

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
September 14, 2020
8:00 PM

Meeting Conducted Via WebEx Meeting Platform

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xJg7D2YVes4 (95473298 from phones and video systems)

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES JULY 13, 2020 & July 27, 2020

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. REPORT OF SCHOOL DISTRICT

7. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS

8. LEGISLATION FROM THE PLANNING COMMISSION

1. Ordinance 03-20 Enacting New Section 732.03 "Tattoo and Body Piercing Businesses" of Chapter 732 "Conditional Uses in Commercial Districts" of Title Three "Commercial District Regulations" of Part Seven "Planning And Zoning Code" of the Codified Ordinances of the City Of South Euclid, Ohio. **Second Reading.**

2. Resolution 43-20 Granting a conditional use permit for "Liberty Full Gospel" located at 4386 Mayfield Road on the campus of St. John Lutheran Church in the city of South Euclid, Ohio. First Reading.

9. LEGISLATION REQUESTED BY CITY COUNCIL

1. Ordinance 14-20 An ordinance approving the plan of operation and governance for the NOPEC Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a Gas Aggregation Program as a NOPEC Member, and declaring an emergency. First Reading.

2. Ordinance 15-20 An ordinance authorizing all actions necessary to establish an opt-in natural gas program pursuant to Section 4929.27(a)(1), Ohio Revised Code, jointly through NOPEC as a NOPEC member. First Reading.

- 3. Ordinance 16-20 Creating Section 505.22 "Feeding of Wildlife and Stray Animals Prohibited" of Chapter 505 "Animals and Fowl" of Part Five "General Offenses Code" of the Codified Ordinances of The City of South Euclid, Ohio. First Reading.
- 4. Resolution 44-20 Authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency. First Reading.

10. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

- 1. Ordinance 17-20 An Ordinance creating New Section 311.06 "Operation of Shared Motorized Electronic Scooters and Bicycles" of Chapter 311 "Street Obstructions and Special Uses" of Part Three "Traffic Code" of the Codified Ordinances of the City of South Euclid, Ohio. First Reading.
- 2. Ordinance 18-20 Amending Section 531.09 "Abatement of Criminal Nuisances" of Chapter 531 "Nuisances" of Part Five "General Offenses" of the Codified Ordinances of the City of South Euclid, Ohio, First Reading.
- 3. Resolution 45-20 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.
- 4. Resolution 46-20 Authorizing the Appropriation of Unappropriated Funds in the following fund: "General Fund-Service Department-Equipment #101-6610-52743" for the purpose of purchasing a new Combination Sewer Truck. First Reading.

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

12. COMMUNICATIONS OF CITY COUNCIL

13. ADJOURN

THE CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 03-20 February 24, 2020
INTRODUCED BY: Frank As Recommended by Planning Commission: July 23, 2020
REQUESTED BY: Mayor Second Reading: September 14, 2020

AN ORDINANCE

ENACTING NEW SECTION 732.03 "TATTOO AND BODY PIERCING BUSINESSES" OF CHAPTER 732 "CONDITIONAL USES IN COMMERCIAL DISTRICTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, as tattoo and body piercing businesses become more common throughout the State of Ohio, the reasonable regulation of such businesses is necessary to promote the health, welfare, and safety of the residents of South Euclid; and

WHEREAS, an improperly operated or unclean tattoo parlor or body piercing business location may have serious and detrimental effects upon the citizens of South Euclid; and

WHEREAS, the City of South Euclid can best inspect and oversee the operation of tattoo parlors and body piercing businesses in the City; and

WHEREAS, the State of Ohio and Cuyahoga County have adopted reasonable rules to regulate the sanitary operation of tattoo parlors and body piercing facilities; and

WHEREAS, this Council desires to adopt an Ordinance to enforce the regulations of the operation of tattoo parlors and body piercing facilities in the City by making such businesses a conditional use; and

WHEREAS, this legislation amending the zoning code was referred to the Planning Commission for review; and

WHEREAS, notice of a meeting on the aforesaid requested zoning amendment has been duly given, and a full meeting has been held thereon by the Planning Commission, pursuant to such notice and as prescribed by law; and

WHEREAS, upon holding a public hearing, Council deems that the aforesaid zoning amendment should be made and the same is conducive to the public health, safety, convenience and general welfare of the City.

