

1st Reading: 7-20-09
2nd Reading: 8-3-09
3rd Reading: 8-17-09

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045
Resolution No. 3400 Passed August 17, 2009

RESOLUTION AUTHORIZING THE FILING OF (A) PROPOSAL(S) AND/OR (AN) APPLICATION(S) WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM, EXECUTING A CONTRACT/GRANT FOR THE FY 2010 OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM, AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT PROPOSAL AND/OR APPLICATION APPROVAL

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BOWLING GREEN, WOOD COUNTY, OHIO:

- SECTION 1: That the Mayor of the City of Bowling Green, Ohio is authorized to execute and file (a) proposal(s) and/or (an) application(s) on behalf of the City of Bowling Green, Ohio with the Ohio Department of Transportation to aid in the financing of capital and operating assistance projects pursuant to 49 USC Section 5311 and the Ohio Public Transportation Grant Program.
- SECTION 2: That the Mayor of the City of Bowling Green, Ohio is authorized to execute and file with such proposals and/or applications and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
- SECTION 3: That the Mayor of the City of Bowling Green, Ohio is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the proposal and/or application for the program of projects submitted to FTA.
- SECTION 4: That the Mayor of the City of Bowling Green, Ohio is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.
- SECTION 5: That the Mayor of the City of Bowling Green, Ohio is authorized to execute grant agreements on behalf of the City of Bowling Green, Ohio with the Ohio Department of Transportation for aid in the financing of operating and capital assistance projects.
- SECTION 6: That the Mayor of the City of Bowling Green, Ohio, is hereby authorized to execute a contract/grant for the FY 2009 Ohio Elderly and Disabled Transit Fare Assistance Program and execute and file any assurances or any other documentation required by the Ohio Department of Transportation on behalf of the City of Bowling Green, Ohio.

SECTION 7: This resolution shall take effect at the earliest time permitted by law.

Passed: 8/17/09 Date [Signature] President of Council

Attest: Michelle Fitzgibbon, Acting Clerk Acting Clerk of Council

Approved: 8/18/09 Date [Signature] Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res. No. 3400 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009
[Signature]
Clerk of City Council

1st Reading: 8-3-09
 2nd Reading: 8/17/09
 3rd Reading: 8/17/09

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 3401 Passed August 17, 2009

**RESOLUTION TRANSFERRING PREVIOUSLY
 APPROPRIATED FUNDS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following transfers be made in the Finance Director's account:

Fund	Dept.	Account	Description	From	To
1010	140	73430	General, Personnel, Advertising	\$ 3,500.00	
1010	140	72360.00	General, Personnel, Awards		\$ 3,500.00

SECTION 2: This resolution shall take effect at the earliest time permitted by law.

Passed: 8/17/2009 [Signature]
 Date President of Council

Attest: Michelle Fitzgibbon, Acting Clerk
 Acting Clerk of Council

Approved: 8/18/2009 [Signature]
 Date Acting Mayor

MICHAEL J. MARSH
 CITY ATTORNEY
 kds

CERTIFICATION
 This is to certify that the foregoing is a true copy of Res. No. 3401 passed by the Council of the City of Bowling Green, Ohio. Aug 17, 2009
[Signature]
 Clerk of City Council

Resolution No. 3402 Passed August 17, 2009

**RESOLUTION AUTHORIZING THE FINANCE DIRECTOR
 TO ESTABLISH A SPECIAL REVENUE FUND ENTITLED
 "COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY
 FUND" FOR THE CITY OF BOWLING GREEN,
 WOOD COUNTY, OHIO**

Whereas the City of Bowling Green has, as a result of the recent signing of The American Recovery and Reinvestment Act of 2009 (Recovery Act), received \$81,521 in Community Development Block Grant-Recovery (CDBG-R) funds.; and

Whereas money from this grant is to be tracked, accounted for, and reported on separately from all other funds, and that the City of Bowling Green must ensure that funds from this Recovery Act award are not commingled with funds from any other source,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, WOOD COUNTY, OHIO:

SECTION 1: That the Finance Director is hereby authorized and directed to establish the following special revenue fund:

2020 Community Development Block Grant-Recovery (CDBG-R)

SECTION 2: That the Finance Director is further authorized to do all things necessary and proper to manage the monies in the fund consistent with the provisions of the fund, including carryover of existing dollars, receipt, investment and disbursement of those monies.

SECTION 3: This resolution shall take effect at the earliest time permitted by law.

