’S 2024 APPOINTMENT OF TWO MEMBERS TO THE TAX INCENTIVE REVIEW COUNCIL (TIRC).

WHEREAS, Section 5709.85 of the Ohio Revised Code designates that the Chief Executive Officer of a municipality corporation shall hereby serve as a member of a TIRC in a county-designated Enterprise Zone; and

WHEREAS, Section 5709.85 of the Ohio Revised Code designates the Chief Financial Officer, or designee shall hereby serve as a member of a TIRC in a county-designated Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That the Council of the City of Riverside, Ohio hereby approves the appointment of _____ and _____ to the Tax Incentive Review Council for such term as is provided by law.

Section 2: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and the City’s representatives.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

24-R-2905

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2905 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK



MEETING DATE: January 4, 2024
AGENDA ITEM: 24-R-2906

TO: Riverside City Council

FROM: Josh Rauch, City Manager

SUBJECT: Resolution No. 24-R-2906 - A resolution authorizing the city manager to enter into final legislation with the Ohio Department of Transportation for the Urban Paving Program, PID No. 110194.

EXPLANATION

Attached is the final ODOT resolution for next year's paving program (resurfacing on State Routes 201, 202, and 835). Council is required to adopt this resolution before the project can be let for bid.

The City's current estimated costs for completing this project are approximately \$222,000 according to ODOT's latest estimates. The FY2024 Budget includes \$285,000 in appropriated funding in case bids come in over the ODOT estimate.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

The FY2024 Budget contemplates up to \$285,000 in expenses for this project. If bids come in over this amount, staff will recommend an approach to fill the gap.

SOURCE OF FUNDS

Fund 2205 – State Highway

EXHIBITS

None

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Riverside**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **19th day of January, 2023**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project (Resolution No. 23-R-2822):

The project consists of Improving S.R. 201 (S.L.M. 2.18-3.88), S.R. 202 (S.L.M. 2.06-3.60 and 3.72-4.35), and SR. 835 (S.L.M. 0.18-0.62), including pavement planning, pavement repair, resurfacing and pavement marking, lying within the City of Riverside; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Three Hundred Ninety Thousand Four Hundred Eighty Four and - - - 00/100 Dollars, (\$390,484.00) LESS OPWC in the amount of One Hundred Sixty Nine Thousand One Hundred Two and - - - 08/100 Dollars, (\$169,102.08) leaving a balance of Two Hundred Twenty One Thousand Three Hundred Eighty One and - - - 92/100 Dollars, (\$221,381.92)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Three Hundred Ninety Thousand Four Hundred Eighty Four and - - - - 00/100 Dollars, (\$390,484.00) LESS OPWC in the amount of One Hundred Sixty Nine Thousand One Hundred Two and - - - - 08/100 Dollars, (\$169,102.08) leaving a balance of Two Hundred Twenty One Thousand Three Hundred Eighty One and - - - - 92/100 Dollars, (\$221,381.92)**, is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Riverside**, Ohio

Mayor

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$221,381.92** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **S.R. 201/202/835 - 2.18/2.06/0.18**, lying within the corporate limits of the City of **Riverside**, more particularly described as follows:

The project consists of Improving S.R. 201 (S.L.M. 2.18-3.88), S.R. 202 (S.L.M. 2.06-3.60 and 3.72-4.35), and SR. 835 (S.L.M. 0.18-0.62), including pavement planning, pavement repair, resurfacing and pavement marking, lying within the City of Riverside; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Riverside**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Riverside, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Riverside**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of Improving S.R. 201 (S.L.M. 2.18-3.88), S.R. 202 (S.L.M. 2.06-3.60 and 3.72-4.35), and SR. 835 (S.L.M. 0.18-0.62), including pavement planning, pavement repair, resurfacing and pavement marking, lying within the City of Riverside.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Three Hundred Ninety Thousand Four Hundred Eighty Four and - - - - 00/100 Dollars, (\$390,484.00) LESS OPWC in the amount of One Hundred Sixty Nine Thousand One Hundred Two and - - - - 08/100 Dollars, (\$169,102.08) leaving a balance of Two Hundred Twenty One Thousand Three Hundred Eighty One and - - - - 92/100 Dollars, (\$221,381.92).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Riverside
City Hall, Suite 100
5200 Springfield Street
Riverside, OH 45431

Ohio Department of Transportation
 Office of Contract Sales & Estimating
 1980 West Broad Street, 4th Floor
 Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL

(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Riverside**

Director of Transportation

City Manager

Date

Approved:
Dave Yost
Attorney General of Ohio

Law Director, City of Riverside

By:_____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section



MEETING DATE: January 4, 2024
AGENDA ITEM: 24-R-2907

TO: Riverside City Council

FROM: Josh Rauch, City Manager

SUBJECT: Resolution No. 24-R-2907 - A resolution authorizing the purchase of a replacement sign for the city facility at 1791 Harshman Road.

