

ORDINANCE NO. 032-09

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE TO ESTABLISH THE DOWNTOWN OF NAPOLEON AS A PRESERVATION DISTRICT (OVERLAY DISTRICT); AND DECLARING AN EMERGENCY

WHEREAS, the Planning Commission in PC Resolution 09-09 has recommended that this Ordinance be adopted and enacted as part of the Planning and Zoning Code,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO: "THAT"

Section 1. Definitions as used in this Ordinance.

ALTER OR ALTERATION: Any material change in the external architectural features of any property, including demolition, removal or construction, but not including landscaping of property.

APPLICANT: A person submitting an application for development, a permit, or other required approval as required by Ordinance. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner.

ARCHITECTURAL FEATURE: Those elements that characterize an architectural style including, but not limited to windows, doors, porches, cornices, decorative trim, and exterior surface material.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Preservation Commission indicating that a proposed alteration, demolition, or in-fill new construction within the Preservation District boundaries is in accordance with the provisions of this Ordinance.

COMMERCIAL: Relates to or is connected with trade and traffic or commerce in general; is occupied with business or commerce.

COMMERCE: The exchange of goods, productions, services, or property of any kind; or, the buying, selling, and exchanging of articles or services.

COUNCIL: The City Council of Napoleon, Ohio.

CHANGE: Any alteration, demolition, removal, or construction involving any property subject to the provisions of this Ordinance, including signs, notwithstanding the sign code.

DEMOLITION: The razing or destruction, whether entirely or in part, of a building, including demolition by neglect.

HISTORIC DESIGN REVIEW GUIDELINES: The building construction and building rehabilitation criteria derived from local historical and architectural information and

reflecting the Secretary of the Interior's Standards for Rehabilitation to be used by the Preservation Commission in considering Certificate of Appropriateness applications.

HISTORIC RESOURCE: A publicly or privately owned building of historic significance, eligible for listing or already listed on the National Register of Historic Places, thus deserving protection.

HISTORIC RESOURCE INVENTORY: A list of historic resources identified by the Preservation Commission and kept at the City offices for review by the public. This inventory consists of a completed Ohio Historic Inventory Form, a Facade Condition Survey Form, and a recent photograph of each historic resource within the City.

HISTORIC SIGNIFICANCE: Attributes of a building or district that possess integrity of location, setting, design, materials, workmanship, and association with (a) events that have made a significant contribution to the broad patterns of history, of (b) persons significant in the past, (c) architectural characteristics of a type, period, or method of construction, or (d) have yielded or may be likely to yield information in prehistory or history.

PRESERVATION COMMISSION: A Preservation Commission established pursuant to this Ordinance and (Ordinance No. 032-09) Chapter 181 of the Codified Code having certain specified powers and duties.

PRESERVATION DISTRICT: Clearly identified area(s) designated on the Official Zone Map that contain a significant concentration of Historic Resources.

PURELY RESIDENTIAL STRUCTURES: Dwellings used exclusively for residential purposes.

SECRETARY OF THE INTERIOR'S STANDARDS: Ten standards first developed by the Department of the Interior to evaluate proposed treatments of historic properties and to ensure that work affecting a historic property would be consistent with the character of the building and the district in which it is located.

Section 2. Creation of Preservation District.

Council hereby declares as a matter of public policy that distinctive areas of the City where structures tend to be more than fifty (50) years of age exemplify a predominant architectural style, possess historical significance, and/or portray the early development of the City collectively contribute to the economic, cultural, and educational development of the City; further, Council hereby declares as a matter of public policy that the preservation and enhancement of such historic buildings and areas in the City is a public necessity and is required in the interest of the health, safety, and welfare of the people; moreover, Council hereby declares the necessity to identify areas, places, buildings, structures, sites, objects, and works of art based upon historic, architectural, archaeological, or cultural significance related to the historical development of the City for establishment as a preservation district; finally, Council hereby declares the necessity to have a Preservation Commission and shall establish the same along with procedures for the enforcement of historic design review guidelines whereby historic, architectural, archaeological, and cultural resources within a duly designated preservation district are afforded protection from actions that would be detrimental to their preservation, enhancement, and continued use, as well as to prevent inappropriate or incompatible

construction within the preservation district. Purely residential structures are expressly exempt from regulation under this Ordinance.

Section 3. Purposes.