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

Section 1: That New Section 732.03 "Tattoo and Body Piercing Businesses" of Chapter 732 "Conditional Uses in Commercial Districts" of Title Three "Commercial District Regulations" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby enacted to read as follows:

"732.03 TATTOO AND BODY PIERCING BUSINESSES"

(a) Definitions

1. "Board of Health" means the Cuyahoga County Board of Health.
2. "Body pierce," "body pierced," or "body piercing" refer to any method of invasive penetration of the skin for decorative purposes, including ear piercing except when the ear piercing procedure is performed with an ear piercing gun.
3. "Building Commissioner" shall mean the administrative official charged with the duty of administering the regulations of this Section, which promote the health, safety, and welfare of the citizens of the City of South Euclid.
4. "Business" means any entity that provides tattoo and/or body piercing services.

5. "Certificate of Occupancy" shall mean written approval from the Building Commissioner, or his/her authorized representative, that said tattooing and/or body piercing establishment has been inspected and meets all terms of this Section.

6. "Conditional Use Permit" shall mean a Permit approved by Council pursuant to Chapter 762 of these Codified Ordinances.

7. "Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear.

8. "Health Officer" shall mean a duly authorized employee of the Division of Environmental Health for the Cuyahoga County Board of Health.

9. "Operator" shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed, and/or any individual who performs or practices the art of tattooing and/or body piercing on the person of another.

10. "Tattoo," "tattooed," or "tattooing" refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles and/or any other instruments designed to touch or puncture the skin.

11. "Tattoo parlor and/or body piercing establishment" means the location wherein tattooing and/or body piercing is performed.

(b) Location Requirements

The location for a tattoo parlor or body piercing establishment shall be governed by the following provisions:

1. Separation. No such use shall be established within one thousand feet (1,000) of a daycare center, preschool, elementary or secondary school, public library, church, outdoor or indoor playground, and public or nonprofit recreation center or community center.

2. Spacing. No such use shall be established within five hundred feet (500) of another such use.

3. Appeals. The Board of Zoning Appeals may recommend approval of an application which does not meet the regulations of this Section if, after public notice and hearing, the Board determines that the proposed use, by virtue of its nature and location, will not adversely affect nearby residential areas or other protected uses listed in paragraph (1). Should the Board approve such an application, the applicant will still be subject to the conditional use process defined in Chapter 762 of the Codified Ordinances.

(c) Tattoo and Body Piercing Business as Conditional Use; Permit Required

A tattoo and/or body piercing business is hereby classified as a conditional use which may be permitted in the following city zoning districts; C-2 (General Commercial), C-3 (Special Commercial), M-1 (Limited Manufacturing), and M-2 (General Manufacturing), in accordance with the corresponding standards and requirements of the Planning and Zoning Code. A Conditional Use Permit issued pursuant to Chapter 762 of these Codified Ordinances shall be required in order to operate a tattoo parlor and/or body piercing business; said permit shall be effective for as long as the holder of the permit remains in operation and in compliance with the conditions listed in the permit. Said permit shall be automatically voided shall there be a change in ownership of the tattoo parlor or body piercing business. The new owners will be required to go reapply through the conditional use process in order to operate. When applying or reapplying for Conditional Use, the applicant shall provide a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, a plan to comply with the requirements of Section 772 "Parking" and any additional information as requested by the Building Commissioner, Planning Commission, or City Council. A tattoo parlor or body piercing business shall be classified as a nonretail service for the purposes of calculating the parking space requirements. Notification of a public hearing held by the Planning Commission shall be given by the Secretary to all real properties within 500 feet of the property line of the parcel upon which the conditional use is requested. Said notice shall be by first class mail, postage prepaid.

(d) Permit Requirements

1. It shall be unlawful for any person to engage in the business of operating a tattoo parlor and/or body piercing establishment without first obtaining a Conditional Use Permit to engage in such business in accordance with the provisions hereof.

2. In addition to obtaining a Conditional Use Permit, an annual Certificate of Occupancy shall be required in accordance with Chapter 1607 of the Codified Ordinances

3. A tattoo parlor and/or body piercing establishment shall not be operated as a Home Occupation.

4. A copy of valid Cuyahoga County Board of Health tattoo and/or body piercing license is required prior to issuance of a Conditional Use Permit, Occupancy Permit, and Renewed Occupancy Permit.

5. The provisions of Chapters 3730 and 3734 of the Ohio Revised Code regulating tattooing and body piercing in the State of Ohio shall be applicable along with the provisions of this Chapter.

(e) Establishment Requirements

Each person, firm, or corporation who operates a tattooing or body piercing establishment within the City of South Euclid shall comply with the following requirements:

1. Tattooing and Body Piercing Room

A. The room in which tattooing and body piercing is done shall have an area of not less than one hundred (100) square feet. Each room in which tattooing or body piercing is performed shall accommodate only one customer at a time. The walls and floors shall have impervious, smooth, and washable surfaces, and shall not be subject to public view.

B. Toilet facilities shall be located within the tattoo parlor or body piercing establishment and shall be accessible at all times during operating hours. The lavatory(ies) shall have hot and cold running water, soap, and single use towels available at all times.

C. All tables and other equipment shall be constructed of impervious materials, with smooth, washable surfaces, and shall be separated from waiting customers or observers. No procedure may be performed in public view.

D. The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair. Sufficient spotlight illumination shall be used to highlight the area to be tattooed or pierced.

E. A minimum of forty (40) foot candles of light must be provided at the level where tattooing is being performed.

2. Preparation and Procedure for Tattooing or Body Piercing

A. Written inquiry shall be made of the customer for a history of the following conditions: jaundice or hepatitis, swelling of the lymph nodes, AIDS or positive HIV test, skin disease or skin cancer at the site, hemophilia, allergies or anaphylactic reaction to dyes. Any individual indicating a history of any of the above shall not be tattooed nor have their body pierced.

B. Any individual who is inebriated or obviously under the effect of alcohol and/or drugs shall not be tattooed or have their body pierced.

C. The operator shall engage in proper hand washing and wear a clean, new pair of disposable gloves for each new customer.

D. Tattooing shall not be performed on the hands below the waist line, on the feet below the ankle line, on genitalia, scrotum or in the anal area. Tattooing shall not be undertaken over the site of a recent hypodermic injection.

E. Single service razors, safety razors, and straight edge razors are to be used in preparation for the procedure and must be properly discarded after use.

F. The area of the body to be tattooed or pierced shall first be thoroughly washed with warm water to which an antiseptic liquid soap has been added.

G. Petroleum jelly in a collapsible metal or plastic tube shall be used on the area to be tattooed and it shall be applied with a sterile gauze, tissue, or paper towel.

H. The use of styptic pencils, alum blocks, other solid styptic to check the flow of blood is prohibited.

I. Single service containers, pigments, inks, dyes, needles and other paraphernalia shall be properly discarded immediately after each procedure. Excessive pigment, dye, ink, liquids, or solutions shall be removed with individual sterile sponge or gauze and shall be immediately discarded in an approved manner. After completing the tattoo or body piercing procedure on any person, the tattooed area shall be washed with sterile gauze, cotton balls, tissue or paper towels saturated with an antiseptic soap solution or a seventy percent alcohol solution. The tattooed area shall be allowed to dry and a topical cream or antiseptic from a collapsible tube shall be applied using sterile gauze, tissue, or paper towel. A sterile gauze dressing or saran covering shall then be fastened to the tattooed area.

J. Operators performing tattooing or body piercing shall be immunized against the Hepatitis B virus in accordance with OSHA regulations for health care workers.

K. Written instructions on the care of the tattoo or body piercing, approved by the Cuyahoga County Board of Health, shall be given to each person who receives a tattoo or has been the subject of a body piercing.

L. Needles and other instruments used for body piercing shall be of the same gauge as the ornaments, jewelry or similar items that are or can be inserted through the opening created by the body piercing.

M. Tattooing and body piercing shall only be performed between the hours of 8:00 a.m. and 10:00 p.m.

3. Sterilization of Equipment and Storage

A. A steam sterilizer (autoclave) shall be provided for sterilizing multi-use instruments such as needle bars, grips and tubes, and other tattoo and body piercing equipment needing sterilization. Sterilization of equipment shall be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen pounds per square inch (15 psi) with a temperature of two hundred fifty degrees Fahrenheit (250F). Autoclave indicator temperature strips or other similar devices shall be used to monitor autoclave performance with each use. Alternative sterilizing equipment and procedures may be used if specifically approved by the Board of Health.