Passed: 8/17/2009 [Signature]
 Date President of Council

Attest: Michelle A. Antczewski, Acting Clerk
 Acting Clerk of Council

Approved: 8/18/2009 [Signature]
 Date Acting Mayor

MICHAEL J. MARSH
 CITY ATTORNEY
 kds

CERTIFICATION
 This is to certify that the foregoing is a true copy of Res. No. 3402 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009
[Signature]
 Clerk of City Council

1st Reading: 7-6-09
2nd Reading: 7-20-09
3rd Reading: 8/17/09

Tabled until 8/17/09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7905 ^{as amended} 8/17/09 Passed August 17, 2009

**ORDINANCE AMENDING SECTION 153.01 OF THE
CODIFIED ORDINANCES OF THE CITY OF
BOWLING GREEN, OHIO, RELATING TO THE
DEFINITION OF "DISCRIMINATE" AND "DISCRIMINATION"
AND AMENDING SECTION 153.02 IN MULTIPLE
SECTIONS TO EFFECTUATE SAID NEW DEFINITION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Section 153.01 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted by redefining the terms "discriminate" or "discrimination" as follows:

Any difference in treatment based on race, color, religion, national origin, gender, gender expression, gender identity, sex, pregnancy, age, sexual orientation, creed, ancestry, disability, ~~political ideology~~, military status, veteran status, marital status, family status, physical characteristics, HIV-status, or genetic information.

Amended at passing 8/17/2009

SECTION 2: That Section 153.02 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended at Section (A), and at Section (B), and at Section (C), and at Section (D), and at Section (E), and at Section (F), and at Section (G), and at Section (H)(1), and at Section (H)(2)(a), and at Section (K), so as to modify by expansion the protected classes described in the new definition of "discriminate" or "discrimination" as set forth in Section 1 of this ordinance to prohibit discrimination based on race, color, religion, national origin, gender, gender expression, gender identity, sex, pregnancy, age, sexual orientation, creed, ancestry, disability, political ideology, military status, veteran status, marital status, family status, physical characteristics, HIV-status, or genetic information.

SECTION 3: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009 Date [Signature] President of Council

Attest: Michelle Fitzgerald Acting Clerk
Acting Clerk of Council

Approved: 8/17/2009 Date [Signature] Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7905 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009
[Signature]
Clerk of City Council

1st Reading: 7-6-09
2nd Reading: 7-20-09
3rd Reading: 8/17/09
Tabled until 8/17/09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7906 as amended 8/17/09 Passed August 17, 2009

**ORDINANCE CREATING AND ADOPTING CHAPTER 39
OF THE CODIFIED ORDINANCES OF THE
CITY OF BOWLING GREEN, OHIO
CONCERNING UNLAWFUL DISCRIMINATION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Chapter 39 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby created and adopted in accordance with the exhibit attached hereto and made a part thereof relating to Unlawful Discrimination.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009 [Signature]
Date President of Council

Attest: Michelle Fitzgerald, Acting Clerk
Acting Clerk of Council

Approved: 8/18/2009 [Signature]
Date Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord. No. 7906 passed by the Council of the City of Bowling Green, Ohio, Aug. 17, 2009
[Signature]
Clerk of City Council

CHAPTER 39: UNLAWFUL DISCRIMINATION

Section 39.01

Definitions

- (1) "Advertising" means to make, print, publish, advertise or otherwise disseminate any notice, statement or advertisement, with respect to any employment activity, any business activity, or any educational activity.
- (2) "Age" means 18 years of age or older except as otherwise provided by law.
- (3) "Business Establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.
- (4) "Disability" or "Disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.
- (5) "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's race, color, religion, national origin, gender, gender expression, gender identity, sex, pregnancy, age, sexual orientation, creed, ancestry, disability, political ideology, military status, veteran status, marital status, family status, physical characteristics, HIV status, or genetic information
- (6) "Educational Institution" means any public educational institution including an academy, college, elementary or secondary school, extension course, kindergarten, pre-school, nursery school, university, and any business, nursing, professional, secretarial, technical or vocational school.
- (7) "Employee" means any individual employed or seeking employment from an employer.
- (8) "Employer" means any person who, for compensation, regularly employs five (5) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs five (5) individuals when the employer employs five or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.
- (9) "Gender" means actual or perceived sex.
- (10) "Gender Identity or Expression" means having or being perceived as having a gender identity or expression whether or not that gender identity or expression is different from that traditionally associated with the sex assigned to that individual at birth.