The purposes of this Ordinance are:

- (a) To establish procedures whereby certain specified areas of the City are afforded protection from actions that would be detrimental to preserving established historic and cultural resources in the community, and to pursue the following objectives:
 - (1) Maintain and enhance the distinctive character of historic buildings and historic areas;
 - (2) Safeguard the architectural integrity of historic properties and resources within designated districts;
 - (3) Seek alternatives to demolition or incompatible alterations within designated areas before such acts are performed; and,
 - (4) Encourage development of vacant properties in accordance with the character of the designated districts.
- (b) To contribute to the economic, cultural and educational development of the City by:
 - (1) Protecting and enhancing the City’s attractions to prospective residents, businesses, and visitors;
 - (2) Providing support and stimulus to business and industry;
 - (3) Strengthening the economy of the City by stabilizing and improving property values; and,
 - (4) Facilitating reinvestment in and revitalization of certain older districts and neighborhoods.

Section 4. Establishment of District in Zone Map

The preservation district shall be established on the official zoning map as an overlay district encompassing all commercial buildings in the downtown of the City. As an overlay district, the requirements of both the preservation district and the underlying zoning district shall apply.

Section 5. Certificate of appropriateness Required

- (a) Within the boundaries of any preservation district established, a certificate of appropriateness shall be required from the Preservation Commission, regardless of any other rule, regulation or law governing the same or similar matter before any owner of property used for commercial purposes may receive a zoning permit or commence work for any proposed construction, reconstruction, alteration, replacement, repair, modification, or demolition of a structure, exterior wall, or exterior architectural feature of any building or structure, including installation or visible changes to fences, signs, or other visible exterior improvements.

(b) Exclusions.

- (1) Normal Maintenance and Repair. Now or hereafter in the preservation district, nothing in this section shall be construed to prevent any normal maintenance or repair of a structure or architectural feature which does not involve a change in material, architectural design, arrangement, or texture. At this time, no review of color is required.
- (2) Demolition After Substantial Damage. Any structure that has been burned or damaged by an event not within the landowner's control and where more than fifty (50%) percent of the structure is substantially "affected," may be demolished, regardless of the building's significance.
- (3) Emergency Orders. Nothing in this section shall be construed as to prevent the alteration, change, construction, reconstruction, or demolition of any structure or architectural feature which any governmental authority designates as being unsafe or presents a dangerous condition as may be required for the public safety pursuant to any applicable City code.

Section 6. Historic District Guidelines.

This section provides design review standards for buildings and structures within the preservation district which have been designated as a historic resource by Council or where such designation has been recommended by the Preservation Commission and is pending Council approval, as well as standards for new or existing buildings and structures which do not qualify as a historic resource. These standards are designed to promote redevelopment of historic structures and compatible new development within the preservation district.

(a) Standards for Historic Resources.

In reviewing proposed alterations or changes to property, the preservation Preservation Commission shall use as evaluative criteria the most recent update of the "*United States Secretary of the Interior's Standards and Illustrated Guidelines for Rehabilitating Historic Buildings*" by Morton, Hume, Weeks, and Jandl (U.S. National Park Service, Preservation Assistance Division, 1991, as reprinted in 1997). These standards and guidelines are referenced and made a part of this planning and zoning code. The ten (10) standards are restated herein:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- (5) Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship that characterize a historic property shall be preserved.
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. replacement of missing architectural features shall be substantiated by documentary, physical, or pictorial evidence.
 - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (b) Standards for properties not designated as historic resources.
- For property, except purely residential structures, which is not a designated or recommended historic resource, the Preservation Commission shall determine appropriateness by whether the proposed activity will have a negative effect on the historic character and visual integrity of the preservation district. Building architecture, materials, and height should be designed to complement and coordinate with historic resources in the preservation district. If new materials are to be used for buildings that are architecturally undistinguished, they should be selected to coordinate with neighboring structures and to complement the design of the structure. Color selection shall not be subject to review.
- (c) New construction design standards.
- Any proposed new construction in the preservation district shall not be limited to any one historical period or architectural style, but shall seek to be evocative of the general architectural styles, historic character, and preserve the architectural integrity of existing historic resources in the district. For example, new buildings should maintain the repetitive storefront widths along established block facades to create a unified street wall. On traditional storefront buildings, recessed entrances are encouraged.

(d) Vacant structure maintenance required.

The owner of an historic structure or any structure within preservation district, if such structure is vacant and uninhabited, shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration.

(e) Demolition applications.

Subject to section 5(b) of this ordinance, and subject to an administrative review before the Preservation Commission, demolition of a structure in the preservation district shall only be approved when the structure contains no features of architectural or historic significance, where the structure does not contribute to maintaining the character of the preservation district, and where the applicant allows for reasonable salvage of significant architectural features prior to the issuance of the demolition permit. Factors for consideration may include: the building's historic, architectural, and urban design significance; whether the building is one of the last remaining examples of its kind in the neighborhood, the City, or the region; whether the structure has historic events or persons associated with it; and the building's condition. If the building is not properly secured and is lost during this period due to fire or other causes, then the action is treated as an unlawful demolition.

