

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 141-25

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 90-25 AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION FOR A MATCHING GRANT FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE 2026 NILES STREET RESURFACING PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvements Program both provide financial assistance to political subdivisions for capital improvements for public infrastructure; and

WHEREAS, the City of Niles is planning to make capital improvements to the 2025 Niles Street Resurfacing Project; and

WHEREAS, the infrastructure improvement above described is a priority need for the community and is a qualified project under the OPWC programs; and

WHEREAS, Council desires to amend Ordinance No. 90-25 in order to appropriate for obtaining financial assistance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Mayor is authorized to prepare and submit an application to participate in the Ohio Public Works Commission (OPWC) State Capital Improvement and/or Local Transportation Improvement Program(s) for a matching grant in the amount of One Hundred Fifty Thousand Dollars and 00/100 (\$150,000) for the 2026 Niles Street Resurfacing Project, with a local match requirement in the amount of One Million Five Hundred Ninety-Three Thousand Four Hundred Thirteen Dollars and 40/100 (\$1,593,413.40).

SECTION 2: That the Mayor is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Niles, Ohio. Said emergency exists by reason of the fact that the City is required to meet the schedule as established in the application and, as such, this Ordinance shall take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: SAFETY
AUTHORIZED BY: SHEELY

DRAFT NO. 144-25

ORDINANCE NO. _____

AN ORDINANCE AMENDING NILES CODIFIED ORDINANCE 351.16; AND DECLARING AN EMERGENCY

WHEREAS, the Niles Police Department traffic officer has identified a clarification necessary for enforcement of parking or storing of unlicensed or inoperable vehicles.

WHEREAS, additional restrictions need to be added to include trailers

WHEREAS, Council desires to amend the code accordingly

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF NILES, STATE OF OHIO:

SECTION 1

Niles Codified Ordinance 351.16 shall be amended as indicated in bold and shall now read as follows:

351.16 Parking Or Storing Of Unlicensed Or Inoperable Motor Vehicles/**Trailers**

The parking or storing, other than in an enclosed building or garage, of unlicensed motor vehicles, motor vehicles not in operating condition, **trailers** or vehicle body, engine or transmission parts is hereby declared a nuisance and is prohibited.

This section shall not apply to new or used automobiles owned or controlled by a State licensed automobile dealer for sale or resale, provided such vehicles are parked or stored on the premises which have been approved by the State licensing authority.

Should any motor vehicles or vehicle parts be parked or stored in violation of this section, a Police Officer may issue a warning, or summons, or file a complaint against the person in apparent possession of the premises.

Should any unlicensed motor vehicle, motor vehicle not in operating condition **trailer** or vehicle body, engine or transmission parts be stored at an unoccupied residence or vacant property, a warning notice shall be placed on the vehicle(s) or vehicle parts, requiring movement within ten days. Should each violation not be corrected within the aforementioned ten day period, in addition to any other penalty provided by law, such vehicle may be impounded in accordance with the provisions of Section 303.08.

Whoever violates the provisions of this section shall be guilty of a fourth degree misdemeanor on the first offense, subjecting the violator to fines not to exceed two hundred fifty dollars (\$250.00) and a jail sentence not to exceed thirty days and court may order vehicle(s) towed at the expense of the person in apparent possession of the premises. Subsequent violations of this section shall be deemed a third degree misdemeanor, subjecting the violator to fines not to exceed five hundred dollars (\$500.00), and a jail sentence not to exceed sixty days and court may order vehicle(s) towed at the expense of the person in apparent possession of the premises.

“Trailer” shall have the same meaning as defined in NCO 341.48.

SECTION 2

All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, the emergency being the moratorium previously in place is set to expire and it shall take effect and be enforced immediately upon its passage and approval by the mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 145-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF A REPLACEMENT UPS BACKUP BATTERY THROUGH GOVCONNECTION INC. AND STATE PURCHASING REALTING TO SOURCEWELL CONTRACT #121923 FOR THE WELLNESS CENTER; AND, DECLARING AN EMERGENCY

WHEREAS, the IT Department seeks to purchase a replacement backup battery through state purchasing;

WHEREAS, the City purchasing policy requires that any state purchasing procurement in excess of \$15,000.00 first be authorized by council;

WHEREAS, Council desires to authorize the acquisition of the equipment through state purchasing.