Amended
not passing
3/17/09

- (11) "Labor Organization" means any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection on behalf of employees.
- (12) "Person" means a natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.
- (13) "Physical Characteristic" means a bodily condition or bodily characteristic of any person that is from birth, accident, or disease, or from any natural physical development, including individual physical mannerisms including but not limited to height and weight. Physical characteristic shall not relate to those situations where a bodily condition or characteristic will present a danger to the health, welfare or safety of any individual.
- (14) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments within the City which offers goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.
- (15) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

Section 39.02 **Prohibited Acts of Discrimination - Employment**

- (1) With regard to employment, it shall be unlawful for any employers or labor organizations, to engage in any of the following acts, wholly or partially for a discriminatory reason:
 - (a) To fail to hire, refuse to hire or discharge an individual;
 - (b) To discriminate against any individual, with respect to compensation, terms, conditions, or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
 - (c) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;
 - (d) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;
 - (e) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including an on-the-job training program;

- (f) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;
- (g) To discriminate in referring an individual for employment whether the referral is by an employment agency, labor organization or any other person.

Section 39.03 **Prohibited Acts of Discrimination - Business Establishments or Public Accommodations**

- (1) It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:
 - (a) To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment or place of public accommodation;
 - (b) To print, publish, circulate, post, or mail, directly or indirectly, a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable.

Section 39.04 **Prohibited Acts of Discrimination - Educational Institutions.**

- (1) It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason:
 - (a) To deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified;
 - (b) Notwithstanding the provisions of subsection (a) it shall not be an unlawful discriminatory practice to limit attendance in classes or programs conducted by an educational institution based upon a reasonable educational objective, except where to do so would otherwise violate a duty imposed upon the institution by federal or state law to provide reasonable accommodation;
 - (c) Notwithstanding the provisions of subsection (a), it shall not be an unlawful discriminatory practice for an educational institution operated by a religious or denominational institution, or established for a bona fide religious purpose, to admit students or program attendees on the basis of that student's or attendee's religious or denominational affiliation or preference.

Section 39.05 **City Services, Facilities, Transactions, and Contracts**

- (1) The City of Bowling Green shall be bound by the provisions of this chapter to the same extent as private individuals.
- (2) All contractors proposing to, or currently doing business with the City of Bowling Green, shall abide by this ordinance.

Section 39.06 **General Exceptions**

- (1) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.
- (2) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by protected group.
- (3) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.
- (4) Nothing in this chapter shall bar a fraternal organization from giving preference to members of such fraternal organization or from making such selection as is calculated by such organization to promote the aims, purposes or fraternal principles for which it is established or maintained. This chapter shall not apply to any religious corporation, organization, or association. The application and enforcement of the protections created herein are limited solely to the terms of this chapter and such terms shall not create nor enhance protected class status for any other purpose including public and private affirmative action program eligibility. The term "affirmative action program" shall include any program administered by any private or public entity for the purpose of providing preferential treatment for those in a protected class. Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that such practice is not intentionally devised or operated to contravene the prohibitions of this chapter and can be justified by business necessity. Under this chapter, a "business necessity" exception is applicable only in each individual case where it can be proved by a respondent that, without such exception, such business cannot be conducted; a "business necessity" exemption cannot be justified by the factors of increased costs to business, business efficiency, the comparative characteristics of one group as opposed to another, the stereotyped characterizations of one group as opposed to another, and the preferences of co-workers, employers, customers or any other person.
- (5) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement.

Section 39.07 **Complaint Procedure**

- (1) *Administration.* The Municipal Administrator or one or more persons designated by him/her as a Complaint Officer may conduct investigations, hearings, and conciliation, make determinations, issue orders and perform such duties as are necessary and appropriate to the administration of this chapter. The Municipal Administrator is authorized to establish rules and procedures for the administration of this chapter.

(2) *Complaints.*

- (a) *Preliminary Investigation.* Whenever it is charged in writing by a person or aggrieved organization, hereinafter referred to as "complainant", that any person, employer, employment agency, or labor organization, hereinafter referred to as the "respondent", has engaged in or is engaging in any unlawful discriminatory practice as defined in this chapter, the Complaint Officer may initiate a preliminary investigation. Such charge shall be filed within six months after the alleged unlawful discriminatory practice is committed. If it is determined by the Complaint Officer after such preliminary investigation that it is not likely that an unlawful discriminatory practice has been or is being engaged in, the complainant and respondent shall be notified that it has been so determined, and that no other action will be initiated under this chapter.
- (b) *Informal Conciliation.* If it is determined, after such preliminary investigation, that it is likely that an unlawful discriminatory practice has been or is being engaged in, the Complaint Officer may endeavor to eliminate such practice by informal methods of conciliation. If the Complaint Officer is satisfied that an alleged unlawful discriminatory practice of the respondent will be or has been eliminated, he may treat the complaint as conciliated and notify the complainant and respondent that no other action will be initiated under this chapter. If informal methods of conciliation fail to effect the elimination of such alleged unlawful discriminatory practice and it is determined by the Complaint Officer that the alleged unlawful discriminatory practice is conduct over which the state and/or federal government has exercised jurisdiction and provided a mechanism for redress to an aggrieved party, the Complaint Officer shall notify the complainant and respondent that no other action will be taken pursuant to this chapter and will provide complainant with information relating to appropriate state or federal legislation and enforcement agencies which may have jurisdiction.
- (c) *Determination Hearing.* If informal methods of conciliation fail to effect the elimination of such alleged unlawful discriminatory practice, and it is determined by the Complaint Officer that the state or federal government has not exercised jurisdiction and provided mechanism for redress, the Complaint Officer may cause to be served upon the respondent and complainant a notice of a determination hearing, notifying the respondent of a hearing at a time and place therein fixed to be held not less than 14 days after the service of such notice and stating the charges specified in the original charge against the respondent. If circumstances warrant, the Complaint Officer may serve such notice at any time during the complaint procedure. The respondent shall have the right to appear at such hearing in person, and the complainant shall be a party to the proceeding. No person shall be compelled to be a witness against himself in any determination hearing, formal or informal. In conducting any determination hearing as provided herein, the Complaint Officer may request the attendance as witness of any person believed to have knowledge or facts relevant to such hearing.