Section 7. Zoning Administrator.

The Zoning Administrator of the City shall receive all applications for Certificates of Appropriateness. The Zoning Administrator shall ensure that any application for a Zoning Permit, where a Certificate of Appropriateness is also required, shall first receive a Certificate of Appropriateness from the Preservation Commission prior to Zoning Permit application review. The Zoning Administrator shall enforce all approvals issued by vote of the Preservation Commission by including any conditions in a Certificate of Appropriateness as part of the conditions of a subsequent Zoning Permit.

Section 8. Application for Certificate of Appropriateness

(a) Application Requirements. Blank applications for a Certificate of Appropriateness shall be available at the City's principle office or other places as deemed appropriate by the Zoning Administrator.

(1) The application must be completed in full and shall include:

- A. Address of the property for which the Certificate of Appropriateness is being requested;
- B. Property owner's name, phone number, mailing address;
- C. Tenant's name and mailing address, if applicable;
- D. A narrative which clearly describes the proposed activity subject to Preservation Commission review.

(2) An application for a Certificate of Appropriateness shall be accompanied by:

- A. Color photos of each building elevation of an adequate size, detail, and clarity for reasonable use by the Preservation Commission;
 - B. Sketches of proposed new construction facades, or changes to each exterior wall, or proposed installation or visible changes to signs, fences, and/or other visible exterior improvements. Sketches shall be drawn as near as possible to scale and be easily understandable. Sketches shall depict and fully describe using notations all proposed changes and additions, including:
 - (i) Structural changes which impact the exterior of the building;
 - (ii) All windows and doorways;
 - (iii) Roof lines;
 - (iv) Signage;
 - C. A description of the proposed materials to be used;
 - D. A request for a Certificate of Appropriateness shall be accompanied by any applicable fees as may be directed by Ordinance of Council.
- (b) Determination of Completeness. Upon receipt of a request for a Certificate of Appropriateness, the Zoning Administrator shall make a determination the application is complete. The applicant shall be informed of any omissions to the application. The determination that an application is “complete” shall be noted on the face of the application by the Zoning Administrator. Complete applications shall be forwarded to the Clerk of the Preservation Commission.

Section 9. Administrative Hearing Procedures

- (a) Hearing Date for Certificate of Appropriateness. An application for a Certificate of Appropriateness shall require review by the Preservation Commission at an administrative hearing.
- (1) General Applications. Upon receipt of a “complete” application for a Certificate of Appropriateness from the Zoning Administrator, the Clerk for the Preservation Commission shall contact the Chairman to set the date and time for an administrative hearing to review the application. The administrative hearing shall be designated neither less than ten (10) days nor more than forty-five (45) days from the date of application. The Clerk shall forward complete applications to the members of the Preservation Commission as soon as possible.
 - (2) Hearing Date for Demolition Applications.
 - A. Where a structure has not been reviewed for designation as a Historic Resource, but the building or structure at issue is found to be both “significant” and “preferably preserved,” review for demolition may be delayed up to ninety (90) days to allow for a determination of historical or architectural merit.

- B. Where a structure has been recommended as a Historic Resource by the Preservation Commission and is pending Council approval, the hearing date shall be delayed and the status quo preserved pending designation to prevent anticipatory demolitions.
 - C. Where a structure is designated as a Historic Resource by Council, a hearing on the demolition application may be delayed up to twenty-four (24) months to allow the Preservation Commission, preservation organizations, concerned citizens, and others to explore alternatives to demolition, such as finding a purchaser for the structure or raising money for its rehabilitation.
- (b) Public Notice of Hearing. The public shall be given notice of: the date, time, and place of the administrative hearing; a short description of the purpose, location of the subject property, and the review body involved; and informed that a copy of the application, together with all maps, plans, and reports submitted with reference thereto, shall be on file for public examination in the office of the Zoning Administrator. Notice shall be provided as follows:
- (1) First Class Mail. The Zoning Administrator shall cause to be provided written notice by first class mail or hand delivery to the applicant and all property owners within two hundred (200) feet of the subject property at least ten (10) days in advance of the date the Preservation Commission is to convene to review the request. Such notice shall also be sent by first-class mail to any person who within the past twelve (12) months has submitted a written request to the Zoning Administrator to be notified of any application for a Certificate of Appropriateness.
 - (2) Sign. Notice shall also be posted by a sign placed by the Zoning Administrator on the subject property and visible from the public right-of-way for at least ten (10) days prior to the date of the hearing.
- (c) Administrative Hearing Proceedings. All administrative hearings of the Preservation Commission shall be open to the public.
- (1) Upon convening a public hearing, the Chairman shall:
 - A. State the application pending, indicate the dates and methods public notice was provided, and state the standard set forth in this Ordinance for the granting of the application.
 - B. The Chairman shall recognize any City staff report and recommendation prepared on the application.
 - C. Administered the oath to each person presenting testimony to the Preservation Commission at the hearing. The oath may be given on an individual basis or to all persons present; however, where the oath is given as a group, the Chairman shall verify that each person who presents testimony was present and gave an affirmative response.