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

SECTION 1: Council hereby authorizes the purchase of a replacement UPS backup battery through GovConnection Inc. and the State of Ohio relating to Sourcewell Contract #121923, when funds are available in the appropriate accounts or otherwise as permitted by law.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that equipment can be purchased and installed at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 146-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING APPROPRIATION BUDGET TRANSFERS;
AND, DECLARING AN EMERGENCY.

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

SECTION 1: Council hereby authorizes the following appropriation budget transfer from the Sewer Fund 503 as outlined in the following:

APPROPRIATION BUDGET TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
503 - Sewer	503-5353-55150	Equipment Maintenance	(\$15,000.00)
503 - Sewer	503-5353-56150	Construction	(\$117,000.00)
503 - Sewer	503-5353-56800	Technology	(\$40,000.00)
503 - Sewer	503-5353-53980	Contracted Labor	\$75,000.00
503 - Sewer	503-5353-54300	Operational Supplies	\$97,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that these funds are immediately needed for the appropriation budget transfers. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 147-25

ORDINANCE NO. _____

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR Z TECH BUILDERS & EXCAVATIONS INC. FOR ADDITIONAL REPLACEMENT OF STORM PIPES; AND DECLARING AN EMERGENCY.

WHEREAS, a section of storm pipe in the Best Buy parking lot needed emergency replacement.

WHEREAS, the invoice relating to the emergency replacement is due and payable (see attached invoice).

WHEREAS, Council desires to make payment to Z Tech Builders & Excavations Inc. in the amount of \$12,700.00.

WHEREAS, Council seeks appropriation of funds to complete payment of the invoice that is due and payable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Auditor to submit payment to Z Tech Builders & Excavations Inc. in the amount of Twelve Thousand Seven Hundred Dollars and 00/100 (\$12,700.00).

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for Z Tech Builders & Excavations Inc. is due and payable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

City of Niles - Auditor's Office
34 W. State Street
Niles, OH 44446

PURCHASE ORDER

Page: 1
P.O. Number: 25-0001860
P.O. Date: 08/22/2025
Req. Number: 25-Sew-117-A
Requested By: NINA THOMAS
Blanket Type:
Ship Via:
Terms:

Deliver To

Vendor Z TECH BUILDERS & EXCAVATIONS INC.
Z TECH BUILDERS & EXCAVATIONS INC.
3301 HOAGLAND-BLACKSTUB RD.
CORTLAND, OH 44410
MAIL INVOICES TO: Office of the City Auditor
34 West State St, Niles, Oh 44446

FID# 34-6002029

Line	Description	Account	Qty	Unit	Price/Unit	Amount
	replacing 20' section of 48" metal storm pipe				10,900.0000	\$10,900.00

Accounting

001 BEST BUY PARKING LOT replacing 20' section of 503-5353-53980 storm pipe

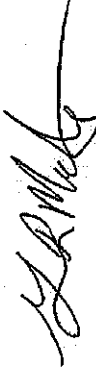
Contracted Labor

INV 1340 \$10,900.00
- 23,600.00
= 12,700.00

Purchase Order Total: \$10,900.00
BEST BUY PARKING LOT along 422 Replacing 20' section of corrugated metal pipe. Contract in BOC

AUDITOR'S CERTIFICATE

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment, or expenditure for the above has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the appropriate Fund free from any obligation or certification now outstanding.



City Auditor

8/22/2025

Date

Z-TECH BUILDERS & EXCAVATORS INC.
3301 Hoagland Blackstub Rd.
Cortland, Ohio 44410
Phone (330) 637-5317
Fax (234) 244-4598

Invoice

Date	Invoice #
8/28/2025	1340

Bill To:
City of Niles, OH 44446 Attn. Jason Carcelli

Terms		
Due on receipt		
Item	Description	Rate
Stormwater	Replace 20' of 48" storm culvert in Best buy parking lot P.O. # 25-0001860	10,900.00
Stormwater	Replace additional 20" section of 48" storm culvert	8,000.00
Water Main	Remove 3 yard concrete chunk around existing water main that was up against and over the top of existing storm pipe. Cut back and replace 7 foot section of water main and new 45 degree fitting. Using extra mega lugs and duck lugs with all thread to ensure proper retension on new fittings.	2,800.00
Parking lot	New traffic detector loop to be installed by Traffic Detectors and Signs Inc.	1,900.00
All work is complete!!! Thank you for your business.		Total
		\$23,600.00

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 142-25

ORDINANCE NO. _____

AN ORDINANCE CREATING NILES CODIFIED ORDINANCE 1159 ET SEQ TITLED: SMALL BOX DISCOUNT STORES; AND DECLARING AN EMERGENCY

WHEREAS, under Ohio Constitution, Article XVIII, Section 3, municipalities are given broad authority to quote exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general law;” and

WHEREAS, City Council desires to foster businesses that improve access to a healthy diet by selling affordable fresh food and produce and to protect the economic viability of neighborhoods by ensuring a diversity of businesses with sufficient opportunities for independent owners; and

WHEREAS, there is a proliferation of small box discount stores in the City, and small box discount stores continue to announce plans to expand in urban areas where they cater to low and moderate-income customers looking for discounted goods and where there are often no neighborhood grocery stores; and

WHEREAS, although small box discount stores may fulfill a need in places that lack basic retail services, growing evidence demonstrates that small box discount stores not only are a byproduct of economic distress but also are a cause of it; and

WHEREAS, there is no or very limited shelf space devoted to produce in small box discount stores and most have only a limited selection of fresh foods; and

WHEREAS, small box discount stores sell packaged foods in single serving quantities that have lower price points, but are in actuality more expensive per ounce; and

WHEREAS, small box discount stores employ fewer people at lower wages than grocery stores, often face class action lawsuits for violating fair Labor Standards, and lean heavily upon taxpayers to subsidize their employees’ health care; and

WHEREAS, profits from small box discount stores inure to their corporate office, while local business profits return to the community they serve; and

WHEREAS, there are concerns about safety and security surrounding small box discount stores because of the often high incidences of crime and theft in and around them, often due to a lack of security; and

WHEREAS, based on the foregoing the City implemented a moratorium on small box discount stores effective January 1, 2025. Council now desires to implement reasonable restrictions that promote the health, welfare, and safety of the City of Niles and advance the goals as set out in the comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF NILES, STATE OF OHIO:

SECTION 1

Niles Codified Ordinance 1159.01 Definitions:

“fresh food” as used herein means food for human consumption that is in its raw or unprocessed state or food that was quickly frozen while still fresh and has not deteriorated; and

“produce” as used herein means fruits and vegetables that have not been processed in any way, but does not include herbs, wild rice, dried fruits and vegetables, raw nuts, popcorn, meat, cheese, eggs, or seafood; and

“small box discount stores” as used herein means a retail store that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off-premise consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce

1159.02 Prohibitions:

No small box discount store may be located within nine thousand linear feet of any existing small box discount store within the corporation limits of the City of Niles.

SECTION 2

All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, the emergency being the moratorium previously in place is set to expire and it shall take effect and be enforced immediately upon its passage and approval by the mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 143-25

ORDINANCE NO. _____

AN ORDINANCE CREATING NILES CODIFIED ORDINANCE 1160 ET SEQ
TITLED: SELF-SERVICE STORAGE FACILITY ESTABLISHMENTS IN
THE CITY OF NILES, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Niles has the power to enact planning and zoning laws that are intended to protect the health, welfare and safety of the citizens of the City;

WHEREAS, the City is authorized by Article 18, Section 3 of the Ohio Constitution to regulate land use in furtherance of the public health, safety, and welfare, including by establishing policies that control certain land uses in furtherance of sound urban development strategies;

WHEREAS, the City of Niles has enacted such a Comprehensive Zoning Plan; and

WHEREAS, Council implemented a moratorium to consider reasonable restrictions and prohibitions to reconcile with the goals set forth in the comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Niles, County of Trumbull, Ohio, that:

SECTION 1: Niles Codified Ordinance 1160.01. Definitions

(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.

1160.02 Prohibitions. No self service storage facility shall be located within 2 miles of any other self service storage facility.

SECTION 2: That this Ordinance is hereby declared an emergency measure for the immediate preservation of the health, welfare and peace of the City of Niles as the moratorium expiration is imminent.

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of
____, 2025 and signed by me as such Mayor on the ____ day of
____, 2025.

MAYOR