B. Preparation of instruments for sterilization. After each tattoo procedure, the tattoo machine shall be placed in an ultrasonic type machine to remove the excess dye from the tubes and the needle bars. When this process is completed, the tubes and needle bars shall be removed from the tattoo machines. The tubes, grips, and needle bars shall then be placed into sterilizer bags or wrappers for sterilization by autoclaving.

C. All ready to use needles, needle bars, grips and tubes, and instruments shall be left in wrappers or sterilizer bags used during the autoclaving process. These wrapped items shall be stored in a closed cabinet or container when not in use. Such storage equipment shall be maintained in a safe and sanitary condition at all times.

D. The needles and instruments required to be sterilized shall be handled and used in such a way as to prevent contamination during the tattooing procedure.

(f) Keeping of Records

Permanent records of each patron or customer shall be maintained by the operator of the establishment. Before the tattooing and/or body piercing operation begins, the patron or customer shall be required to enter, on a record form provided for each establishment, the date, his or her name, address, age, and his or her signature. This data will be verified by requiring the patron to produce a valid state driver's license or other form of picture identification. The operator of the tattoo and/or body piercing establishment must affix his/her name to the record form and sign a statement verifying the performance of the duties required under this Chapter. Such records shall be maintained in the tattoo and/or body piercing establishment and shall be available for examination upon request by the Building Commissioner. Records shall be retained by the operator for a period of not less than five (5) years. In the event of a change in ownership or closing of the business, all such records shall be retained by the operator and made available to the Building Commissioner upon request.

(g) Disposal

1. All pigments, dyes, inks, or colors used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. The pigments, dyes, and colors used from stock solutions for each customer or patron shall be obtained from an approved source, and shall be placed in a single-serve receptacle. Such receptacle and the remaining solution shall be discarded after use on each customer or patron.

2. All bandages and surgical dressings used in connection with the tattooing and/or body piercing of a person shall be sterile and disposed of in a manner which complies with Chapter 3734 of the Ohio Revised Code pertaining to infectious waste.

(h) Certificate of Inspection, Renewal, Annual Inspection

1. An applicant for a license to operate a tattooing and/or body piercing establishment shall first obtain a Conditional Use Permit, as approved by City Council.

2. The Building Commissioner shall issue a Certificate of Occupancy upon approval of the Conditional Use Permit, and approval from the Cuyahoga County Board of Health, the Fire

Department, and the Building Department that the establishment has been inspected and is in compliance with all provisions of this Section.

3. The Building Commissioner shall engage the Cuyahoga County Board of Health for the purpose of conducting annual and other periodic inspections, as may be necessary, and any tattooing and/or body piercing establishment for the purpose of determining whether or not said establishment, and the persons performing the art of tattooing and/or body piercing therein, are in compliance with all applicable provisions contained within this regulation and other pertinent regulations of the Board of Health. It shall be unlawful for any person or operator of a tattooing and/or body piercing establishment to willfully prevent or restrain an employee of the Cuyahoga County Board of Health, or his/her designee, from entering any licensed establishment where tattooing and/or body piercing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator.

4. The Building Commissioner shall renew the Certificate of Occupancy on an annual basis, provided the establishment is in compliance with the Conditional Use Permit, the Cuyahoga County Board of Health, all City of South Euclid laws and regulations, and the Ohio Revised Code. Said Certificate of Occupancy shall be posted within the tattoo and/or body piercing establishment to serve as public notice that said establishment has been inspected and is in compliance with the provisions of this Section.

(i) Limitations of Persons

1. It shall be unlawful to tattoo and/or body pierce any person who is known to have, or who shows signs of having, any communicable disease or any disease of the skin. This includes but is not limited to rashes, pimples, boils, infections or any manifestation or evidence of other unhealthy conditions.

2. It shall be unlawful for any tattoo and/or body piercing operator to be under the influence of alcohol and/or narcotic drug or drug of abuse when tattooing and/or body piercing.

3. It shall be unlawful to tattoo and/or body pierce any individual who is under eighteen (18) years of age, regardless of whether the operator knows this person to be less than eighteen (18) years of age, without the prior express written consent of such person's parent or guardian. The operator shall be considered strictly liable for any violation of this Section.

