

ORDINANCE NO. 2021-004

AN ORDINANCE AMENDING ORDINANCE 2020-39 TO EXTEND IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED "CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT" AS IT PERTAINS TO THE CITY'S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND FOR SIX (6) MONTHS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio (the "City") is a legally and regularly created, established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and the home rule charter of the City (the "Charter"); and

WHEREAS, Sections 5.12(8) and 5.13 of the Charter authorize the City Council to enact emergency ordinances for the preservation of public, health, peace, or safety upon the vote of seven (7) members of City Council; and

WHEREAS, the City of Kent currently regulates land uses within the City limits in accordance with Chapter 11 of the Kent Municipal Code pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

WHEREAS, the fees required by the Chapter 1191 may require amendment to comply with current law and the economic realities of the City; and

WHEREAS, the Kent City Council desires that the staff of the Law and Community Development Departments conduct a thorough analysis and assessment of the Chapter 1191, titled "Parks and Recreation Fees" and regulations affecting those fees within a six (6) month window; and

WHEREAS, a moratorium through an emergency ordinance suspending the applicability of Section 1191.13 of Chapter 1191, titled "Capital Improvement Fund; Matching Amount" as it pertains to the City's obligation to match developer fees paid into the Parks and Recreation Development Fund will enable a reasoned discussion and consideration of desired amendments to that Chapter; and

WHEREAS, the City Council has determined that it is necessary to declare an emergency for the preservation of public property, health, peace, and safety with the imposition of a temporary moratorium on the applicability of the provisions of Chapter 1193 *in toto*.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Kent City Council hereby authorizes a temporary moratorium suspending the applicability of Section 1191.13 of Chapter 1191, titled "Capital Improvement Fund; Matching Amount" as it pertains to the City's obligation to match developer fees paid into the Parks and Recreation Development Fund to enable a reasoned discussion and consideration of desired amendments to that Chapter for a period of six (6) months from the date of the adoption hereof.

SECTION 2. 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 action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: January 20, 2021
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: January 20, 2021
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2021-004, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON January 20, 20 21.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL
(SEAL)