

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
NOVEMBER 12, 2018
8:00 PM

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **REPORT OF MAYOR**
4. **REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS**
5. **REPORT OF SCHOOL DISTRICT (1st Meeting of Month Only)**
6. **PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS**
7. **REPORT OF COMMITTEES**

1. RESOLUTION 62-18 AUTHORIZING THE MAYOR TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR "CLEANING SERVICES FOR THE SOUTH EUCLID CITY HALL COMPLEX" IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **SECOND READING.**

2. ORDINANCE 24-18 AN ORDINANCE AMENDING SECTION 311.05 "OPERATION OF MOTORIZED SCOOTERS" OF CHAPTER 311 "STREET OBSTRUCTIONS AND SPECIAL USES " OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

3. ORDINANCE 25-18 AUTHORIZING THE MAYOR OF THE CITY OF SOUTH EUCLID, OHIO TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR PUBLIC HEALTH SERVICES FOR FISCAL YEARS 2019-2020. **SECOND READING.**

4. ORDINANCE 27-18 AMENDING SECTION 1411.99, "PENALTY" OF CHAPTER 1411 "COMPLIANCE AND ENFORCEMENT" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

5. ORDINANCE 28-18 AMENDING SECTION 1414.04, "CERTIFICATE OF INSPECTION APPLICATION; AND ISSUANCE" OF CHAPTER 1414 "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF COMPLIANCE FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

8. LEGISLATION REQUESTED BY CITY COUNCIL

1. ORDINANCE 31-18 AMENDING SECTION 172.06 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 172, "MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.
2. ORDINANCE 32-18 AN ORDINANCE CREATING NEW CHAPTER 918 "GARBAGE, RUBBISH, REFUSE AND RECYCLING COLLECTION" OF TITLE THREE "PUBLIC SERVICES" OF PART NINE "STREETS AND PUBLIC SERVICES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

9. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. RESOLUTION 63-18 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN "STREET CONSTRUCTION & MAINTENANCE FUND #202" IN AN AMOUNT OF \$6,100.00 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES. FIRST READING.
2. RESOLUTION 64-18 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND IN THE AMOUNT OF \$900.00 TO THE FOLLOWING FUND: CURBSIDE RECYCLING SERVICE DEPARTMENT #101-5520-52161 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES. FIRST READING.
3. RESOLUTION 65-18 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN "STREET CONSTRUCTION & MAINTENANCE FUND #202" IN AN AMOUNT OF \$6,100.00 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES. FIRST READING.
4. RESOLUTION 66-18 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN "SEWER MAINTENANCE #516" IN AN AMOUNT OF \$1,300.00 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES. FIRST READING.
5. RESOLUTION 67-18 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND IN THE AMOUNT OF \$2,600.00 TO THE FOLLOWING FUND: TRANSPORTATION-SERVICE DEPARTMENT #101-6610-52161" FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES. FIRST READING.
6. RESOLUTION 68-18 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND IN THE AMOUNT OF \$1,800.00 TO THE FOLLOWING FUND: TRANSPORTATION GARAGE - SERVICE DEPARTMENT #101-6620-52161 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES. FIRST READING.

7. RESOLUTION 69-18 AUTHORIZING THE MAYOR AND FIRE CHIEF TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE PURCHASE OF "SELF CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT" AS SPECIFIED IN THE FEMA FY2017 ASSISTANCE TO FIREFIGHTERS GRANT. FIRST READING.
8. ORDINANCE 30-18 AMENDING SECTION 1510.01, "ADOPTION OF OHIO FIRE CODE" OF CHAPTER 1510 "CITY OF SOUTH EUCLID FIRE PREVENTION CODE" AND SECTION 1530.04 "(RESERVED)" OF CHAPTER 1530 "OPEN BURNING" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

10. COMMUNICATIONS OF CITY COUNCIL

11. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS

13. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 62-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 22, 2018

A RESOLUTION

AUTHORIZING THE MAYOR TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR "CLEANING SERVICES FOR THE SOUTH EUCLID CITY HALL COMPLEX" IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

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

Section 1: That the Mayor is hereby authorized to prepare the necessary plans, specifications, and advertise for bids for "Cleaning Services for the South Euclid City Hall Complex" within the City of South Euclid, Ohio.

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 28, 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 _____, 2018.

Dennis Fiorelli, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID

ORDINANCE NO.: 24-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

September 26, 2018

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 311.05 "OPERATION OF MOTORIZED SCOOTERS" OF CHAPTER 311 "STREET OBSTRUCTIONS AND SPECIAL USES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

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

Section 1. That original Section 311.05 of Chapter 311 of Part Three of the Codified Ordinances of South Euclid is hereby amended to read as follows:

"311.05 OPERATION OF MOTORIZED SCOOTERS.

(a) For the purposes of this Traffic Code, "motorized scooter" means a scooter that cannot be titled and registered in accordance with Ohio motor vehicle laws and is powered by an electric driven motor with a maximum speed of fifteen miles per hour which does not have a seat or saddle. A "motorized scooter" does not include a "bicycle" or "motorized bicycle" as defined in Section 301.04 of these Codified Ordinances.

(b) No person who is under twelve years of age shall operate a motorized scooter on any public street or highway within the City.

(c) No person shall operate a motorized scooter on any public street or highway with the City.

(d) No person shall operate a motorized scooter on private property without the express consent of the owner of the property.

(e) No person shall operate a gasoline powered scooter on any public street, highway, sidewalk, path, or any other property owned by the City.

(f) No operator of a motorized scooter on public property shall do any of the following:

(1) Allow passengers while the motorized scooter is in operation or motion.

(2) Structurally alter the motorized scooter from the original manufacturer's design.

(g) A person exerting control of or operating a motorized scooter shall be permitted to stand or park it on a sidewalk, without charge or restrictions, provided that the motorized scooter does not impede the normal flow of pedestrian traffic.

(h) Permitted hours of operation for motorized scooters are from thirty minutes before sunrise to thirty minutes after sunset. The times for sunrise and sunset shall correspond to the times posted in a daily newspaper of general circulation in northeast Ohio.

(h)(i) No person under twelve years of age shall operate a motorized scooter unless they are wearing shoes and a protective helmet on the person's head with the chin strap properly fastened.

(i)(j) Nothing in this section affects or shall be construed to affect any rule of the Cleveland Metroparks Commissioners governing the operation of vehicles on lands under the control of the Director or Board, as applicable.

(j)(k) Whoever violates any provision 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 _____, 2018.

Dennis Fiorelli, 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.: 25-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 8, 2018

AN ORDINANCE

AUTHORIZING THE MAYOR OF THE CITY OF SOUTH EUCLID, OHIO TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR PUBLIC HEALTH SERVICES FOR FISCAL YEARS 2019-2020.

WHEREAS, it is the desire of this Council to enter into an agreement with the Board of Health of Cuyahoga County to provide for public health services for the City in 2019 and 2020.

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

Section 1: That the Mayor of the City of South Euclid, be and she is hereby authorized to execute an agreement with the Cuyahoga County Board of Health providing for public health services within the City of South Euclid, Ohio for the Fiscal Years 2019 and 2020 (A copy of which is attached hereto and made a part hereof).

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

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. Such necessity exists by reason of the fact that immediate action to the obtaining of health services for the City is required, and the foregoing must be adopted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018.

Jane Goodman, President of Council

Attest:

Approved:

Michael Love, Acting Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 27-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 22, 2018

AN ORDINANCE

AMENDING SECTION 1411.99, "PENALTY" OF CHAPTER 1411 "COMPLIANCE AND ENFORCEMENT" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That Section 1411.99 of Chapter 1411 "Compliance and Enforcement" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby amended to read as follows:

"1411.99 PENALTY.

Whoever violates any provision of this Code or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder, or ~~whoever refuses to permit entry under the conditions provided under this Code by the Building Commissioner and/or any inspector officially so designated by the Mayor, at a reasonable hour, and whoever interferes with, obstructs or hinders such Building Commissioner and/or any inspector officially so designated by the Mayor while attempting to make such inspection,~~ for which no penalty is otherwise provided, is guilty of a misdemeanor of the first degree **and shall be punishable in accordance with Chapter 501.99**. Each day such violation occurs or continues shall constitute a separate offense."

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 reduce the risk of injury to persons within the City, this Ordinance should be enacted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 28-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 22, 2018

AN ORDINANCE

AMENDING SECTION 1414.04, "CERTIFICATE OF INSPECTION APPLICATION; AND ISSUANCE" OF CHAPTER 1414 "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF COMPLIANCE FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That Section 1414.04 of Chapter 1414 of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby amended to read as follows:

"1414.04 VACANT BUILDING INSPECTION AND ISSUANCE.

An application for a 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 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 code violations existing at the time of such inspection.

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

(d) If the owner or agent refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Building Commissioner or his/her designated representative shall not make such inspection without first obtaining a search warrant from a court of competent jurisdiction."

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 reduce the risk of injury to persons within the City, this Ordinance should be enacted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 31-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Frank

November 12, 2018

AN ORDINANCE

AMENDING SECTION 172.06 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 172, "MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid, Ohio recognizes that the income tax credit is an incentive the city is able to offer residents during times of economic stability, however, during periods of severe economic instability, such incentives may not be feasible; and

WHEREAS, the Council of the City of South Euclid recognizes that the City continues to experience budgetary shortfalls effecting the financial stability of the City as a result of cuts in funding by the State of Ohio; as well as declines in property tax and income tax as a result of the housing and foreclosure crisis and national recession; and

WHEREAS, the Council of the City of South Euclid has met monthly for over two years to discuss and consider revenue enhancement and cost-cutting options and held three Community Meetings on June 19, 2017; June 27, 2017 and June 28, 2017 to discuss options and seek input from city residents, Tele-Town Hall Meetings on October 9, 2018 and October 30, 2018; and four Ward Meetings regarding finances and income tax levy in October 2018; and

WHEREAS, City Council has held regular Committee Meetings, nearly every month for over two years to discuss cost reductions, explore and implement regional initiatives, discuss the costs of long-term capital needs of the community, and the continuing impact of the recession and cuts in funding of local governments from the State of Ohio; and

WHEREAS, the City has made every reasonable effort to reduce costs and raise additional revenue to replace State actions that have removed the City's inheritance tax revenue, commercial activity tax and 50% of the City's yearly allocation of Local Government Funds; and

WHEREAS, the City of South Euclid has an obligation to take temporary measures to protect the health, safety, welfare and future economic stability of the City; and

WHEREAS, the Council of the City of South Euclid can address any such shortfalls by reducing the income tax credit on taxable income earned in another municipality.

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

Section 1: That Ordinance 172.06, "South Euclid Resident Subject to Income Tax in Other Municipality" is hereby amended effective _____ at which time the provisions hereunder shall once again become effective.

Section 2: That Ordinance 172.06 "Credit for Tax Paid To Other Municipalities" shall read as follows:

"CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(a) Every individual taxpayer domiciled in City of South Euclid who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter, may claim a non-refundable credit against the tax imposed by this chapter upon satisfactory evidence that tax has been paid to another municipality. Subject to division (c) of this section, the credit shall not exceed 75% _____ % of the amount obtained by multiplying the income, qualifying wages, commissions, net

profits or other compensation subject to tax in the other municipality by the lower of the tax rate in such other municipality or the rate of 1%. _____%.

(b) City of South Euclid shall grant a credit against its tax on income to a resident of City of South Euclid who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio R.C. 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(c) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality."

Section 3: 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 4: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. Wherefore, this Ordinance shall take effect and be in force upon passage by City Council and signature of the Mayor.

Passed this _____ day of _____, 2018.