EXPLANATION

The City's existing sign at 1791 Harshman has aged significantly and is in need of replacement. Currently, changing any messaging requires manually assembling letter placards and physically adjusting the sign. The sign's messaging space is limited.

Fire Chief Miller has coordinated a process to identify solutions for replacing the sign with a modern, electronic version which will be more manageable and visible to passersby. Quotes were received from several firms, with the quote from Sign Dynamics being the least expensive option at approximately \$28,000. Because this amount exceeds staff's purchase authority, Council approval is required to proceed with the purchase.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

Approximately \$28,000 paid for using remaining budgeted amounts from several departments, including:

- ~\$4,000 from Public Service
- ~\$4,000 from Police
- ~\$20,000 from Fire

SOURCE OF FUNDS

FY2023 monies from the Fire, Service, and Police Funds will be utilized for this purchase.

EXHIBITS

None

24-R-2907

A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT SIGN FOR THE CITY FACILITY AT 1791 HARSHMAN ROAD.

WHEREAS, the City currently maintains a manual sign along Harshman Rd. in front of City offices at 1791 Harshman; and,

WHEREAS, the City utilizes this sign for public messaging, communications, and to advertise City-related events; and,

WHEREAS, the current sign is significantly aged and updating its messages requires significant staff time and effort; and,

WHEREAS, the Fire Chief has secured competitive quotes from three firms to replace the sign with a modern, digital version; and,

WHEREAS, Sign Dynamics represents the lowest, responsive and best-qualified bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That the City Manager is authorized to enter into a purchase agreement with Sign Dynamics, Inc. in an amount not to exceed \$28,000.

Section 2: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and Finance Director.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

24-R-2907

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2907 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day
_____.

CLERK

MEETING DATE: January 4, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Joshua Rauch, City Manager

SUBJECT: Resolution 24-R-2908 - A resolution authorizing the city manager to enter into collective bargaining agreements between the City of Riverside and the Fraternal Order of Police, Lodge #161, for the period January 1, 2024, through December 31, 2026.

EXPLANATION

The City currently utilizes two collective bargaining agreements with the Fraternal Order of Police (FOP) – one for Officers and a separate contract for Sergeants. Both contracts are three years and expire December 31, 2023. Management and labor representatives spent several months engaging with each other in a productive and collaborative process to arrive at the attached contract renewal. The major changes to the contracts include:

- Clarification regarding holiday pay provisions.
- A 6% increase in wages during the first year, followed by 3% increases in Year 2 and Year 3. The larger up-front increase was agreed to based on data from the Clemans Nelson compensation study, as well as market comparables discussed during negotiations. The increase is designed to position Riverside in the middle of comparable pay for Police Departments in our region. We are hopeful this adjustment will bring wages more in line with market and increase attractiveness for sworn officers.
- Greater alignment between the Officers and Sergeants contracts regarding scheduling and coverage.

The new contracts will expire December 31, 2026.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

The estimated net impact of the new contract is approximately \$310,000 over the next three years. Approximately \$85,000 of this additional expense will be incurred in FY2024 over what was contemplated in the FY2024 budget. Actual costs will vary depending on market conditions, new hires/turnover, and other factors that impact staffing and supplies.

SOURCE OF FUNDS

All funds to implement the contract will be appropriated pursuant to the annual budget process.

EXHIBITS

N/A

24-R-2908

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY OF RIVERSIDE AND THE FRATERNAL ORDER OF POLICE, LODGE #161, FOR THE PERIOD JANUARY 1, 2024, THROUGH DECEMBER 31, 2026.

WHEREAS, the City Manager does report that the City of Riverside has reached a tentative agreement with the Fraternal Order of Police, Lodge #161, on collective bargaining agreements regarding Police Officers and Police Sergeants in the Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:

Section 1: That the collective bargaining agreements between the City of Riverside and the Fraternal Order of Police covering the period beginning January 1, 2024, through December 31, 2026, and attached hereto, be and the same are approved, and the City Manager is hereby authorized to enter into said agreements on behalf of the City.

Section 2: That the Finance Director is hereby authorized to pay from the appropriate fund(s) all appropriated monies necessary to carry out the terms and conditions of said agreements retroactive to January 1, 2024.

Section 3: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.

Section 3: That this Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF _____.

APPROVED:

MAYOR

ATTEST:

CLERK

24-R-2908

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2908 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK