

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

November 9, 2015
8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN MEETING

4. REPORT OF COMMITTEES

SAFETY COMMITTEE:

1. ORDINANCE 19-15

AN ORDINANCE AMENDING SECTION 505.14 "ANIMALS PROHIBITED IN CERTAIN PLACES" OF CHAPTER 505 "ANIMALS AND FOWL" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

2. ORDINANCE 25-15

AN ORDINANCE AMENDING SECTION 505.01 "DOGS AND OTHER ANIMALS RUNNING AT LARGE; DANGEROUS AND VICIOUS DOGS" OF CHAPTER 505 "ANIMALS AND FOWL" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

5. MAYOR'S REPORT

6. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 36-15

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "WATER DISTRIBUTION INFRASTRUCTURE FUND" FOR EXPENSES RELATED TO THE WATERMAIN REPLACEMENT AND RENEWAL PROGRAM. **FIRST READING.**

2. RESOLUTION 37-15

AUTHORIZING AN APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "CAPITAL IMPROVEMENTS" IN ORDER TO EXPEND MONIES RECEIVED FROM WICHERT INSURANCE COMPANY. **FIRST READING.**

3. RESOLUTION 38-15

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "LAND ACQUISITION FUND" FOR EXPENSES RELATED TO THE SALE OF PROPERTY AT CEDAR CENTER NORTH. **FIRST READING.**

4. RESOLUTION 39-15

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "WATER DISTRIBUTION INFRASTRUCTURE FUND" FOR EXPENSES RELATED TO THE REPAIR OF A WATERMAIN BREAK ON SOUTH GREEN ROAD. **FIRST READING.**

5. RESOLUTION 40-15

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "GENERAL FUND-FIRE PERSONAL SERVICES" FOR EXPENSES RELATED TO THE SALARIES OF NEW FIRE FIGHTERS. **FIRST READING.**

6. RESOLUTION 41-15 AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.
7. RESOLUTION 42-15 REQUESTING FROM THE COUNTY AUDITOR A TAX ADVANCE FROM THE PROCEEDS OF THE 2015 TAX YEAR COLLECTION; AND DECLARING AN EMERGENCY. FIRST READING.
8. RESOLUTION 43-15 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. FIRST READING.
9. ORDINANCE 22-15 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ENTERED INTO WITH THE FRATERNAL ORDER OF POLICE, LOCAL LODGE NO. 80, FOR ALL FULL-TIME POLICE DEPARTMENT EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT; AND DECLARING AN EMERGENCY. **THIRD READING.**
10. ORDINANCE 23-15 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ENTERED INTO WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1065, FOR ALL FULL-TIME FIRE FIGHTERS COVERED BY THE COLLECTIVE BARGAINING AGREEMENT; AND DECLARING AN EMERGENCY. **THIRD READING.**
11. ORDINANCE 26-15 AN ORDINANCE AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

7. LAW DIRECTOR'S REPORT

8. LETTERS AND COMMUNICATIONS

9. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 19-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 16, 2015
As Amended by the Safety Committee:
October 12, 2015
Second Reading: October 26, 2015
Third Reading: November 9, 2015

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 505.14 "ANIMALS PROHIBITED IN CERTAIN PLACES" 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 the need to periodically review and amend the codified ordinances in order to best serve the residents of the community; and

WHEREAS, the Council desires to amend the codified ordinances to allow dogs in the city parks so that residents are better able to utilize the facilities.

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

Section 1: That Section 505.14 "Animals Prohibited in Certain Places" 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:

505.14 ANIMALS PROHIBITED IN CERTAIN PLACES.

(a) No person owning, keeping or having custody of any animal shall take, lead or carry such animal:

(1) Into any store, restaurant, or place of business selling or offering for sale, goods, merchandise, food and/or groceries, whether for consumption in the store, restaurant or place of business;

(2) Upon the grounds of any school;

(3) Upon the grounds of any public park **with the exception of dogs which are kept on leash, properly cared for and cleaned up after, kept under the control of the owner at all times, and do not enter any playground area, tennis court, ball field, restroom facility, swimming pool, splash park, or community garden; or dogs which are for dogs to be allowed only in the fenced in area of Quarry Park North that is designated as the "dog park".**

(4) In any public building;

(5) Upon the center strip of Monticello Boulevard;

(6) Upon the center strip of Belvoir Boulevard;

(7) Upon the center strip of Warrensville Center Road;

nor permit or allow such animal to enter any such store, place of business or public building, or be upon such grounds, within the City.