Dennis Fiorelli, Council President

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

ORDINANCE NO.: 32-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Frank

November 12, 2018

ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 918 "GARBAGE, RUBBISH, REFUSE AND RECYCLING COLLECTION" OF TITLE THREE "PUBLIC SERVICES" OF PART NINE "STREETS AND PUBLIC SERVICES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, In order to protect the health, safety and welfare of the citizens of the City of South Euclid, the Council of the City of South Euclid recognizes its duty to regulate the collection of garbage, rubbish and refuse within the City; and

WHEREAS, the Council of the City of South Euclid in order to fulfill said duty desires to create new chapter 918 "Garbage, Rubbish, Refuse and Recycling Collection" to regulate the collection of garbage in the City of South Euclid.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio, that new chapter 918 "Garbage, Rubbish, Refuse and Recycling" be created to read as follows:

Section 1: That new Chapter 918 "Garbage, Rubbish, Refuse and Recycling Collection" of Title Three "Public Services" of Part Nine "Streets and Public Services Code" be created to read as follows:

**"CHAPTER 918
Garbage, Rubbish, Refuse and Recycling Collection**

- 918.01 Definitions.**
- 918.02 Collection permit; fee; revocation.**
- 918.03 Collection by the City's contractor; exceptions.**
- 918.04 Director supervises collection; regulations; appeal.**
- 918.05 Precollection practices.**
- 918.06 Container regulations.**
- 918.07 Container specifications.**
- 918.08 Unauthorized accumulation of garbage, rubbish and/or refuse.**
- 918.09 Scattering of garbage, rubbish and refuse.**
- 918.10 Points of collection; time limit for containers on lawns.**
- 918.11 Frequency of collection.**
- 918.12 Quantity restricted; fees.**
- 918.13 Vehicle regulations.**
- 918.14 Regulations of the Public Service Director.**
- 918.15 Refuse is property of City.**
- 918.16 Cost of garbage and refuse collection.**
- 918.17 Fines imposed.**
- 918.99 Penalty.**

918.01 DEFINITIONS.

As used in this chapter:

- (a) "Director" means the Director of Public Service.
- (b) "Garbage" means the putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (c) "Rubbish" means any household waste materials other than garbage, ashes, and cinders, and building materials.
- (d) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial waste.
- (e) "Recycling Collection" means the collection of all items that are recommended for recycling, including: paper, newspaper, glass bottles, metal cans, and certain plastic containers that can be recycled.

918.02 COLLECTION PERMIT; FEE; REVOCATION.

- (a) No person other than the person duly authorized by a permit issued by the Director of Public Service on behalf of the City shall collect or remove garbage or refuse within the City or convey or transport the same over or upon any street or public highway therein.
- (b) All persons desiring to collect and transport garbage and refuse within the City shall apply

for a permit to the Director. When satisfied that all of the regulations and provisions herein contained have been satisfied by the applicant, the Director shall issue a permit to the applicant upon payment of the proper fee.

(c) A permit fee of one hundred twenty dollars (\$120.00) per year is hereby established for private haulers. The permit shall be issued by the Director and shall be limited to the time period from the date of issuance to the end of the calendar year for which the permit is issued. The fee shall be prorated over the year in the event that a permit is not issued for a full calendar year.

(d) The Director shall keep an accurate record and accounting of all applications for permits and shall pay over all fees received hereunder to the Director of Finance and shall take back a receipt from the Director of Finance to be included in the records herein required.

(e) No private hauler shall collect or transport garbage and refuse over the streets and highways of the City unless he has a permit on file in the Service Department.

(f) The Director may revoke any permit when he is satisfied that the permit holder is in substantial noncompliance with the provisions of this chapter or any rules and regulations promulgated hereunder.

(g) In the event the Director revokes the permit established hereunder, the City will not refund any portion of the fee to the permit holder.

918.03 COLLECTION BY THE CITY'S CONTRACTOR; EXCEPTIONS.

The Director of Public Service shall enter into a contract with a private refuse hauler for collection, conveyance and disposal of all residential garbage, rubbish and yard waste in the City.

This chapter shall not prohibit the actual producer of garbage and rubbish or the owners of premises upon which garbage or refuse has accumulated, from personally collecting, conveying and disposing of such garbage and refuse, providing such producers and owners comply with the provisions of this chapter and with any other governing laws or ordinances.

918.04 DIRECTOR SUPERVISES COLLECTION; REGULATIONS; APPEAL.

All garbage, refuse, recycling and yard waste accumulated in the City shall be collected, conveyed and disposed of under the supervision of the Director of Public Service. The Director has the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal of garbage, refuse and yard waste as he finds necessary and from time to time change and modify the regulations.

