

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

November 24, 2014

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN MEETING

4. REPORT OF COMMITTEES

5. LEGISLATION REQUESTED BY CITY COUNCIL

1. RESOLUTION 58-14 IN ACCORDANCE WITH ARTICLE V "ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS" OF SECTION 1 "GENERAL PROVISIONS" OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO, THE COUNCIL OF THE CITY OF SOUTH EUCLID HEREBY CONFIRMS MICHAEL P. LOGRASSO AS DIRECTOR OF LAW. FIRST READING.

2. ORDINANCE 13-14 CREATING NEW SECTION 722.05 "AGRICULTURE" OF CHAPTER 722 "CONDITIONAL USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO "RESIDENTIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **FIRST READING, FOR REFERRAL TO THE PLANNING & ZONING COMMITTEE.**

3. ORDINANCE 14-14 AMENDING SECTION 505.17 "PROXIMITY TO DWELLINGS" OF CHAPTER 505 "ANIMALS AND FOWL" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **FIRST READING, FOR REFERRAL TO THE PLANNING & ZONING COMMITTEE.**

6. MAYOR'S REPORT

7. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. ORDINANCE 12-14 AUTHORIZING THE MAYOR OF THE CITY OF SOUTH EUCLID, OHIO TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2015. FIRST READING.

2. ORDINANCE 15-14 AMENDING SECTION 1409.01 "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

8. LAW DIRECTOR'S REPORT

9. LETTERS AND COMMUNICATIONS

10. ADJOURN TO EXECUTIVE SESSION: For the purpose of discussing the sale of real property and pending litigation.

11. ADJOURN TO REGULAR MEETING OF CITY COUNCIL

12. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 58-14
INTRODUCED BY: Miller
REQUESTED BY: Icove

November 24, 2014

A RESOLUTION

IN ACCORDANCE WITH ARTICLE V "ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS" OF SECTION 1 "GENERAL PROVISIONS" OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO, THE COUNCIL OF THE CITY OF SOUTH EUCLID HEREBY CONFIRMS MICHAEL P. LOGRASSO AS DIRECTOR OF LAW.

WHEREAS, the electors of the City of South Euclid approved an amendment to Article V, Section 1 of the City Charter on November 6, 2012; and

WHEREAS, said amendment requires City Council to confirm or reject the Mayor's appointment of the Director of Law within 30 days of the Council meeting following the notification of appointment; in addition, Council shall confirm or reject the incumbent Director of Law within the January 2, 2013 through January 31, 2013 time period and every two years thereafter; Council's failure to act in either of these situations shall result in automatic confirmation; and

WHEREAS, the Mayor hereby requests City Council affirm the appointment of the incumbent Law Director, Michael P. Lograsso.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That in accordance with Article V "Administrative Provisions" of Section 1 "General Provisions" of the Charter of the City of South Euclid, Ohio, the Council of the City of South Euclid hereby confirms the appointment of the incumbent Director of Law Michael P. Lograsso.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution must be acted on by January 31, 2015 in order to conform to the requirements of Article V, Section 1 of the Charter of the City of South Euclid; wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2014.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 13-14
INTRODUCED BY: Miller
REQUESTED BY: Goodman

November 24, 2014

AN ORDINANCE

CREATING NEW SECTION 722.05 "AGRICULTURE" OF CHAPTER 722 "CONDITIONAL USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO "RESIDENTIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes residents desire locally produced food; and

WHEREAS, the raising and keeping of chickens provides residents with a locally produced food source in the form of eggs; and

WHEREAS, City Council desires to amend the zoning code to allow residents to raise and keep chickens in accordance with the policies and procedures defined below.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That new Section 722.05 "Agriculture" of Chapter 722 "Conditional Uses in Residential Districts" of Title Two "Residential District Regulations" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

SECTION 722.05 – AGRICULTURE

The keeping of chickens shall be permitted as a conditional use on the property subject to the following:

- (1) A maximum of four (4) chickens may be kept on the property.
- (2) Roosters are not permitted. However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than four (4) months.
- (3) Placement of Coops: Chicken coops and runs are allowed in the rear yard only. Chicken coops and runs must be located a minimum of five (5) feet away from any inhabited dwelling structure or side yard line, and eighteen (18) inches away from an adjacent rear lot, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet.
- (4) Sanitation and Nuisances: The facility must be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility must not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health. No storage of chicken manure is permitted within five (5) feet of the property line.
- (5) Coops and Cages: The chicken coop and run must be designed to ensure that the health and well-being of the animal is not endangered by the manner of keeping or confinement. All animals shall be provided with a covered, predator-proof coop, cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals.
- (6) Enclosures and Fences: Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by predators. Adequate safeguards such as rear yard fencing are required to protect the chickens from animals and to prevent unauthorized access to the chickens by members of the general public. Chickens must be kept in coops from dusk to dawn

(7) Slaughtering of Animals: Slaughtering of chickens is not permitted on the property.