This section shall not apply to stores or places of business dealing in or servicing live animals, such as pet shops or veterinary hospitals, or to animals permitted upon school grounds by authority of the Superintendent of Schools, *or to certified service animals.*

(b) Whoever violates this section is guilty of a minor misdemeanor for the 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: 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 _____, 2015.

David B. Miller, President of Council

Approve:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 25-15
INTRODUCED BY: Miller
REQUESTED BY: Gelfand

October 26, 2015
Second Reading: November 9, 2015

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 505.01 "DOGS AND OTHER ANIMALS RUNNING AT LARGE; DANGEROUS AND VICIOUS DOGS" 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 the need to periodically review and amend the codified ordinances in order to best serve the residents of the community; and

WHEREAS, the Council desires to amend the codified ordinances to allow dogs in the city parks so that residents are better able to utilize the facilities; and

WHEREAS, in the process of permitting dogs in city parks, the Council desires to ban dogs which have been designated as dangerous or vicious from having use of such facilities.

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

Section 1: That Section 505.01 "Dogs and Other Animals Running At Large; Dangerous and Vicious Dogs" 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:

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE; DANGEROUS AND VICIOUS DOGS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Dangerous dog."

A. A dog that, without provocation, and subject to division (a)(1)B. of this section, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has bitten or attempted to bite or has otherwise endangered any person, or domestic animal, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has bitten or attempted to bite or otherwise endangered any person while the police dog is being used to assist law enforcement officers in the performance of their official duties.

(2) "Menacing fashion." A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog." A dog that has been trained and may be used to assist law enforcement officers in the performance of their official duties.

(4) "Vicious dog."

A. A dog that, without provocation and subject to division (a)(4)B. of this definition, meets any of the following requirements:

1. Has killed or caused serious physical harm to any person; or
2. Has killed or caused serious physical harm to any domestic animal.

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious physical harm to any person while the police dog is being used to assist law enforcement officers in the performance of their official duties; or

2. A dog that has killed or caused serious physical harm to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

(5) "Without provocation." A dog acts "without provocation" when it was not teased, tormented, or abused by a person, or it was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Determination of Dangerous and Vicious Dogs.

(1) Whenever a complaint is made to the Police Department or the Animal Control Officer, of the presence of a dangerous or vicious dog within the City, the Chief of Police or designee shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept or whenever a complaint is received of a dangerous or vicious dog at the dog park the Chief of Police or designee shall promptly attempt to identify the owner of said dog.

(2) The Chief of Police or designee shall determine that a dog is dangerous pursuant to this section upon proof by a preponderance of the evidence of any of the following, subject to division (a)(1)B.:

A. Without provocation, the dog has chased or approached any person or domestic animal in either a menacing fashion or in an apparent attitude to attack.

B. Without provocation, the dog has bitten or attempted to bite any person or domestic animal.

C. Without provocation, the dog has bitten or otherwise endangered any person or domestic animal.

(3) The Chief of Police or designee shall determine that a dog is vicious pursuant to this section upon proof by a preponderance of the evidence of any of the following, subject to (a)(4)B.:

A. Without provocation, the dog has killed or caused serious physical harm to any person.

B. Without provocation, the dog has killed or caused serious physical harm to any domestic animal.

(4) If the Chief or designee determines that a dangerous/vicious dog is being kept within the City, or an incident involving a dangerous or vicious dog occurred at the dog park, the Chief shall determine the individual, firm or corporation who, from the records in the Auditor's office of Cuyahoga County, or through police reports, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within ten business days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on the premises.

(5) The notice required by division (b)(4) of this section shall state, in brief, the findings with respect made to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within 30 days after service of the notice.

(6) Police dogs are exempt from these provisions of all actions occurring in the course of their duties.

(c) Animals Running at Large.

(1) No person who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, cats, dogs, geese or other fowl or animals shall permit them to run at large upon any public way or upon unenclosed land, with the exception of persons participating in a trap, neuter and return program ("TNR").

(2) No owner, keeper, or harbinger of any dog, cat or other domestic animal shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog, cat or other domestic animal is properly in leash.