Collection times shall be 7:00 a.m. to 7:00 p.m., Monday through Friday, and Saturday after holidays.

All regulations promulgated hereunder shall be made in writing and shall become effective five days after they are posted in the five places established for the posting of ordinances as specified in Section 13.05.

918.05 PRECOLLECTION PRACTICES.

Garbage, ashes, rubbish and yard waste shall each be placed and maintained in separate containers. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.

Condominium collections shall be once a week, on the regularly scheduled day for the particular area. Should additional collections be required, the property/condominium owner must contract with a private hauler for same.

918.06 CONTAINER REGULATIONS.

Garbage containers shall be provided by the owner, tenant, lessee or occupant of the premises. Garbage containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Director of Public Service has the authority to refuse collection services for failure to comply with this section.

918.07 CONTAINER SPECIFICATIONS.

Residential garbage containers shall be made of metal or an approved plastic material, equipped with suitable handles and tight-fitting covers and shall be watertight. Such containers shall have a capacity of not more than thirty-two gallons or fifty pounds each. Such containers shall be of a type approved by the Director of Public Service and shall be kept in a clean, neat and sanitary condition.

Condominium owners must provide and maintain their own refuse containers. Containers must be of a size and type approved by the Director of Public Service.

918.08 UNAUTHORIZED ACCUMULATION OF GARBAGE, RUBBISH AND/OR REFUSE.

(a) No person shall place any garbage, rubbish and/or refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except in proper containers for collection or under express approval granted by the Director of Public Service. Nor shall any person throw or deposit any garbage, rubbish and/or refuse in any stream or other body of water.

(b) Any unauthorized accumulation of garbage, rubbish and/or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish and/or refuse within thirty days after the effective date of this section or within five days after receipt of written notice from the Director at any other time shall be deemed a violation of this section.

918.09 SCATTERING OF GARBAGE, RUBBISH AND REFUSE.

No person shall cast, place, sweep or deposit anywhere any garbage, rubbish and/or refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the City.

918.10 POINTS OF COLLECTION; TIME LIMIT FOR CONTAINERS ON LAWNS.

(a) Garbage containers shall be placed at the street curb for collection by the City's contractor. Garbage containers shall not be placed at the street curb more than twelve hours in advance of collection.

(b) No garbage pail or container is permitted to remain on the tree lawn for a period longer than twenty-four hours after the pickup and removal of the garbage container therein.

918.11 FREQUENCY OF COLLECTION.

All garbage and refuse shall be collected in accordance with schedules promulgated by the Director of Public Service pursuant to the rule-making authority granted in Section 918.04.

918.12 QUANTITY RESTRICTED; FEES.

(a) Residential. The City's contractor shall be in charge of collecting a reasonable accumulation of garbage and refuse from each family during a collection period.

(b) Commercial and Manufacturing. The owner, occupant, tenant or lessee of any property other than residential must contract with a private hauler for disposal of garbage, rubbish and yard waste at a rate agreed upon between the owner, occupant, tenant or lessee and the private contractor.

918.13 VEHICLE REGULATIONS.

The actual producer of garbage or the owner of premises upon which garbage is accumulated who desires personally to collect and dispose of garbage, a person who desires to dispose of waste material not included in the definition of refuse and a collector of refuse from outside the City who desires to haul over the streets of the City, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping there from and refuse from being blown, dropped or spilled.

918.14 REGULATIONS OF PUBLIC SERVICE DIRECTOR.

The Director of Public Service has the authority to make such reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City streets by outside collectors as he finds necessary, subject to right of appeal as set forth in Section 918.05.

918.15 REFUSE IS PROPERTY OF CITY.

All material set out for collection shall be vested in the City.

918.16 COST OF GARBAGE AND REFUSE COLLECTION.

(a) The Finance Director shall establish Fund # _____ for Solid Waste Disposal in which:

(1) All collections from the households made under this chapter shall be deposited.

(2) All collections by the Cuyahoga County Auditor of previously assessed delinquencies, net of any collections fees, shall be deposited.

(3) Any grants relating to Solid Waste Disposal shall be deposited.