(8) Permit Required: The keeping of chickens on a property in the City of South Euclid requires a permit from the Building Department, which shall determine if the application is in compliance with regulations regarding construction and permitted placement of enclosures, fences, cages and coops. Permits shall be renewed annually upon inspection of the facility.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2014.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 14-14
INTRODUCED BY: Miller
REQUESTED BY: Goodman

November 24, 2014

AN ORDINANCE

AMENDING SECTION 505.17 "PROXIMITY TO DWELLINGS" OF CHAPTER 505 "ANIMALS AND FOWL" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes residents desire locally produced food; and

WHEREAS, the raising and keeping of chickens provides residents with a locally produced food source in the form of eggs; and

WHEREAS, City Council desires to amend the codified ordinances to allow most residents the opportunity to raise and keep chickens.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 505.17 "Proximity to Dwellings" of Chapter 505 "Animals and Fowl" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

SECTION 505.17- PROXIMITY TO DWELLINGS

- (a) No person shall keep, harbor or maintain any animal or fowl **within 100 feet of the inhabited dwelling of any other person, except dogs, and cats, and chickens in accordance with the requirements of Section 722.05 "Agriculture."** ~~within 100 feet of the inhabited dwelling of any other person.~~
- (b) Whoever violates this section is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person is guilty of a misdemeanor of the fourth degree.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2014.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 12-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 24, 2014

AN ORDINANCE

AUTHORIZING THE MAYOR OF THE CITY OF SOUTH EUCLID, OHIO TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2015.

WHEREAS, it is the desire of this Council to enter into an agreement with the Board of Health of Cuyahoga County to provide for public health services for the City in 2015.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That the Mayor of the City of South Euclid, be and she is hereby authorized to execute an agreement with the Cuyahoga County Board of Health providing for public health services within the City of South Euclid, Ohio for the Fiscal Year 2015 (A copy of which is attached hereto and made a part hereof).

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including 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, and safety. Such necessity exists by reason of the fact that immediate action to the obtaining of health services for the City is required, and the foregoing must be adopted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2014.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 24, 2014

AN ORDINANCE

AMENDING SECTION 1409.01 "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid desires to ensure the housing stock of the city is maintained to the highest possible standard; and

WHEREAS, through the refusal to issue rental occupancy permits to those property owners with delinquent property tax balances, the housing stock of the city will be of a higher quality; and

WHEREAS, Section 1303.06 of the South Euclid Codified Ordinances allows the Building Commissioner to deny occupancy of a commercial structure if there is a delinquent property tax balance and thus, it is the desire of City Council to uniformly enforce this code requirement by also applying it to residential rental property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 1409.01 "Certificate of Occupancy Required" of Chapter 1409 "Certificate of Occupancy" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

1409.01 CERTIFICATE OF OCCUPANCY REQUIRED

On or after January 1, 1993, no person shall occupy, and no owner, agent or person in charge of any dwelling structure, shall permit a person to occupy a rental unit and/or multiple dwelling, unless the Building Commissioner has issued to the owner, agent or person in charge, a certificate of occupancy for the rental unit.

(a) Prior to obtaining a certificate of occupancy for rental property not currently registered in the City of South Euclid, the owner of the property is required to submit a completed application on forms provided by the Building Commissioner and the required fee as indicated in Section 1409.02 and 1409.05. Upon receipt of the application and fee by the Building Commissioner, a rental inspection shall be scheduled and occur within 30 days of the date of acceptance of the application. Upon completion of the rental inspection, any noted violations regarding life safety or sanitary conditions will be given a compliance date and must be corrected and approved prior to the issuance of the certificate of occupancy. If no violations or minor violations are noted from the inspection, a certificate of occupancy will be issued. If there are minor violations, a violation notice will be issued with the compliance dates for the correction of violations.

(b) Any rental property not currently registered by the City of South Euclid that is occupied prior to the issuance of a certificate of occupancy by the Building Commissioner shall be in violation of this Code. A penalty of not less than one hundred dollars (\$100.00) shall be charged in addition to the required fees as indicated in Section 1409.05. However, the payment of such penalty and fee shall not relieve any person from fully complying with the requirements of this Building Code or any other law of the State or ordinance of this City.

(c) **Disapproval.** **Parcels with a certified delinquent property tax balance shall not be issued a certificate of occupancy unless the property owner or agent-in-charge provides documentation of being on a county payment plan in good standing.**

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2014.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law