- (d) *Conciliation.* If upon all the evidence presented, the Complaint Officer determines that respondent has engaged in, or is engaging in, any unlawful discriminatory practice under this chapter, whether against the complainant or others, the Complaint Officer may endeavor to eliminate such practice by way of conference and conciliation.
- (e) *Notice of Violation and Order to Cease and Desist.* If conference and conciliation fails to effect the elimination of such unlawful discriminatory practice or to obtain conciliation of the matter, or if the Complaint Officer determines that efforts to conciliate would be futile, the Complaint Officer may issue a notice of violation and may issue an order to respondent to cease and desist the unlawful discriminatory practice. The notice of violation and order to cease and desist of the Complaint Officer shall be served on the respondent and complainant, with notice that if the Complaint Officer determines that after 30 calendar days following service of its order the respondent has not eliminated or corrected the unlawful discriminatory practice, the Complaint Officer shall take action to refer the matter to the Municipal Administrator or the Municipal Administrator's designee for civil or criminal enforcement.

Section 39.08 **Enforcement**

- (1) If after 30 calendar days following service of an order to cease and desist the respondent has not eliminated or corrected the unlawful discriminatory practice, the Municipal Administrator is authorized to impose a fine of \$100 per day for each day of substantial non-compliance with the provisions of this chapter, but not to exceed a total of \$1,000. The Municipal Administrator is authorized to institute through the city prosecutor in the name of the City of Bowling Green any appropriate civil enforcement proceedings.

Section 39.09 **Failure to Comply With Lawful Order**

- (1) Any person who commits an unlawful discriminatory practice under any of the provisions of this chapter and fails to obey any order of the Municipal Administrator or his/her duly authorized designee to cease and desist such unlawful discriminatory practice shall be guilty of failure to comply with an unlawful discriminatory practice order, a misdemeanor of the fourth degree.

Section 39.10 **Judicial review**

- (1) A complainant or respondent aggrieved by an order of the Complaint Officer or the Municipal Administrator, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the Municipal Administrator may obtain an order of the court for enforcement of his/her order, in a proceeding brought in the municipal court. A proceeding under this section must be initiated within thirty (30) days after the Complaint Officer or the Municipal Administrator issued his/her order.

Section 39.11 **Additional remedies preserved**

- (1) Any person injured by any act in violation of the provisions of this chapter shall have a civil cause of action in municipal court.
- (2) A civil cause of action under this section shall be filed in a municipal court within one (1) year after the alleged discriminatory practice ceases or within thirty (30) days of an order by the Complaint Officer under Section 39.07. Any such action shall supersede any complaint before the Complaint Officer or Municipal Administrator concerning the same alleged violations and any such administrative action shall be closed upon such filing.

PUBLIC HEARING SCHEDULED
Date 8/17/09 Time 7:30 pm

RECORD OF ORDINANCES

1st Reading: 7-6-09
2nd Reading: 7-20-09
3rd Reading: 8-3-09

Tabled until 8/17/09

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7908

Passed August 17, 2009

**ORDINANCE ADOPTING SECTION 150.101(E) OF THE
CODIFIED ORDINANCES OF THE CITY OF
BOWLING GREEN, OHIO, RELATING TO
REQUIREMENT OF FINANCIAL GUARANTEES
FOR WORK IN THE PUBLIC RIGHT-OF-WAY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Section 150.101(E) of the Codified Ordinances is hereby adopted to read as follows:

150.101 ZONING CERTIFICATE

(E) Any improvements to any public right-of-way, public utility, or other public facility that is required as the result of the use of any structure, building, land or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, shall be financially guaranteed, by cash or bond, to the City prior to the issuance of a zoning certificate.