(4) All expenses relating to the disposal of Solid Waste shall be paid.

(5) All expenses relating to recycling Solid Waste shall be paid.

(6) All expenses relating to the collection of the amount due from the residents shall be paid.

(b) By October 1 of each year, the Finance Director shall:

(1) Estimate the cost of the next year's solid waste collection and any other related costs.

(2) Estimate the yearend balance in the Solid Waste Disposal Fund.

(3) In the event the estimated year balance is \$0.00, estimate the amount of advances from the General Fund to be repaid in the next year.

(4) To determine the amount of funds needed to be collected in the next year:

A. The next year's costs determined in subsection (b) (1) will be added the amount of advances to be repaid determined in subsection (b)(3).

B. The estimated year end fund balance determined in subsection (b)(2) will then be subtracted.

(5) The amount determined in subsection (b)(4) will then be increased to cover the expected delinquencies.

(6) The amount determined in subsection (b)(5) will then be divided by the number of households to determine the annual amount due from each resident, this total will be divided by four to determine the amount to be billed in January, April, July and October of the next year.

(c) In the event that an unpaid charge is certified to the tax duplicate of the property, the City shall then increase the charge by twenty-five dollars (\$25.00) to cover the administrative costs of the assessment.

918.17 FINES IMPOSED.

Each occurrence will be deemed as a separate offense. Each offense has a minimum of a three hundred dollar (\$300.00) fine.

918.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter or the regulations promulgated hereunder is guilty of an unclassified misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues."

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 _____, 2018

Dennis Fiorelli, Council President

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 63-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN "STREET CONSTRUCTION & MAINTENANCE FUND #202" IN AN AMOUNT OF \$6,100.00 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES.

WHEREAS, pursuant to the collective bargaining agreement with Service Department employees through the American Federation of State, County and Municipal Employees (AFSCME), funds must be appropriated for updates to the prescription and dental benefit plan.

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 "Street Construction & Maintenance Fund #202" line item 202-6630-52161 in an amount of \$6,100.00 for expenditures related to AFSCME Service Department Employees pursuant to the collective bargaining agreement.

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 _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Michael Love, Acting Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 64-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND IN THE AMOUNT OF \$900.00 TO THE FOLLOWING FUND: CURBSIDE RECYCLING SERVICE DEPARTMENT #101-5520-52161 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES.

WHEREAS, pursuant to the collective bargaining agreement with Service Department employees through the American Federation of State, County and Municipal Employees (AFSCME), funds must be appropriated for updates to the prescription and dental benefit plan.

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 General Fund in an amount not to exceed \$900.00 to Curbside Recycling Service Department #101-5520-52161 for expenditures related to AFSCME Service Department Employees pursuant to the collective bargaining agreement.

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 _____, 2018.

Dennis Fiorelli, 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.: 65-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN "STREET CONSTRUCTION & MAINTENANCE FUND #202" IN AN AMOUNT OF \$6,100.00 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES.

WHEREAS, pursuant to the collective bargaining agreement with Service Department employees through the American Federation of State, County and Municipal Employees (AFSCME), funds must be appropriated for updates to the prescription and dental benefit plan.

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 "Street Construction & Maintenance Fund #202" line item 202-6630-52161 in an amount of \$6,100.00 for expenditures related to AFSCME Service Department Employees pursuant to the collective bargaining agreement.

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 _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Michael Love, Acting Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 66-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN "SEWER MAINTENANCE #516" IN AN AMOUNT OF \$1,300.00 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES.

WHEREAS, pursuant to the collective bargaining agreement with Service Department employees through the American Federation of State, County and Municipal Employees (AFSCME), funds must be appropriated for updates to the prescription and dental benefit plan.

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 "Sewer Maintenance Fund #516" line item 516-5540-52161 in an amount of \$1,300.00 for expenditures related to AFSCME Service Department Employees pursuant to the collective bargaining agreement.

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 _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Michael Love, Acting Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 67-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND IN THE AMOUNT OF \$2,600.00 TO THE FOLLOWING FUND: TRANSPORTATION-SERVICE DEPARTMENT #101-6610-52161" FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES.