(3) No owner, keeper, or harbinger of any dog shall fail at any time to keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape or under the reasonable control of some person.

(4) It shall be unlawful for any person to permit a dog under their responsibility to disturb, harass, or interfere with any dog park visitor or visitor's property.

(5) It shall be unlawful for any person to permit a dog in heat, under their responsibility, in the dog park.

(6) The running at large of any such animal in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section.

(d) Compliance upon Dangerous or Vicious Dog Designation.

(1) No owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do all of the following:

A. While on the owner's property, the owner must securely confine the dangerous and vicious dog indoors or within a securely enclosed and locked pen, structure, or fence suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, structure or fence must be a minimum of six feet in height and must have secure sides. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet deep. The enclosure also must be humane and provide the dog adequate protection, as otherwise provided in this chapter, from the elements.

B. While that dog is off the premises of the owner, keeper, or harbinger, the dog shall be kept on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

1. Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure which has a top;

2. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to any person; and/or

3. Muzzle that dog. The muzzle must be made in a manner that will not cause injury to the dog or impair its vision or respiration but must prevent it from biting any person or animal.

C. The owner must display, in a conspicuous manner, a sign on the owner's premises warning that a dangerous or vicious dog is on the premises by stating in capital letters:

"WARNING - DANGEROUS ANIMAL - KEEP AWAY"

The sign must be visible and legible from the public right-of-way and from 50 feet away from the special enclosure required pursuant to division (d)(1)A. of this section.

D. The owner, at the owner's expense, shall have an identifying microchip installed under the dog's skin by a licensed veterinarian.

E. The dog shall be spayed or neutered, at the owner's expense, by a licensed veterinarian.

F. The owner and the dog must complete a course of animal obedience training.

G. The owner shall provide two color photographs of the dog annually.

(2) No owner, keeper, or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog.

(3) **No owner, keeper, or harbinger of a dangerous or vicious dog shall permit that dog access to any municipal park or community garden.**

(e) Penalties.

(1) Whoever violates division (c)(1) of this section is guilty of a misdemeanor of the fourth degree and the animal shall be spayed or neutered at the owner's expense by a licensed veterinarian if the Court finds that it habitually runs at large upon any public way or upon unenclosed land.

(2) Whoever violates any of the provisions of divisions (c)(2) or (3) of this section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) on a first offense and the animal shall be spayed or neutered at the owner's expense by a licensed veterinarian. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than 30 days.

(3) In addition to the penalties prescribed in division (c)(2) above, if the offender is guilty of a violation of division (c)(2) or (3) of this section, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(4) Whoever violates division (c)(4) or (5) of this section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and the animal shall be banned from the dog park.

(5) If a violation of division (d)(1) of this section involves a dangerous dog, whoever violates that division (d)(1) is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the first degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or

harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (d)(2) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society, or relinquished to an animal sanctuary agreeable and equipped to accept a dangerous dog.

(6) If a violation of division (d)(1) of this section involves a vicious dog, whoever violates that division (d)(1) is guilty of one of the following:

A. A felony of the fourth degree on a first or subsequent offense if the dog kills or causes serious physical harm to a person. Prosecution shall be made under Ohio R.C. 955.22(D) and the penalty shall be as provided in Ohio R.C. 2929.11. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society, or relinquished to an animal sanctuary agreeable and equipped to accept a dangerous dog.

B. A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense if the dog kills or causes serious physical harm to any domestic animal. Prosecution for the misdemeanor shall be under this section and the penalty shall be as provided in Section 501.99. Prosecution for the felony shall be under Ohio R.C. 955.22(D) and the penalty shall be as provided in Ohio R.C. 2929.11. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society, or relinquished to an animal sanctuary agreeable and equipped to accept a dangerous dog.

C. A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person, dog or cat. The penalty shall be as provided in Section 501.99.

(7) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 501.99.

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: 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 _____, 2015.

David B. Miller, President of Council

Attest:

Approve:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 36-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND:
"WATER DISTRIBUTION INFRASTRUCTURE FUND" FOR EXPENSES RELATED TO
THE WATERMAIN REPLACEMENT AND RENEWAL PROGRAM.