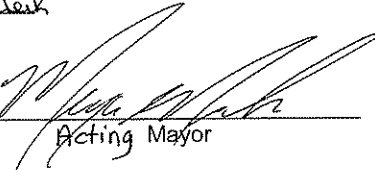
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009
Date


President of Council

Attest: Michelle D. Zitzgwald, Acting Clerk
Acting Clerk of Council

Approved: 8/18/2009
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7908 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009


Clerk of City Council

PUBLIC HEARING SCHEDULED
Date 8/17/09 Time 7:30 PM

RECORD OF ORDINANCES
1st Reading: 7-6-09
2nd Reading: 7-20-09
3rd Reading: 8-3-09
Tabled until 8/17/09

Davton Legal Blank, Inc. Form No. 30043

Ordinance No. 7909 Passed August 17, 2009

ORDINANCE AMENDING AND ADOPTING SECTION 150.03 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, RELATING TO DEFINITIONS FOR ELECTRONIC MESSAGE BOARDS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Section 150.03 of the Codified Ordinances is hereby amended as follows:

150.03 DEFINITIONS

Changeable Copy Sign or electronic Message Board. An outdoor sign, either manual or electronic, that does not convey, in intervals of **10 seconds** or less, the visual sensation or appearance of motion, or does not present a non-constant visual image to the eye of an observer in intervals of **10 seconds** or less.

Flashing Lights or Moving Lights. Any light or lights which oscillate in intensity with a period of less than **10 seconds** or that oscillate in intensity in a manner that gives an appearance of motion or the visual sensation or appearance of motion, or does not present a non-constant image to the eye of an observer in a continuous time frame of less than **10 seconds**.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/09 _____
Date Date President of Council

Attest: Michelle Fitzgould, Acting Clerk
Acting Clerk of Council

Approved: 8/18/09 _____
Date Date Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7909 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009
Michelle Fitzgould
Clerk of City Council

PUBLIC HEARING SCHEDULED
Date 8/17/09 Time 7:30pm

RECORD OF ORDINANCES
Tabled until 8/17/09

1st Reading: 7-6-09
2nd Reading: 7-20-09
3rd Reading: 8-3-09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7910 Passed August 17, 2009

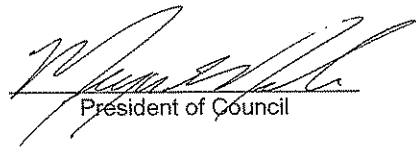
**ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF THE CITY OF BOWLING GREEN, OHIO,
FOR 0.100 ACRES LOCATED BEHIND 507 HARVEST LANE
FROM M-1 LIGHT INDUSTRIAL TO R-2 SINGLE
FAMILY RESIDENTIAL ZONING**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the property described as approximately 0.100 acres of land located behind 507 Harvest Lane, as depicted on the exhibit attached hereto and made a part hereof, be rezoned from M-1 Light Industrial to R-2 Single Family Residential zoning.

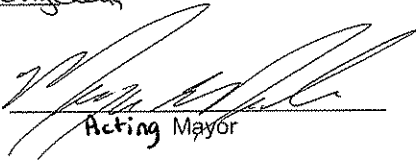
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/09
Date


President of Council

Attest: Michelle Fitzgerald, Acting Clerk
Acting Clerk of Council

Approved: 8/18/09
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7910 passed by the Council of the City of Bowling Green, Ohio.

Aug 17, 2009

Clerk of City Council

PUBLIC HEARING SCHEDULED

Date 8/17/09 Time 7:30pm.

1st Reading: 7-6-09
2nd Reading: 7-20-09
3rd Reading: 8-3-09

RECORD OF ORDINANCES

Tabled until 8/17/09

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7911

Passed August 17, 2009

ORDINANCE APPROVING THE S-DISTRICT SITE PLAN FOR FOUR (4) ROOMING HOUSES ON THE NORTH SIDE OF FOURTH STREET AT THE INTERSECTION OF SOUTH COLLEGE DRIVE, AS PETITIONED FOR BY KELEN PROPERTIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the S-District Site Plan for four (4) rooming houses on the north side of Fourth Street at the intersection of South College Drive, as petitioned for by Kelen Properties, is hereby approved in substantial accordance with the plan on file in the Planning Department and as depicted in the attached exhibit.