- D. The applicant and any other proponent parties in interest shall be invited to give testimony prior to opponent parties in interest. Any party in interest may be represented by an attorney or expert witness. All testimony shall be subject to cross-examination.
 - E. Prior to dismissing a witness, the Chairman shall recognize members of the Preservation Commission with questions or comments regarding the testimony. Members of the Preservation Commission should examine and compare the application and testimony against the applicable Historic Design Review Guidelines established for the Preservation District, and probe to separate fact from opinion and lay opinion from expert opinion. All questions and responses shall be directed through the Chairman.
 - F. Where additional time or information not available at the hearing is required, the Chairman may continue a hearing to a date, time, and place announced at the time the hearing is continued. Such a continuance shall not require additional public notice.
 - G. Upon the presentation of all relevant testimony, the Chairman shall close the administrative hearing and the Preservation Commission shall deliberate upon the application and reach a decision.
- (2) The Preservation Commission shall first determine if the structure is identified by the City as a Historic Resource or has the potential for designation as a Historic Resource. If the property has the potential for designation as a Historic Resource, the Preservation Commission shall recommend it to Council and proceed with review of the application according to the Historic Design Review Guidelines as if the property has been identified as a Historic Resource. If the application does not involve a Historic Resource, the Preservation Commission shall proceed with review according to the Historic Design Review Guidelines for properties not designated as Historic Resources.
 - (3) If the application does not involve a Historic Resource, the Preservation Commission shall proceed with review according to the Historic Design Review Guidelines for properties not designated as Historic Resources.
- (d) Decision by the Preservation Commission. Regardless of any continuances of the hearing, the Preservation Commission shall make every reasonable effort to render a decision on the application within forty-five (45) days after the application was received, unless an extension of time is agreed to by the applicant.
 - (1) The Preservation Commission shall consider the application(s), plans and specifications, and determine whether the proposed construction, reconstruction, alterations, or demolition is appropriate, or whether it has an adverse effect upon the purposes of the Preservation District. The Preservation Commission shall issue its decision in the form of a written

Final Order in which it expressly sets forth the findings and conclusions of fact used as the basis or rationale for the decision.

- (2) Approval. If the applicant has proven by the preponderance of the evidence on the whole record that the proposed activity will have no adverse effect on a Historic Resource or the historic character or architectural integrity of all or a portion the Preservation District, then the Preservation Commission shall vote to grant the application and cause the Chairman to endorse a Certificate of Appropriateness and return the applications, plans and specifications to the applicant.
- A. Approval Subject to Modifications. The Certificate of Appropriateness may include any reasonable conditions placed upon the approval regarding the proposed activity. Such conditions shall be made part of the Certificate of Appropriateness and of any subsequent zoning approval. Receiving a Certificate of Appropriateness does not negate requirements to adhere to all other City zoning regulations and City, County and/or State building regulations.
- B. Demolition. A Certificate of Appropriateness may be issued for demolition upon a finding that:
- (i) The structure itself, or in relation to its environs, has no significant historical, architectural, aesthetic or cultural value in its present restored condition; or,
 - (ii) Realistic alternatives (including adaptive uses) are not economically viable because of the nature or cost of work necessary to preserve such structure or realize any appreciable part of such value. Such finding shall require the applicant to submit sufficient evidence to meet the burden of proof that “bona fide,” reasonable, and unsuccessful efforts to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,
 - (iii) The demolition is consistent with, or materially furthers, the criteria and purpose of this Ordinance; or,
 - (iv) The applicant has agreed to accept a Demolition Permit on specified conditions approved by the Preservation Commission.
- C. Additional Demolition Instruction. When a Certificate of Appropriateness is issued for demolition, the applicant shall receive further instruction that new in-fill construction in the Preservation District is subject to review by the Preservation Commission.
- D. Termination. The Certificate of Appropriateness will be valid for one (1) year from the date of approval.