WHEREAS, the Cleveland Water Department provided funding to the City of South
Euclid for the Sheridan Road Watermain Replacement Project and the 2013 South Euclid
Watermain Renewal Program; and

WHEREAS, the projects have been completed and a final cost reconciliation was
performed and reviewed by the City Engineer and the Finance Director; and

WHEREAS, the cost reconciliation indicated the Cleveland Water Department made
payments to the City of South Euclid in excess of the final project costs, those excess payments
must now be reimbursed to the Cleveland Water Department.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance
Director to increase the appropriation of funds in the "Water Distribution Infrastructure Fund
#424" in the amount of \$93,249.58 in order to reimburse the Cleveland Water Department for
excess payments made to the City of South Euclid for the Sheridan Road Watermain
Replacement Project and the 2013 South Euclid Watermain Renewal Program.

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: Wherefore, this Resolution 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 _____, 2015.

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

RESOLUTION NO.: 37-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

AUTHORIZING AN APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "CAPITAL IMPROVEMENTS" IN ORDER TO EXPEND MONIES RECEIVED FROM WICHERT INSURANCE COMPANY.

WHEREAS, the South Euclid Municipal Complex suffered damage from a lightning strike on June 14, 2015; and

WHEREAS, funds were received from the Wichert Insurance Company in order to compensate the City of South Euclid for these damages; and

WHEREAS, the proceeds received from Wichert Insurance Company must now be appropriated so that the city may expend the monies and repair the damages.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "Capital Improvement Fund #408" in the amount of \$25,902.00 which consists of monies received from Wichert Insurance Company to pay for damages caused by lightning striking the South Euclid Municipal Complex on June 14, 2015.

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: Wherefore, this Resolution 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 _____, 2015.

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

RESOLUTION NO.: 38-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND:
"LAND ACQUISITION FUND" FOR EXPENSES RELATED TO THE SALE OF PROPERTY
AT CEDAR CENTER NORTH.

WHEREAS, the City of South Euclid incurred various costs to process and close the sale of property at Cedar Center North; and

WHEREAS, funds must be appropriated in order to pay these costs; and

WHEREAS, the costs will be paid for using monies received from the sale of the property.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to increase the appropriation of funds in the "Land Acquisition Fund #440" in the amount of \$88,957.00 in order to pay costs associated with the processing and closing of the sale of property at Cedar Center North.

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: Wherefore, this Resolution 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 _____, 2015.

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

RESOLUTION NO.: 39-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND:
"WATER DISTRIBUTION INFRASTRUCTURE FUND" FOR EXPENSES RELATED TO
THE REPAIR OF A WATERMAIN BREAK ON SOUTH GREEN ROAD.

WHEREAS, a watermain break occurred on South Green Road on Friday October 24,
2015; and

WHEREAS, the City of South Euclid is paying to make repairs for the damage caused by
this watermain break; and

WHEREAS, the Cleveland Water Department will reimburse the City of South Euclid for
all costs the City incurs in making the repairs.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance
Director to increase the appropriation of funds in the "Water Distribution Infrastructure Fund
#424" in the amount of \$20,000.00 in order to repair damages caused by a watermain break on
South Green Road.

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: Wherefore, this Resolution 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 _____, 2015.

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

RESOLUTION NO.: 40-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND:
"GENERAL FUND-FIRE PERSONAL SERVICES" FOR EXPENSES RELATED TO THE
SALARIES OF NEW FIRE FIGHTERS.

WHEREAS, the City of South Euclid has received a SAFER Grant allowing for the hiring of new fire fighters; and

WHEREAS, appropriations must be increased in order to have funds available to pay the new fire fighters; and

WHEREAS, the funds expended by the City of South Euclid will be fully reimbursed to the City through the proceeds of the SAFER Grant.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to increase the appropriation of funds in the "General Fund-Fire Personal Services #101-1120" in the amount of \$11,535.00 in order to pay the salaries of the new fire fighters hired as a result of the City of South Euclid being awarded a SAFER Grant.

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: Wherefore, this Resolution 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 _____, 2015.

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

RESOLUTION NO.: 41-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID.

WHEREAS, the City of South Euclid is the owner of a certain parcel of land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcel was deeded to the City of South Euclid through the Cuyahoga County tax foreclosure process; and

WHEREAS, the Council of the City of South Euclid has, upon study and consideration, determined that said parcel does not serve and is not needed for any municipal purpose; and

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcel and return the land to productive use.

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

Section 1: That the Council has determined the subject parcel does not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcel of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the property and return the property to productive use.