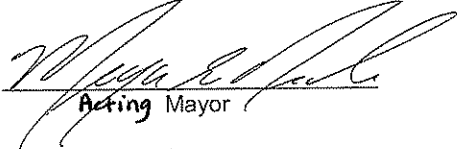
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/09
Date



President of Council

Attest: Michelle Fitzgerald, Acting Clerk
Acting Clerk of Council

Approved: 8/18/09
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7911 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009

Clerk of City Council

1st Reading: 7-20-09
2nd Reading: 8-3-09
3rd Reading: 8/17/09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7913

Passed August 17, 2009

**ORDINANCE AMENDING AND ADOPTING SECTION 33.01(Q)
OF THE CODIFIED ORDINANCES OF THE CITY OF
BOWLING GREEN, OHIO, RELATING TO
EMPLOYMENT POLICIES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Section 33.01(Q) of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read as follows:

SECTION 33.01 SALARY SCHEDULE ESTABLISHED

(Q) Whenever the Municipal Administrator or his/her designee determines that it is necessary to temporarily assign an employee to perform the duties of a position above that which the employee currently holds, such employee shall be temporarily reclassified to the higher job classification and shall receive an increase in pay, as established in division (M) of this section. If the employee is temporarily reclassified from an hourly, non-exempt position (eligible for overtime) to a salaried position that is exempt from earning overtime, the reclassification shall result in the employee being exempt from overtime while so assigned to the exempt classification. Furthermore, the employee so assigned shall continue to receive all other fringe benefits at the levels he or she received prior to the temporary reclassification to the higher job classification. Training periods at a higher level shall not be computed when determining "acting time." The employee, so assigned, must be assigned to and perform all the functions that are normally performed by an occupant of the higher classification in order to be reclassified and receive the increased rate of pay.


SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009
Date


President of Council


Attest: Michelle Dingscheid, Acting Clerk
Acting Clerk of Council

Approved: 8/18/2009
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7913 passed by the Council of the City of Bowling Green, Ohio. Aug 17, 2009

Clerk of City Council

1st Reading: 7-20-09
2nd Reading: 8-3-09
3rd Reading: 8/17/09

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7914

Passed August 17, 2009

ORDINANCE AMENDING AND ADOPTING SECTION 75.01 AND SECTION 75.10 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, CONCERNING BICYCLES, MOTORCYCLES AND SNOWMOBILES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Section 75.01 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to include the following definitions:

SECTION 75.01 DEFINITIONS

BICYCLE. A device that is propelled solely by human power upon which any person may ride, and that has either two tandem wheels, or one wheel in front and two wheels in the rear.

CENTRAL BUSINESS DISTRICT. The B-3 zoning district as depicted on the Zoning District Map.

SECTION 75.10 RIDING OR PARKING ON SIDEWALK AREAS

- (A) No person shall ride or park a bicycle or operate a skateboard or ride upon in-line skates on any sidewalk area within the Central Business District. However, bicycles may be parked in racks where provided.
- (B) No person shall operate a skateboard or ride upon in-line skates on any city owned and operated parking lot.

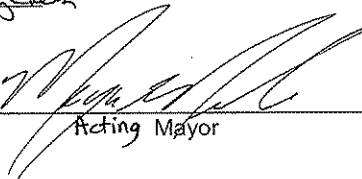
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009
Date



President of Council

Attest: Michelle Fitzpatrick, Acting Clerk
Acting Clerk of Council

Approved: 8/18/2009
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord. No. 7914 passed by the Council of the City of Bowling Green, Ohio. Aug 17, 2009

Clerk of City Council

1st Reading: 7-20-09
2nd Reading: 8-3-09
3rd Reading: 8/17/09

Davison Legal Blank, Inc.

Form No. 30043

Ordinance No. 7915 Passed August 17, 2009

ORDINANCE AMENDING AND ADOPTING SECTION 98.03 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING SNOW AND ICE COVERED SIDEWALKS DECLARED A NUISANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

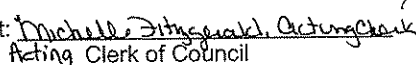
SECTION 1: That Section 98.03 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read as follows:

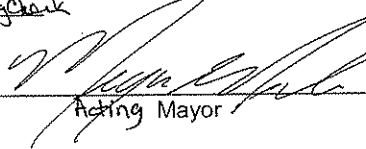
SECTION 98.03 SNOW AND ICE COVERED SIDEWALKS DECLARED A NUISANCE; REMOVAL OF SNOW AND ICE FROM SIDEWALKS

