

**THE CITY OF SOUTH EUCLID**  
**SCHEDULE OF MEETING**  
**September 12, 2016**  
**8:00 PM**

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES:** July 11, 2016 and July 25, 2016

**4. SPECIAL PRESENTATION:** Recognition of South Euclid Environmental Leadership Program Graduates

**5. OPEN MEETING**

**6. REPORT OF COMMITTEES**

**7. LEGISLATION REQUESTED BY THE PLANNING COMMISSION**

1. RESOLUTION 42-16 GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE KEEPING OF CHICKENS AT THE PROPERTY LOCATED AT 3965 PRINCETON BLVD. IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

**8. LEGISLATION REQUESTED BY CITY COUNCIL**

1. RESOLUTION 45-16 IMPOSING A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW CITY COUNCIL AND THE SOUTH EUCLID PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE SOUTH EUCLID ZONING CODE RELATIVE TO SUCH USE; AND DECLARING AN EMERGENCY. FIRST READING.

2. ORDINANCE 14-16 AN ORDINANCE AMENDING SECTION 111.08 "ORDER OF BUSINESS" OF TITLE THREE "LEGISLATIVE" OF PART ONE OF THE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

**9. MAYOR'S REPORT**

**10. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION**

1. RESOLUTION 43-16 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.

2. RESOLUTION 44-16 AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.
3. RESOLUTION 46-16 AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL. FIRST READING.
4. ORDINANCE 13-16 AMENDING CHAPTER 1414 "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF ~~OCCUPANCY~~ **COMPLIANCE** FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING AND REFERRED TO THE ZONING & PLANNING COMMITTEE.**

**11. LAW DIRECTOR'S REPORT**

**12. LETTERS AND COMMUNICATIONS**

- 13. ADJOURN TO EXECUTIVE SESSION:** For the purpose of discussing pending litigation.

**14. ADJOURN TO REGULAR MEETING OF COUNCIL**

**15. ADJOURN**

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 42-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Planning Commission

September 12, 2016

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE KEEPING OF CHICKENS AT THE PROPERTY LOCATED AT 3965 PRINCETON BLVD. IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in accordance with Section 722.05 of the Codified Ordinances of the City of South Euclid, residents are permitted to keep chickens provided all requirements of Section 722.05 are met, including the obtainment of a conditional use permit for this purpose; and

WHEREAS, the property owner of 3965 Princeton Blvd. has requested a conditional use permit in order to keep chickens; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to allow the property owner located at 3965 Princeton Blvd. to keep chickens; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that a hardship exists in the land and that the standards set forth in Chapter 722 of the South Euclid Zoning Code have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to permit the property owner at 3965 Princeton Blvd. in the City of South Euclid to keep chickens under the condition that all requirements of Section 722.05 of the Codified Ordinances are met and continue to be met for as long as chickens are kept on the property.

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 full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jane Goodman, 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.: 45-16  
INTRODUCED BY: Russell  
REQUESTED BY: Goodman, Russell

September 12, 2016

A RESOLUTION

IMPOSING A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW CITY COUNCIL AND THE SOUTH EUCLID PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE SOUTH EUCLID ZONING CODE RELATIVE TO SUCH USE; AND DECLARING AN EMERGENCY.

WHEREAS, On June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective on September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, as such, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, this Council by a vote of at least five members thereof determines that this resolution is an emergency measure, that this resolution shall take effect at the earliest date possible as set forth in Article II, Sections 5 and 6 of the Charter of the City of South Euclid and that it is necessary for the immediate preservation of the public property health and safety and to provide for the usual daily operation of municipal departments in that the affected businesses are able to apply for a permit immediately notwithstanding the potential application of criminal and zoning codes.

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

Section 1: That Council hereby imposes a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Resolution, in order to allow Council and the South Euclid Planning Commission to review applicable Ohio statutes, criminal codes and the South Euclid Zoning Code relative to such use.

Section 2: That for the purpose of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

Section 3: That no building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

Section 4: That the moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of South Euclid to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5: 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 6: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jane Goodman, 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.: 14-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Russell

September 12, 2016

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 111.08  
"ORDER OF BUSINESS" OF TITLE THREE "LEGISLATIVE"  
OF PART ONE OF THE "ADMINISTRATIVE CODE" OF THE CODIFIED  
ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid desires to modify the Order of Business of City Council Meetings to provide increased communication and responsiveness to residents.

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

Section 1: That Section 111.08 "Council Rules" of Title Three "Legislative" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

111.08. ORDER OF BUSINESS

All meetings of Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of Council, Mayor, Clerk of Council and Director of Law shall take their regular stations in the Council Chambers and the business of Council shall be taken up for consideration and disposition in the following order:

- (a) Roll call.
- (b) Approval of minutes of previous meetings.
- (c) **Report of Mayor.**
- (d) **Report of Law Director and departmental heads.**
- (e) Public hearings related to agenda items.
- (f) Report of committees.
- ~~(e) Report of Mayor.~~
- ~~(f) Report of Law Director and departmental heads.~~
- (g) **Legislation**
- (h) **Communications of City Council.**
- (i) **Public hearings related to open business.**
- ~~(h) Adjournment.~~
- (j) **Adjournment.**

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.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jane Goodman, President of Council

Approved:

\_\_\_\_\_  
Georgine Welo, Mayor

Attest:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law

Resolution 43-16

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 \_\_\_\_\_ session on the \_\_\_\_\_ day of \_\_\_\_\_  
(Regular Or Special)  
2016, at the office of \_\_\_\_\_ with the following 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,  
2017; 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 Commission 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
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				
Fire Pension Fund			0.30	
Street Construction Fund				2.50
Police Fire Safety Fund				0.00
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>3.65</b>	<b>9.45</b>

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)
<b>GENERAL FUND:</b>		
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	
<b>Total General Fund outside 10m. Limitation.</b>		
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.		
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, \_\_\_\_\_ County, ss.

I, \_\_\_\_\_, Clerk of the Council of the City

of \_\_\_\_\_ 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 \_\_\_\_\_

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 \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

No. \_\_\_\_\_

\_\_\_\_\_  
COUNCIL OF THE CITY OF

\_\_\_\_\_  
\_\_\_\_\_ 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

RESOLUTION NO.: 44-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 12, 2016

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 vacant land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcel was deeded to the City of South Euclid as a donation from U.S. Bank; 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 land 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jane Goodman, 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:**

Vacant Lot to be conveyed to One South Euclid:

<b>PP#</b>	<b>Address</b>	<b>Street Name</b>
<b>701-14-038</b>	<b>314</b>	<b>Greenvale Drive</b>

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 46-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 12, 2016

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL.

WHEREAS, the City of South Euclid is a member of the Euclid Creek Watershed Council; and

WHEREAS, the Euclid Creek Watershed Council desires to implement the Euclid Creek Watershed Plan, fully endorsed by the State of Ohio; and

WHEREAS, by entering into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District, said watershed plan can be successfully implemented; and

WHEREAS, the member communities of the Euclid Creek Watershed Council have reviewed the memorandum and recommend passage by each respective City Council; and

WHEREAS, the Council of the City of South Euclid must authorize the Mayor to sign said memorandum of understanding no later than December 31, 2016.

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 Mayor to enter into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District as a member of the Euclid Creek Watershed Council.

Section 2: That the memorandum of understanding shall be in substantially the same form as that attached to this legislation.

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: That this Resolution 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 the City must notify the other communities of the Euclid Creek Watershed Council of its approval of the memorandum. Wherefore, this Resolution shall take effect upon passage and approval.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jane Goodman, 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.: 13-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 12, 2016

AN ORDINANCE

AMENDING CHAPTER 1414 "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF ~~OCCUPANCY COMPLIANCE~~ COMPLIANCE FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, vacant structures are frequently not maintained, and due to the blighting effect of extended vacancy, are a public nuisance that materially diminishes the public health, safety, and welfare. In light of the known harm to neighborhood safety, security and welfare caused by prolonged neglect and abandonment of vacant buildings, Council finds a need for a program to identify and make swift contact with all persons with a legal interest in a vacant property to ensure that vacant buildings are maintained free of nuisance conditions and brought back into substantial code compliance before being reoccupied. This program will ensure that basic levels of health, safety, and building quality for vacant buildings within the community are being met by those who have a legal interest in the property without imposing undue harm and expense to the City and its residents, and that those buildings are brought into full code compliance prior to being re-occupied;

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

Section 1: That Chapter 1414 "Registration of Vacant Buildings and Certificates of ~~Occupancy Compliance~~ Compliance for Vacant Buildings" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

**CHAPTER 1414 REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF ~~OCCUPANCY COMPLIANCE~~ COMPLIANCE FOR VACANT BUILDINGS.**

**1414.01 DEFINITIONS.**

- (a) "Vacant Building" shall be defined for the purposes of this section, as a building which is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful business operations or substantially all residential occupancy has ceased, or which is substantially devoid of content.

**1414.02 DUTIES OF OWNER**

(a) The owner, lessee, or party in control of any vacant building, or a mortgagee party that has filed and is currently maintaining an open foreclosure action regarding a Vacant Building shall maintain the vacant building as follows in compliance with city codes, with particular attention to the following:

1. Grass and weeds shall be kept at a maximum height of 6 inches. Shrubbery must be kept trimmed and neat and kept from encroaching on or touching the building.
2. All building exteriors shall have adequate weather-tight protection, including paint, siding, and or similar finishes maintained in good condition.
3. All buildings and grounds must be secured against trespassers and rodents. This includes maintaining all exterior doors, windows and yard fencing in a good and secured condition. No boards, plywood or similar means or materials may be used to secure windows and doors. Doors, and/or windows that are deemed insecure shall be secured by their replacement found to be defective shall be replaced with similar, new doors, or window units equipped with locking hardware.

4. Roofs on all buildings shall be in good, weather-tight condition with no leakage.
5. Any accumulated trash or debris must be removed from the property immediately.
6. Graffiti, tagging or similar markings must be immediately removed or painted over with an exterior grade paint that matches the exterior color of the structure.
7. Pools and spas shall be drained and kept dry. Properties with pools and spas must comply with the minimum security fencing requirements of the City.
8. **Property shall be maintained free of nuisance conditions.**
9. ~~Adherence to Compliance~~ **Compliance** with this section does not relieve the owner or agent in control of the property of any obligations set forth in any covenants, conditions, restrictions, homeowners' association rules and regulations and/or codified ordinances or building codes which may apply to the property.

(b) REGISTRATION REQUIRED

1. The owner, agent, lessee, or party in control of any Vacant Building, or a ~~mortgagee party~~ **party** that has filed a foreclosure action that is currently pending regarding any Vacant Building shall register the ~~Building property~~ **property** with the Building Commissioner, and maintain the registration up to date.
2. An application for registration of a Vacant Building shall include all of the following information on forms provided by the City:
  - a. The name of the owner, agent, lessee or party in control of the property and/or foreclosing entity submitting the registration application;
  - b. The direct mailing address of the applicant; P.O. Boxes are not an acceptable address;
  - c. A contact name, telephone number and e-mail address for the applicant;
  - d. In the case of an applicant whose home or business address is located outside Cuyahoga County, the applicant shall provide the name and mailing address of a ~~local~~ **property management company located in Cuyahoga County** as well as the contact name, telephone number, and e-mail address of the person **at that company** responsible for the **condition, security, maintenance, and marketing** of the property.
  - e. The fee required by ~~this Section 1414.02 (b) 5.~~
3. Registration shall remain valid for twelve months from the date of issuance. The owner, agent, lessee or party in control, or ~~mortgagee party~~ **party in a foreclosure action**, shall renew the registration upon expiration for as long as the property remains vacant.
4. The owner, agent, lessee, party in control, or ~~mortgagee party~~ **party in a foreclosure action** of any Vacant Building, shall inspect the property at least one time each month on the interior and exterior of the property to verify that the requirements of this Section, the Codified Ordinances of the City, and any other applicable laws are being met. A written report of such inspections shall be provided to the City upon request.
5. Fees: The annual **registration fee** ~~for registering a vacant building~~ required by this Section shall be \$200.

(c) EXEMPTIONS:

Waivers exempting compliance with the provisions of this Chapter ~~can~~ **may** be obtained **only** in writing on a form provided by the City under the following circumstances as long as the property is kept in safe, secure, and habitable

condition in the owner's absence, **including continual compliance with Section 1414.02, "Duties of Owner"**:

1. Fire damaged buildings: so long as clean up, repair or demolition is initiated within 90 days from the date of the fire.
2. Extended vacationers or temporary change in living arrangements: A resident on an extended vacation, or in an alternative temporary living arrangement, with the intention of re-occupying the property.
3. A former South Euclid owner-occupant who has moved and is actively attempting to sell his/her vacant home.
4. Estate of a deceased South Euclid homeowner which is actively attempting to sell the vacant home.

#### **1414.03 CERTIFICATE OF COMPLIANCE REQUIRED**

(a) The owner, agent, or party in control of any Vacant Building, shall apply for and obtain a ~~Certificate of Vacant Building Inspection~~ from the Building Commissioner prior to selling, transferring, or conveying any interest in or entering into an agreement to sell, transfer or otherwise convey an interest in such property, and shall provide a copy of such ~~certificate inspection~~ to the prospective purchaser or ~~title transferee~~ prior to ~~sale conveyance of the title~~. ~~A Certificate of Occupancy must be obtained prior to sale or transfer.~~

(b) An agreement to sell, transfer or otherwise convey an interest in a Vacant Building shall include a copy of the ~~Certificate of Vacant Building Inspection~~ from the Building Commissioner, in order to permit the escrow agent to comply with this Chapter. The ~~Certificate of Vacant Building Inspection~~ shall list thereon all known violations of the City Building, Housing and/or Zoning Codes found as a result of an exterior and interior inspection, **pursuant to obtaining the Certificate of Compliance.**

(c) The owner shall deposit in escrow a statement signed by the purchaser or transferee acknowledging receipt of the ~~Certificate of Vacant Building Inspection~~, and such statement shall list thereon the date the ~~Certificate-inspection~~ was given to the purchaser or transferee.

(d) **Once the violations listed on the Vacant Building Inspection report are corrected, a Certificate of Compliance must be obtained prior to the parcel being occupied.**

#### **1414.04 ~~CERTIFICATE OF VACANT BUILDING INSPECTION APPLICATION, INSPECTION; AND ISSUANCE~~**

An application for a ~~Certificate of Vacant Building Inspection~~ required by this chapter shall be made upon forms supplied by the Building Commissioner.

- a. The Building Commissioner shall cause a general exterior and interior inspection for the dwelling structure and premises to be made.
- b. The ~~Certificate of Vacant Building Inspection~~ shall contain the following information:
  1. The street address or other identifying characteristics of the dwelling structure;
  2. The name and address of the owner(s), lessee or party in control;
  3. The authorized use and occupancy of the dwelling structure; and
  4. The listing of all known ~~violations of the building code~~ **violations** existing at the time of such inspection.

c. Once a **Certificate of Vacant Building** Inspection is issued, it shall be valid for a period of one (1) year from the date of the inspection required herein, and that ~~certificate of inspection~~ is only good for one transfer. In the event of resale within the one-year period, this ~~certificate~~ **Vacant Building Inspection** shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

#### 1414.05 FEES

- a. **Upon completion of vacant building violations**, fee for a Certificate of Occupancy Compliance shall be \$200.00.
- b. There shall be no fee for one (1) re-inspection requested by the same owner within twelve months from the date of the initial inspection to verify correction of violations stated within the **Certificate of Vacant Building Inspection**. All subsequent re-inspections may be billed at \$25 per inspection.
- c. In the event of resale within the one-year period, this ~~certificate~~ **Vacant Building Inspection report** shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

#### 1414.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE

- a. If all violations listed on the ~~Certificate of Vacant Building~~ Inspection are not corrected prior to transfer of title, an escrow account shall be established by a party to the transfer, in an amount not less than one thousand (\$1,000.00) and equal to 100% of the estimated cost of repairs, shall be deposited therein to pay for the cost to correct all remaining violations. No party to a transfer of a Vacant Building shall authorize or accept such transfer without ensuring compliance with this Section.
- b. ~~The amount to be held in escrow shall be determined by a party of the transfer procuring written estimates from at least two companies capable of performing the work, which are currently registered to do business in the City. The amount deposited into escrow shall be 100% of the higher of two estimates.~~
- b. ~~If the party establishing the escrow can demonstrate to the Building Commissioner that after a good faith effort he/she is unable to obtain two written estimates. The Building Commissioner may establish the amount of the escrow based on a schedule of fees for "Class A" violations.~~
- c. **A party of the transfer may procure written estimates from at least two companies capable of performing the work, which are currently registered to do business in the City of South Euclid. These estimates may be provided to the Building Commissioner as an alternative to the schedule of fees for determining escrow.**
- d. ~~If, under the terms of the agreement to sell, transfer, or otherwise convey an interest in a vacant building, the party obligated to correct the specified violations is listed on the Certificate of Inspection. A written statement agreed upon by the obligated party, the Building Department and the party's escrow agent setting forth an agreed sum of money, which is compliant with section 1414.07 to cover the cost of correcting the specific violations listed on the Certificate of Inspection, which remain uncorrected.~~

#### 1414.07 CORRECTION OF VIOLATIONS

Any violations found upon inspection of the premises shall be corrected prior to issuance of the Certificate of **Occupancy Compliance**. However, should the buyer agree to assume all violations listed in the notice of violations, a Certificate of **Occupancy Compliance** may still be issued if the condition of the property meets minimum requirements for habitation as specified in Chapters 1401 and 1405 of the Codified Ordinances. In such

case the buyer would have six (6) months from the date of title transfer to correct all outstanding violations. Violations that cannot be corrected due to seasonal conditions shall not preclude the issuance of a Certificate of ~~Occupancy~~ **Compliance**; provided that, issuance of such certificate shall be upon written acknowledgement of all violations and agreement to correct all violations within six (6) months of the inspection date. In addition, written notice must be received by the City that funds are being held in an escrow account in a sufficient amount to correct all violations, but in no case less than One Thousand Dollars (\$1,000.00). Such account shall be held by an independent escrow agent, **or by the City of South Euclid, at the City's discretion**, and be closed only upon written notice by the Building Commissioner.

#### 1414.07 (a) APPEALS

1. The Board of Appeals on Zoning and Building Standards as established by ordinance, shall be the Board of Appeals for this Chapter and its powers and duties and the procedures for appeal shall be as provided in such ordinance establishing the Board.
2. The seller or transferor, or the purchaser or transferee of a Vacant Building shall have the right to appeal from any order of, or written notice issued by, the Building Commissioner within thirty days from the date such notice was given, mailed or issued, and to appear before the Board within sixty (60) days of receipt of the notice appealed from, to show cause why he/she should not comply with such notice. Such appeal must be in writing. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. However, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board.

