

# THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

March 9, 2015  
8:00 PM

---

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: January 26, 2015

4. OPEN MEETING

5. REPORT OF COMMITTEES

SAFETY COMMITTEE

1. ORDINANCE 03-15 AN ORDINANCE AMENDING SECTION 521.11 "RAT HARBORAGE" OF CHAPTER 521 "HEALTH, SAFETY AND SANITATION" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

6. MAYOR'S REPORT

7. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. ORDINANCE 04-15 APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. FIRST READING.

8. LAW DIRECTOR'S REPORT

9. LETTERS AND COMMUNICATIONS

10. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 03-15  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

February 23, 2015  
Second Reading: March 9, 2015

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 521.11 "RAT HARBORAGE" OF CHAPTER 521 "HEALTH, SAFETY AND SANITATION" 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 promote the health, safety and welfare of the residents, and

WHEREAS, the Council of the City of South Euclid also recognizes the need to inspect conditions that may be conducive to harboring of mice and rats to prevent or correct unsafe or unhealthy conditions that would constitute a public nuisance.

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

Section 1: That Section 521.11 "Rat Harborage" of Chapter 521 "Health, Safety and Sanitation" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

**521.11 RAT HARBORAGE.**

(a) Conditions. The following conditions are found and declared to be conducive to harboring mice and rats and are hereby declared to be nuisances and prohibited:

- (1) Broken, cracked or defective ceilings, walls, floors or foundations in which are holes or cracks of a size sufficient to permit a rat or mouse to pass through;
- (2) Material, including rubbish, debris, or firewood piled, stored or kept on the premises, into, among or under which rats or mice have burrowed or may burrow;
- (3) Buildings, foundations of buildings, appurtenances to buildings, floors, walks or driveways under which mice or rats have burrowed;
- (4) Portable buildings, boxes, crates and materials, including rubbish, debris, or firewood piled, stored or kept so that they rest directly on the ground surface or less than eight inches above such surface;
- (5) Garbage containers without watertight tops, sides and bottoms or without tightly fitting tops, around or under which mice or rats have burrowed or may burrow;
- (6) Feeding of wild animals, birds or other wildlife, other than in suitable containers for food, elevated at least thirty-six inches above the ground level;
- (7) Inoperable and unlicensed, dismantled, partly dismantled or wrecked vehicles or motor vehicles or parts thereof.

(b) Inspection. For the purpose of determining whether the conditions specified in subsection (a) hereof exist, the Mayor or the Mayor's designee is hereby authorized to inspect such premises as may be deemed necessary.

(c) Notice of Nuisance. In addition to the penalties herein provided, the Mayor or the Mayor's designee may cause written notice to be served on the owner, lessee or occupant of such real estate. Such notice shall set forth the nature of the condition, the Mayor's or the Mayor's designee's estimate of the cost of abating the same if done by the City, a reasonable time determined by the Mayor or the Mayor's designee within which the owner may abate such conditions, and the statement that unless the conditions are abated within the stated time, they may be abated by the City and the cost of abatement assessed on the real estate above mentioned. Such notice may be served by delivering it personally to the owner or leaving it at the owner's usual place of business or residence, or by posting it in a conspicuous place on the real estate above mentioned, or by mailing it to the owner, or by publishing it once in a newspaper of general circulation within this City if it cannot be served in any of the other ways above mentioned.

If the conditions are not abated within the required time, the Mayor or the Mayor's designee shall cause its abatement and shall report the cost thereof to Council, which may assess the same on the real estate on which the condition existed, or the cause or source thereof is located.

Section 5. That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that it will update the codification of the legislation of the City, consistent with the City Charter and with State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City, enforce law and order and avoid practical and legal entanglements. Wherefore, this Ordinance and the 2014 Replacement Pages for the Codified Ordinances hereby approved, adopted and enacted, 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.: 04-15  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

March 9, 2015

AN ORDINANCE

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City, and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances and have been included in the Codified Ordinances of the City, and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law, now therefore:

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

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
22-13	3-10-14	933.07
11-14	9-22-14	137.14
15-14	12-22-14	1409.01

Section 2. That the following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

301.04, 301.063, 301.163, 301.19, 301.255, 303.04, 331.215, 333.03, 335.07, 335.073, 337.16, 337.17, 337.31, 339.12, 501.01, 501.06, 501.13, 501.99, 513.01, 513.16, 525.02, 525.05, 525.18, 529.01, 529.07, 529.12, 533.09, 533.20, 537.05, 537.051, 537.06, 537.09, 545.01, 545.02, 545.05, 545.15, 545.24, 1530.01, 1530.03

Section 3. That pursuant to Article II, Section 5(d), of the City Charter, Ohio R.C. 731.23 and Section 113.05 of the Codified Ordinances, the Clerk of Council shall publish the number, title and date of passage of this ordinance, twice on the same day of two successive weeks in a newspaper of general circulation within the City, and, further, shall post a certified copy of this ordinance, together with such summary, for at least fifteen days in a public place in the City Hall.