- (A) Sidewalks in the city which are not free of snow and ice within 24 hours after the abatement of any storm during which snow and ice may have accumulated are a public nuisance.
- (B) The owners or occupants of each single residential, or industrial property and the owner of any multiple residential, commercial, or industrial property, or of any unoccupied or unimproved property abutting upon public walks shall clear such walks of snow and ice within 24 hours after such snow event ceases.
- (C) Should any such snow and ice be found within the city, the Municipal Administrator or his or her designee may cause these sidewalks to be cleaned at the expense of the city. Thereupon, the expense of cleaning plus the cost of mailing or serving the notice for payment shall be billed to the property owner by regular mail. Upon failure to reimburse the city this amount within 30 days thereafter, the Council shall make written return to the County Auditor of the action taken, with the statement for the charges of the services, the amount paid for the performance of such labor, the fees of the officers who made the service with the notice and return, and the proper description of the premises, along with a request that such amount be entered upon the tax duplicate, to become a lien upon such lands from and after the date of the entry, and to be collected as other taxes and returned to the city according to law.
- (D) Any law enforcement officer, the Municipal Administrator or Municipal Administrator's designee shall be authorized to issue citations for any violation of this section.

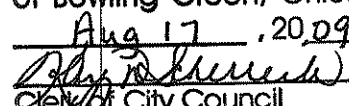
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009 Date  President of Council

Attest:  Acting Clerk of Council

Approved: 8/18/2009 Date  Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7915 passed by the Council of the City of Bowling Green, Ohio. Aug 17, 2009  Clerk of City Council

1st Reading: 7-20-09
2nd Reading: 8-3-09
3rd Reading: 8/17/09

Davon Legal Blank, Inc.

Form No. 30043

Ordinance No. 7916 Passed August 17, 2009

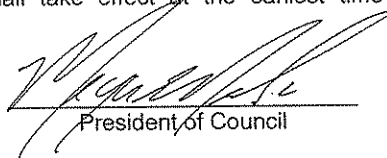
ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE SUPPLYING OF ANNUAL INVENTORY REQUIREMENTS, VEHICLE FUEL, UNDERGROUND AND OVERHEAD LINES INSURANCE, AND SALE OF SCRAP MATERIALS FOR CALENDAR YEAR 2010

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to advertise for bids and enter into a contract or contracts for the supplying of annual inventory requirements, vehicle fuel, underground and overhead lines insurance, and sale of scrap materials for calendar year 2010.

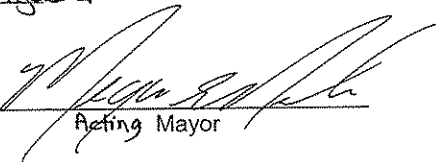
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/09
Date


President of Council


Attest: Michelle Fitzgibbon, Acting Clerk
Acting Clerk of Council

Approved: 8/17/09
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord. No. 7916 passed by the Council of the City of Bowling Green, Ohio, Aug 17, 2009

Clerk of City Council

1st Reading: 7-20-09
2nd Reading: 8-3-09
3rd Reading: 8-17-09

Dayton Legal Blank, Inc.

Form No. 30033

Ordinance No. 7917

Passed August 17, 2009

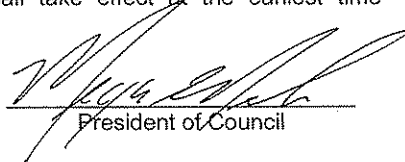
**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR
TO EXECUTE AN AMENDMENT TO THE AGREEMENT
WITH CORRPRO COMPANIES FOR INSTALLATION
OF ADDITIONAL SACRIFICIAL ANODES ON THE
36 INCH WATER TRANSMISSION MAIN**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to execute an amendment to the agreement with Corpro Companies for the installation of additional sacrificial anodes on the 36-inch water transmission main.

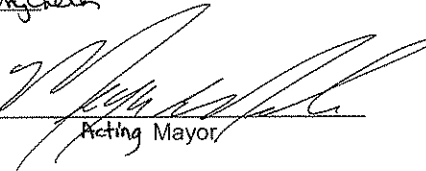
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/2009
Date


President of Council

Attest: Michelle Fitzgibbon, Acting Clerk
Acting Clerk of Council


Approved: 8/18/2009
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord. No. 7917 passed by the Council of the City of Bowling Green, Ohio.