#### 1414.08 PENALTY

Any person who violates any provision of this Chapter or of the rules and regulations issued hereunder shall be fined not less than \$200 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

#### 1414.09 DISPERSAL OF FUNDS BY ESCROW AGENTS

No person acting in the capacity of an escrow agent in any real estate transaction involving the sale or transfer of a Vacant Building, shall disperse any funds held in escrow in compliance with Section 1414.06 unless there has been compliance with Section 1414.07.

- a. Funds shall be disbursed only upon written authorization from the Building Commissioner or his/her designee as follows:
  1. The Building Commissioner or his/her designee may authorize a one partial release of funds from the escrow account established per Section 1414.06 ~~as payment in full to a contractor as each violation is corrected, provided the amount due does not exceed the written estimate; or once completion of a significant number of violations occurs, as long as sufficient funds remain in escrow to correct all other remaining violations; and remaining escrow will be released in full once all violations are corrected and a Certificate of Compliance is obtained.~~
  2. ~~The Building Commissioner or his/her designee may authorize a release of funds from the escrow account established per Section 1414.06 as payment in full to a contractor as each violation is corrected, provided that when the amount due does exceed the written estimate such release can only be made upon the Building Commissioner's or his or her designee's written finding that sufficient funds will remain in escrow to correct all other remaining violations.~~

#### 1414.10 CERTIFICATE OF OCCUPANCY COMPLIANCE

- a. At the request of the owner of **the** property or his agent, the City shall issue a letter or other written document signed and dated by the Building Commissioner stating that all violations listed on the ~~Certificate of Vacant Building~~ Inspection have been completed to the City's satisfaction, and the property is eligible for occupancy. No **previously** Vacant Building ~~can~~ **may** be **lawfully** occupied until this Certificate of ~~Ocupaney~~ **Compliance** is obtained.
- b. At the request of the owner of the property or his agent, the City may issue a letter or other written document signed and dated by the Building Commissioner stating that specific violations listed on the ~~Certificate of~~ Vacant Building Inspection have been completed to the City's satisfaction. If the Building Commissioner issues such a letter or written document, it shall contain the specific violation(s) that remain outstanding, the respective cost(s) of correcting same, and be compliant with the requirements of Section 1414.07.

#### 1414.11 LIABILITY

The issuance of a Certificate of ~~Ocupaney~~ **Compliance** does not guarantee compliance with the Building, Housing and/or Zoning Codes, nor does the Building Commissioner nor his or her duly authorized designee(s) accept any liability for non-compliance with same. Such certificate shall be considered by all parties as the City's best effort to make known to the owners and purchasers of violations known on a given property at the time the inspection is made.

- a. The City assumes no liability or responsibility for the failure to report violations that may exist and makes no guarantee whatsoever, since there may be further violations which were not detected, which may arise in the future, or which may only be determined by a licensed electrician, plumber or other specialist at the expense of the person desiring such an inspection.
- b. In issuing a ~~Certificate of Vacant Building Inspection~~, the City does not thereby insure, warrant or guarantee to the holder thereof, to his assignees, or any other interested party that such ~~certificate~~ **inspection report** contains all of the violations of the South Euclid Codified Ordinances, state or federal law.
- c. In issuing a Certificate of ~~Ocupaney~~ **Compliance** document under the provisions of this chapter, the City does not thereby insure, warrant or guarantee the quality of repair or standard of work completed in the correction of violations listed on a ~~Certificate of Vacant Building~~ Inspection. Such document should be construed only as a statement by the City that some or all of the violations listed on the Vacant Building Inspection have been corrected to the City's satisfaction.

#### ~~1414.12 EXPIRATION~~

~~This Ordinance shall expire on December 31, 2016.~~

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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for further reason that it is important to protect and enhance the safety and aesthetic quality of the residential housing stock within the City at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force upon passage by City Council and signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jane Goodman, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law