WHEREAS, pursuant to the collective bargaining agreement with Service Department employees through the American Federation of State, County and Municipal Employees (AFSCME), funds must be appropriated for updates to the prescription and dental benefit plan.

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 General Fund in an amount not to exceed \$2,600.00 to Transportation-Service Department #101-6610-52161" for expenditures related to AFSCME Service Department Employees pursuant to the collective bargaining agreement.

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 _____, 2018.

Dennis Fiorelli, 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.: 68-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND IN THE AMOUNT OF \$1,800.00 TO THE FOLLOWING FUND: TRANSPORTATION GARAGE - SERVICE DEPARTMENT #101-6620-52161 FOR EXPENDITURES RELATED TO AFSCME SERVICE DEPARTMENT EMPLOYEES.

WHEREAS, pursuant to the collective bargaining agreement with Service Department employees through the American Federation of State, County and Municipal Employees (AFSCME), funds must be appropriated for updates to the prescription and dental benefit plan.

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 General Fund in an amount not to exceed \$1,800.00 to Transportation Garage – Service Department #101-6620-52161 for expenditures related to AFSCME Service Department Employees pursuant to the collective bargaining agreement.

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 _____, 2018.

Dennis Fiorelli, 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.: 69-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

A RESOLUTION

AUTHORIZING THE MAYOR AND FIRE CHIEF TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE PURCHASE OF "SELF CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT" AS SPECIFIED IN THE FEMA FY2017 ASSISTANCE TO FIREFIGHTERS GRANT.

WHEREAS, on October 22, 2018 South Euclid City Council approved legislation related to the appropriation of funds related to the purchase of fire department equipment funded through a grant from FEMA FY2017 Assistance to Firefighters Grant; and

WHEREAS, the City will be reimbursed 100% for the cost of the purchase of equipment through the FEMA grant and match from Cuyahoga County.

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

Section 1: That the Mayor is hereby authorized to prepare the necessary plans, specifications, and advertise for bids for the purchase of "Self Contained Breathing Apparatus (SCBA) Equipment as specified in the FEMA FY2017 Assistance to Firefighters 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 28, 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 _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 30-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 12, 2018

AN ORDINANCE

AMENDING SECTION 1510.01, "ADOPTION OF OHIO FIRE CODE" OF CHAPTER 1510 "CITY OF SOUTH EUCLID FIRE PREVENTION CODE" AND SECTION 1530.04 "(RESERVED)" OF CHAPTER 1530 "OPEN BURNING" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, changes to the City of South Euclid Fire Code are necessary so that it is consistent with the Ohio State Fire Code, adopted in 2017.

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

Section 1: That Section 1510.01 "Adoption of Ohio Fire Code" of Chapter 1510 "City of South Euclid Fire Prevention Code" and Section 1530.04 "(Reserved)" of Chapter 1530 "Open Burning" of Part Fifteen "Fire Prevention Code" of the Codified Ordinances of the City of South Euclid, Ohio, be hereby amended to read as follows:

1510.01 ADOPTION OF OHIO FIRE CODE; CITY OF SOUTH EUCLID FIRE PREVENTION CODE DEFINED; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City the 2011 2017 edition of the Ohio Fire Code (OFC), as adopted by the Ohio Department of Commerce, Division of State Fire Marshal, published in Division 1301:7 of the Ohio Administrative Code (OAC).

(b) The Ohio Fire Code, together with the provisions of this Part Fifteen of these Codified Ordinances, shall be known and may be cited as the City of South Euclid Fire Prevention Code. References throughout this Part Fifteen of these Codified Ordinances to "this Code" shall be deemed to mean the City of South Euclid Fire Prevention Code.

(c) A complete copy of the Ohio Fire Code shall be kept on file in the library of the Fire Chief and in the offices of the Fire Prevention Bureau and shall be available to the Clerk of Council. The Clerk of Council shall provide copies of the Ohio Fire Code to the public, upon request, at cost.

1530.04 (RESERVED) OPEN BURNING IN UNRESTRICTED AREAS.

No property owner shall cause or allow open burning in an unrestricted area.

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 reduce the risk of injury to persons within the City, this Ordinance should be enacted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law