Aug 17, 2009

Clerk of City Council

1st Reading: 8-3-09
 RECORD OF ORDINANCES Reading: 8-17-09
 3rd Reading: 8-17-09

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7918 Passed August 17, 2009

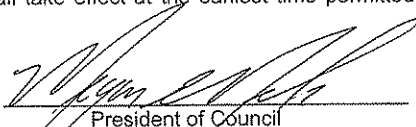
**ORDINANCE PROVIDING SUPPLEMENTAL
 APPROPRIATIONS FOR THE CURRENT EXPENSES AND
 OTHER EXPENDITURES OF THE CITY OF BOWLING GREEN,
 OHIO, DURING THE FISCAL YEAR BEGINNING
 JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN,
 STATE OF OHIO:

SECTION 1. That the following sums be appropriated as follows:

Fund	Dept.	Account	Description	Amount
2020	545	92200	CDBG - Recovery, CDBG Block, Transfer To Special Revenue	\$ 12,228.00
2020	545	90100	CDBG - Recovery, CDBG Block, Support - Outside Programs	\$ 20,141.00
2020	545	73970	CDBG - Recovery, CDBG Block, Rental Rehabilitation	\$ 20,000.00
2020	545	73964	CDBG - Recovery, CDBG Block, Elderly Emergency Repair	\$ 6,000.00
2020	545	73962	CDBG - Recovery, CDBG Block, Mobile Home Repair	\$ 15,000.00
2020	545	71240	CDBG - Recovery, CDBG Block, Non-Bargaining	\$ 7,060.00
2020	545	72110.20	CDBG - Recovery, CDBG Block, PERS Regular	\$ 989.00
2020	545	72140	CDBG - Recovery, CDBG Block, Medicare	\$ 103.00
2039	210	74550	Justice Assistance Grant Program Fund, Police Department, Tools/Equipment/Furniture < \$1000	\$ 20,916.00

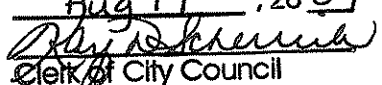
SECTION 2: This ordinance shall take effect at the earliest time permitted
 by law.

Passed: 8/17/2009 
 Date President of Council

Attest: Michelle Fitzpatrick, Acting Clerk
 Acting Clerk of Council

Approved: 8/18/2009 
 Date Acting Mayor

MICHAEL J. MARSH
 CITY ATTORNEY
 kds

CERTIFICATION
 This is to certify that the
 foregoing is a true copy of
Ord No. 7918 passed
 by the Council of the City
 of Bowling Green, Ohio.
Aug 17, 2009

 Clerk of City Council

RECORD OF ORDINANCES

1st Reading: 8/17/09

2nd Reading: 8/17/09

3rd Reading: 8/17/09

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7922

Passed August 17, 2009

ORDINANCE PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BOWLING GREEN, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009

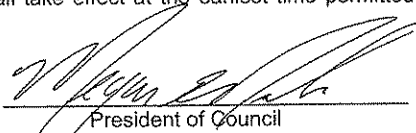
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following sums be appropriated as follows:

Fund	Dept.	Account	Description	Amount
2090	190	94800	Special Improvement District, Miscellaneous, BG Central Business-Special Improvement District	\$ 604.00

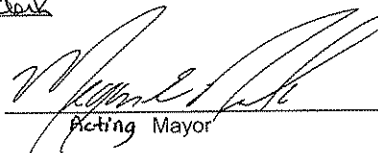
SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 8/17/09
Date


President of Council

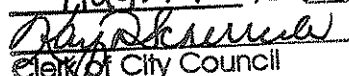
Attest: Michelle D. Johnson, Acting Clerk
Acting Clerk of Council

Approved: 8/18/2009
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7922 passed by the Council of the City of Bowling Green, Ohio. Aug. 17, 2009

Clerk of City Council

RECORD OF ORDINANCES

1st Reading: 8/17/09

2nd Reading: 8/17/09

3rd Reading: 8/17/09

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7923

Passed August 17, 2009

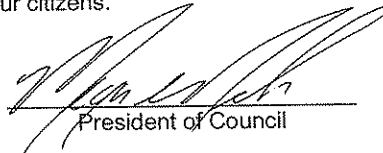
ORDINANCE AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE PURCHASE OF TWO REPLACEMENT 10-FOOT STAINLESS STEEL DUMP TRUCK BEDS, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Municipal Administrator is hereby authorized to advertise for bids and enter into a contract or contracts for the purchase of two replacement 10-foot stainless steel dump truck beds in accordance with the specifications on file in the office of the Municipal Administrator.

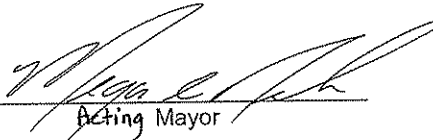
SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is that adequate time is needed to receive delivery of the equipment prior to the onset of the winter season in order to replace deteriorating and unsafe truck beds, thereby protecting the public health, safety and well-being of our citizens.

Passed: 8/17/2009
Date


President of Council

Attest: Michelle Ditzgen
Acting Clerk of Council


Approved: 8/18/2009
Date


Acting Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7923 passed by the Council of the City of Bowling Green, Ohio.

Aug 17, 2009

Clerk of City Council