Section 3: 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 4: Wherefore, this Resolution 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 _____, 2015.

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

EXHIBIT A:

Property to be conveyed to One South Euclid (Includes the Structure on the Property):

PP#	Address	Street Name
702-14-044	956	Glenside Road

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO: 42-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

A RESOLUTION

REQUESTING FROM THE COUNTY AUDITOR A TAX ADVANCE FROM THE PROCEEDS OF THE 2015 TAX YEAR COLLECTION; AND DECLARING AN EMERGENCY.

WHEREAS, the municipality is in need of funds with which to carry on municipal activities.

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

Section 1: That the County Auditor be, and he is hereby, authorized and directed to pay to the Director of Finance of the City of South Euclid, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Treasurer which are payable to the City of South Euclid from the proceeds of the 2015 tax year collection, including, without limitation, revenues from personal property taxes, real property taxes and the following special assessments collected: m108289, "Sewer Maintenance;" and m208200, "Street Lights."

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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the reason that the general fund balance is being depleted. Wherefore, this Resolution 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 _____, 2015.

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

Resolution 43-15

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL) Revised Code, Secs. 5705.34-5705.35

The Council of the City of South Euclid, Cuyahoga County, Ohio, met in Regular session on the day of 2015 at the office of City Hall with the following members present:

Three horizontal lines for listing council members present.

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2016 ; and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of South Euclid, Cuyahoga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES**

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Com- mission Inside 10 M. Limitation	County Fiscal Officer Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.05	6.95
General Bond Retirement Fund			0.00	0.00
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				
Fire Pension Fund			0.30	
Street Construction Fund				2.50
Police Fire Safety Fund				3.25
TOTAL	\$0	\$0	3.65	12.70

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed _____ years. ,20		
Current Expense Levy authorized by voters on for not to exceed _____ years. ,20		
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on for not to exceed _____ years. ,20		
Recreation Fund: Levy authorized by voters on for not to exceed _____ years. ,20		
Fund: Levy authorized by voters on for not to exceed _____ years. ,20		
Fund: Levy authorized by voters on for not to exceed _____ years. ,20		
Fund: Levy authorized by voters on for not to exceed _____ years. ,20		
Fund: Levy authorized by voters on for not to exceed _____ years. ,20		

and be it further
RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the Fiscal Officer of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs _____

Mr./Mrs _____

Mr./Mrs _____

Adopted the _____ day of _____, 20 _____.

Attest:

President of Council

 Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Cuyahoga County, ss.

I, Keith Benjamin, Clerk of the Council of the City
of South Euclid within and for said County, and in whose custody the Files
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

Resolution 43-15

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 2015

Clerk of Council

Keith Benjamin

No. 43-15

COUNCIL OF THE CITY OF

South Euclid

Cuyahoga County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted _____, 20 ____

Clerk of Council

Filed _____, 20 ____

County Fiscal Officer

By _____
Deputy

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 22-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

October 12, 2015
Second Reading: October 26, 2015
Third Reading: November 9, 2015

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ENTERED INTO WITH THE FRATERNAL ORDER OF POLICE, LOCAL LODGE NO. 80, FOR ALL FULL-TIME POLICE DEPARTMENT EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT; AND DECLARING AN EMERGENCY.

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

Section 1: That the Mayor be and she is hereby authorized to execute for and on behalf of the City of South Euclid an agreement entered into on or about November 9, 2015 by and between the City of South Euclid and the Fraternal Order of Police, Local Lodge No. 80, for all full-time Police Department Employees employed by the City of South Euclid and covered by the Collective Bargaining Agreement, respecting employment provisions and conditions, a copy of which Agreement is incorporated herein as if fully rewritten and on file in the Clerk's Office.

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, safety and welfare and for the further reason that the same affects the daily operation of a municipal department and that it is necessary to approve said Agreement 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 _____, 2015.

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.: 23-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

October 12, 2015
Second Reading: October 26, 2015
Third Reading: November 9, 2015

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ENTERED INTO WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1065, FOR ALL FULL-TIME FIRE FIGHTERS COVERED BY THE COLLECTIVE BARGAINING AGREEMENT; AND DECLARING AN EMERGENCY.

