

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE 09-102

INTRODUCED BY: Kasaris, Petrusky, Nickell

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 242 FIRE DEPARTMENT, SECTION 242.06 QUALIFICATIONS; EXAMINATION; OATH, AND DECLARING AN EMERGENCY

WHEREAS: Ohio Revised Code 9.481 (B)(1) states that “no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the state”; and

WHEREAS: Pursuant to *Lima v. State of Ohio* (2009), 122 Ohio St. 3d 155 the court held that Ohio Revised Code 9.481 preempt any conflicting ordinances of a political subdivision including residency requirements imposed by municipalities pursuant to its Home Rule; and

WHEREAS: Ohio Revised Code 9.481 (B)(2)(b) permits localities to require certain employees to live no farther away than adjacent counties to ensure adequate response time to emergencies or disasters; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 2 Administration, Chapter 242 Fire Department, Section 242.06 Qualifications; examination; oath to comply with state mandate; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 2 Administration, Chapter 242 Fire Department, Section 242.06 Qualifications; examination; oath of the Codified Ordinances of the City of North Royalton is hereby amended and shall hereinafter read as follows:

(a) A member appointed to any position in the Fire Department shall be a resident of ~~the area bounded by Interstate 480 to the north, U.S. Route 21 to the east, Route 18 to the south, and Route 252 to the west~~ *Cuyahoga County or any adjoining counties*, within one year after the member's date of hire.

Section 2. Section 242.06 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 242 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the Codified Ordinances of the City of North Royalton, Part 2 Administration, Chapter 242 Fire Department, Section 242.06 Qualifications; examination; oath to comply with state mandate.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: October 20, 2009

DATE APPROVED: October 21, 2009

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading October 6, 2009
Second reading suspended
Third reading October 20, 2009

YEAS: Gentile, Nickell, Petrusky, Willey,
Farrell, Antoskiewicz, Kasaris

NAYS: none