

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-30

By Dale A. Lange Sponsored By Mayor Cyril M. "Lee"

AN ORDINANCE

WAIVING THE APPLICABILITY OF THE CITY'S NOISE ORDINANCE (C.O. SECTION 911.04(h)) TO THE BRIDGE SIDEWALK REPLACEMENT PROGRAM – BAGLEY ROAD BRIDGE 05.63 OVER THE EAST BRANCH OF THE ROCKY RIVER BY CUYAHOGA COUNTY CONTRACTORS TO ALLOW FOR NIGHT TIME WORK ON THE PROJECT.

WHEREAS, City Codified Ordinance Section 911.04(h) generally prohibits construction work between the hours of 9:00 p.m. and 8:00 a.m.; and

WHEREAS, Cuyahoga County is preparing to let a contract for the replacement of sidewalks and other repairs to the Bagley Road Bridge 05.63 and said project work will likely occur in this high traffic area while other projects in the City are also ongoing; and

WHEREAS, Cuyahoga County representatives have recommended that the Project work consisting of replacement of sidewalks and other repairs to the Bagley Road Bridge 05.63 be performed at night so that the lanes of travel may be open during the daytime peak traffic hours and allow for a somewhat better flow of traffic in light of the other work being performed in the City; and

WHEREAS, The City Engineer, and the Departments of Public Service and Public Safety have requested that the majority of this work be done at night in the interest of public safety and convenience.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Berea Codified Ordinance Section 911.04(h) which generally prohibits nighttime construction, is hereby deemed to be suspended in its application to Cuyahoga County, its contractors and agents of same for the period of time, and for the sole project of the Bridge Sidewalk Replacement Program – Bagley Road Bridge 05.63 over the East Branch of the Rocky River.

SECTION 2. That upon completion of the Bridge Sidewalk Replacement Program – Bagley Road Bridge 05.63 over the East Branch of the Rocky River Project, this temporary exemption shall automatically terminate.

SECTION 3. That 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 of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 18, 2013

ATTEST: [Signature]
Clerk of Council

[Signature]
President of Council

APPROVED: March 18, 2013
[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law