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

Section 1: That the Mayor be and she is hereby authorized to execute for and on behalf of the City of South Euclid an agreement entered into on or about November 9, 2015 by and between the City of South Euclid and the International Association of Fire Fighters, Local 1065, for all full-time fire fighters employed by the City of South Euclid, respecting employment provisions and conditions, a copy of which Agreement is incorporated herein as if fully rewritten and on file in the Clerk's Office.

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, safety and welfare and for the further reason that the same affects the daily operation of a municipal department. Therefore, it is necessary to approve said Agreement at the earliest possible time. Wherefore, this Ordinance shall take effect immediately upon signature of the Mayor.

Passed this _____ day of _____, 2015.

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.: 26-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 9, 2015

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" 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 the need to periodically review and amend the codified ordinances in order to best serve the residents of the community.

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

Section 1: That Section 531.09 "Abatement of Criminal Activity Nuisances" of Chapter 531 "Nuisances" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

531.09 ABATEMENT OF CRIMINAL ACTIVITY NUISANCES.

(a) The following activities occurring on properties in the City of South Euclid and engaged in by an owner, occupant, or invitee of the owner or occupant of such properties or involving an offender residing at a property within the City of South Euclid are hereby declared to be a public nuisance. ~~either residential or commercial properties, or within 1,000 feet of the property line of said residential or commercial property, and engaged in by an owner, occupant or invitee of the owner or occupant of such residential or commercial properties, are hereby declared to be public nuisances.~~

- (1) Any animal violations under Sections 505.01, Dogs and Other Animals Running at Large; Dangerous and Vicious Dogs; 505.09, Barking or Howling Dogs; 505.06, Poisoning Animals; 505.07, Cruelty to Animals; 505.071, Neglect of Animals; 505.08, Noxious Odors; Unsanitary Conditions;
- (2) Any disorderly conduct, disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;
- (3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;
- (4) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (5) Any health, safety or sanitation violation under Chapter 521 of the Codified Ordinances;
- (6) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;
- (7) Any alcohol violations under Chapter 529 of the Codified Ordinances;
- (8) Any sex offenses under Sections 533.07, Public Indecency; 533.08, Procuring; 533.09, Soliciting; or 533.10, Prostitution, of the Codified Ordinances;
- (9) Any offense against another person under Chapter 537 of the Codified Ordinances;
- (10) Any offense against property under Sections 541.03, Criminal Damaging or Endangering; 541.04, Criminal Mischief, of the Codified Ordinances;
- (11) Any littering or deposition of waste under Chapter 527 of the Codified Ordinances;
- (12) Any theft violation under Sections 545.05, Petty Theft; 545.08, Unauthorized Use of Property, of the Codified Ordinances;
- (13) Any weapons, explosives, firearm or handgun violation under Chapter 549 of the Codified Ordinances;
- (14) Any fireworks violation under Chapter 1540 of the Codified Ordinances;
- (15) Any waste container violation under Section 1411.081 of the Codified Ordinances; and
- (16) Any offense that is a felony under the Ohio Revised Code.

(b) The Chief of Police or his designee, upon finding that two or more nuisance activities declared in this section have occurred within any 12-month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to abate any future nuisances, and state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The

notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within 12 months of the written notice, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Sections 531.02 and 531.03 of the Codified Ordinances.

(c) If within 12 months after the written notice referred to in division (b) of this section has occurred, a third nuisance activity as declared in this section occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property in the same manner as in Section 531.04 of the Codified Ordinances, and the costs shall be calculated as set forth in division (e) of this section. The City shall provide notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least 30 days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be served as set forth in Section 531.03 of the Codified Ordinances.

(d) The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Chief of Police within 30 days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise, the Chief shall deny the request and refer the appeal for hearing by the Board of Zoning Appeals. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the City must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. The City shall be deemed to have failed to have met this standard if the owner demonstrates by a preponderance of evidence that:

- (1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or
- (2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or
- (3) He or she had knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(e) Costs of abatement shall be assessed based upon an escalating defined cost. The escalating defined costs are: two hundred and fifty dollars (\$250.00) upon the first declaration of nuisance under this chapter; five hundred dollars (\$500.00) on the second nuisance declaration; seven hundred fifty dollars (\$750.00) on the third nuisance declaration; and one thousand dollars (\$1,000.00) on each subsequent nuisance declaration.

(f) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.

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: 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 _____, 2015.

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

David B. Miller, President of Council

Approve:

Georgine Welo, Mayor