Section 4. 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 Ohio R.C. Section 121.22.

EXHIBIT A

SUMMARY OF NEW MATTER  
CONTAINED IN THE 2014 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF SOUTH EUCLID, OHIO

New matter in the 2014 Replacement Pages for the Codified Ordinances of South Euclid, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.04	Definition of "bicycle; motorized bicycle or moped."
301.063	Definition of "chauffeured limousine."
301.163	Definition of "highway maintenance vehicle."
301.19	Definition of "motorcycle."
301.255	Definition of "predicate motor vehicle or traffic offense."
303.04	Road workers, motor vehicles and equipment excepted.
331.215	Driving while approaching stationary public safety vehicle with flashing lights.
333.03	Maximum speed limits; assured clear distance ahead.
335.07	Driving under suspension or in violation of license restriction.
335.073	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
337.16	Number of lights, limitations on flashing, oscillating or rotating lights.
337.17	Focus and aim of headlights.
337.31	Air bags.
339.12	Chauffeured limousines.
501.01	Definitions relating to general offenses.
501.06	Limitation on criminal prosecutions.
501.13	Disposition of unclaimed or forfeited property held by Police Department.
501.99	Penalties for misdemeanor.
513.01	Definitions relating to drugs.
513.16	Pseudoephedrine sales.
525.02	Falsification.
525.05	Failure to report a crime or knowledge of death.
525.18	Misuse of 9-1-1 system.
529.01	Definitions related to alcoholic beverages.
529.07	Open container prohibited.
529.12	Conveying intoxicating liquor or cash onto grounds of detention facilities or other specified governmental facilities.
533.09	Soliciting.
533.20	Unlawful advertising of massage.
537.05	Aggravated menacing.
537.051	Menacing by stalking.
537.06	Menacing
537.09	Criminal child enticement.
545.01	Definitions relating to property offenses.
545.02	Determining property value in theft offense.
545.05	Petty theft.
545.15	Securing writings by deception.
545.24	Medicaid fraud.
1530.01	Definitions relating to open burning.
1530.03	Open burning in restricted areas.

The Mayor or the Mayor's designee shall, however, furnish the owner, lessee or occupant of the real estate on which such condition exists with the statement of the cost of abating the same as soon as such cost can be ascertained, and shall notify the owner to pay such cost within such reasonable time as the Mayor or the Mayor's designee shall fix, but not less than thirty days. In case such cost is not paid within the time fixed by the Mayor or the Mayor's designee, the Mayor or the Mayor's designee shall report such fact to Council, which may assess the same on the real estate on which the condition exists. If such assessment is not paid in cash within thirty days from the date of assessment by Council, it shall be duly certified to the County Auditor as provided by law to be placed upon the tax duplicate and collected as other taxes are collected in annual installments

(d) Form of Notice. The notice referred to in subsection (c) hereof shall be in writing, shall bear the date of issuance and shall be signed by the Mayor, the Mayor's designee or Commissioner of Building. Any such notice may be served by registered mail directed to the person to be notified or by delivery to such person or to the premises affected by it by an employee of the City.

(e) Revocation of Food Handler's License. In the event that an inspection by representatives of the City shows the existence of any condition prohibited by subsection (a) hereof, and unless such violation of subsection (a) hereof is corrected within thirty days after notice to the occupant of the premises inspected, any City license permitting a licensee to handle or deal in foods or food products on the premises shall be revoked and canceled.

(f) Remedies Not Exclusive. The revocation or cancellation of any City license hereunder shall be in addition to any of the penalties, charges or assessments provided for in this section. No action taken under this section shall be held to require the granting, issuance or renewal of any license, nor shall the withholding of any City license be held a defense to any prosecution under this section.

(g) Compliance with Building Code. The construction and materials used in all work done under this section or in order to comply with its terms, shall conform with all requirements of the Building Code and other relevant ordinances of the City.

(h) Penalty. Whoever violates any of the provisions of this section 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: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should 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 \_\_\_\_\_, 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