- (3) Denial. If however, the Preservation Commission determines that the proposed construction, reconstruction, alteration, or demolition will have an adverse effect on the District and violates the spirit and purposes of these regulations, then the Preservation Commission shall deny issuance of the Certificate of Appropriateness. If the Certificate of Appropriateness is denied, the applicant shall be notified in writing of the following:
- A. The reasons for denial, and recommendations for a subsequent resubmission of a modified application, if any.
 - B. The Preservation Commission shall offer to undertake continuing and meaningful discussions with the applicant over a period of at least thirty (30) days, but not to exceed six (6) months, from the date of denial, during which time the Preservation Commission shall search for an acceptable compromise proposal that would allow for approval.
 - C. Denial of Application for Demolition. In the case of a denial of an application for demolition, in addition to the offer to undertake continuing and meaningful discussions in paragraph "B" above, the Preservation Commission shall offer to investigate financial and other opportunities for the preservation of the subject property, including purchase by a third party. The Preservation Commission shall offer to continue to schedule good faith discussions at least every forty-five (45) days after the initial administrative hearing.
 - (i) If a compromise proposal is accepted by both parties, or if the Preservation Commission later determines that preservation of a structure proposed for demolition is not feasible, the Preservation Commission may henceforth reverse its Final Order and issue a Certificate of Appropriateness.
 - (ii) If the applicant fails to meet with the Preservation Commission in good faith at the time specified, then discussions may terminate. Upon termination for any reason, the Preservation Commission shall inform the applicant in writing of the termination of such good faith discussions and that the Final Order for denial of the application shall stand.
 - (iii) If, after holding such good faith discussion over the continued discussion period, no alternative property use is developed or no offer to preserve the structure or architecturally significant features is made by the applicant, a third party, or the City, then the Preservation Commission may also consider whether failure to issue a Certificate of Appropriateness will create a situation where, because of

the character of the property, it cannot be used and the result would be a taking, violating the owner's Constitutional rights. If such a finding is made, the Preservation Commission shall further determine whether a Certificate of Appropriateness may be issued without substantial detriment to the public welfare and without substantial derogation from the purposes of this Ordinance. In such event, the Preservation Commission may reverse its Final Order and grant the application, with or without modifications.

Section 10. Appeal of Preservation Commission Final Order

An applicant who has received an approval subject to modifications or has been denied a Certificate of Appropriateness by the Preservation Commission may appeal the decision to Council, Council acting as an Administration Hearing Board.

- (a) Any such appeal shall be made within thirty (30) days of the date of the Final Order or the date of termination of good faith discussions by the Preservation Commission.
- (b) Grounds for the appeal shall be given by the applicant in the papers submitted and the grounds shall be limited to procedural errors by the Preservation Commission, failure by the Preservation Commission to consider the entire record presented to the Preservation Commission with respect to the application, an incomplete explanation for the decision reached by the Preservation Commission, or where there has been a clear misapplication of the Historic Design Review Guidelines.
- (c) When considering an appeal, the Council shall review the entire record before the Preservation Commission.
- (d) The Council may request additional information from the Preservation Commission and/or from the applicant.
- (e) The Council may by two thirds vote of its current members and by motion, affirm, reverse, or modify the Preservation Commission's decision. If the Council affirms the decision, the denial of the Certificate will stand. If the Council reverses or modifies the decision of the Preservation Commission, it shall state the reasons for the reversal or modification.

Section 11. Remedies and Penalties

- (a) Remedies. Whoever constructs, reconstructs, alters, changes, or demolishes any exterior feature of any building or structure in violation of the provisions of this Ordinance, or any Certificate of Appropriateness granted by the Preservation Commission, then, in addition to or in lieu of the action as provided by this Ordinance, the Council, or its agent, or any other proper authority of the City, or any aggrieved person may institute an action for an injunction, mandamus, or other legal proceeding to prevent such violation, and to abate any illegal condition, or to cause the removal of any illegal changes or alterations by appropriate legal means.

(b) Penalties. In addition to the remedies above, and notwithstanding any other penalty that may be provided for in the planning and zoning code, any person who constructs, reconstructs, alters, changes, or demolishes any exterior feature of any building or structure in violation of the provisions of this Ordinance, or any Certificate of Appropriateness granted by the Preservation Commission shall be deemed guilty of an unclassified misdemeanor, punishable by a fine not to exceed \$1000.00 for each violation. Each day of violation shall constitute a separate and distinct violation.

Section 12. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 13. If any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for timely establishment of a preservation district, a district established for reasons stated in Sections 2 and 3 of this Ordinance; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Glenn A. Miller, Council President

Approved: _____

J. Andrew Small, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. _____ was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director