(j) Penalty

1. The City of South Euclid may suspend or revoke a Tattoo and/or Body Piercing Establishment Conditional Use Permit and/or Certificate of Occupancy for violation of any provision of this Section.

2. The provisions of this Section shall apply to all tattoo and/or body piercing establishments and/or tattoo and/or body piercing operators which are currently in existence, or which may come into existence after the effective date of this Section. The provisions of this Section shall not apply to a Physician licensed to practice medicine in the State of Ohio who is tattooing for a medical purpose.

3. In the event of conflict between any provisions of this Section and the Ohio Revised Code, including any rules and regulations adopted pursuant to this Section and the Ohio Revised Code, and any provisions of City Ordinances, including any rules and regulations adopted pursuant to such Ordinance, that provision which establishes the higher standard for the promotion or protection of the health or safety of the people shall govern.

4. Whoever violates any provisions of this Section shall be guilty of a misdemeanor of the first degree. Such person and/or business shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this Section is committed, permitted or continued. This Section shall be enforced by the Director of Public Safety or designee, the Division of Police, and/or any public health official.

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: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2020.

Joseph Frank, 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.: 43-20
INTRODUCED BY: Frank
REQUESTED BY: Planning Commission

September 14, 2020

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR "LIBERTY FULL GOSPEL" LOCATED AT 4386 MAYFIELD ROAD ON THE CAMPUS OF ST. JOHN LUTHERAN CHURCH IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes the need for religious institutions within the commercial districts; and

WHEREAS, one such use, the proposed "Liberty Full Gospel," is to be located at 4386 Mayfield Road on the campus of St. John Lutheran Church and has requested a conditional use permit; 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 permit "Liberty Full Gospel" to operate at 4386 Mayfield Road; 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 739 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 "Liberty Full Gospel" to operate at 4386 Mayfield Road on the campus of St. John Lutheran Church, per the following condition:

Condition 1: Compliance with all Building and Fire Code requirements is required at all times in order to have a valid certificate of occupancy.

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

Section 3: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for further reason that a vital function of the municipal government is affected thereby. 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 _____, 2020.

Joseph Frank, 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.: 14-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC NATURAL GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM AS A NOPEC MEMBER, AND DECLARING AN EMERGENCY

WHEREAS, this Council previously enacted legislation authorizing the City of South Euclid (the “City”) to establish an “opt-out” Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code (the “Opt-Out Gas Aggregation Program”), for the eligible residents, businesses and other gas consumers in the City, and for that purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law;

WHEREAS, this Council previously enacted legislation authorizing the City to join the Northeast Ohio Public Energy Council (NOPEC), and to execute a Natural Gas Program Agreement, so that the City would be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of gas deregulation through group purchasing efforts;

WHEREAS, this Council has enacted legislation establishing an “opt-in” natural gas aggregation program pursuant to Section 4927(A)(1), Ohio Revised Code, (the “Opt-In Natural Gas Aggregation Program”) for the eligible residents, business and other consumers located within the City, and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member; and

WHEREAS, on behalf of this Council pursuant to Section 4929.27(B), Ohio Revised Code, two (2) public hearings have been held on the Plan of Operation and Governance for the NOPEC Opt-Out and Opt-In Natural Gas Aggregation Program (collectively, the “NOPEC Natural Gas Aggregation Program”).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:

Section 1: This Council finds and determines that it is in the best interest of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance of the NOPEC Natural Gas Aggregation Program, for the purpose of establishing and implementing the NOPEC Natural Gas Aggregation Program in the City.

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 the further reason it is necessary to levy assessments to reimburse the City for said work. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020

AN ORDINANCE

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER

WHEREAS, the City of South Euclid, Ohio ("City"), has previously established an "opt-out" natural gas aggregation program pursuant to Section 4929.26, Ohio Revised Code, for its residents, businesses, and other consumers located within the City jointly through NOPEC as a NOPEC member; and

WHEREAS, to expand the natural gas supply options available to residents, businesses and other consumers within the City of South Euclid, the City wishes to establish an "opt-in" natural gas aggregation program pursuant to Section 4929.27(A)(1), Ohio Revised Code (the "Opt-In Natural Gas Aggregation Program") for its residents, businesses and other consumers located within the City and, for that purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, the City wishes to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

Section 1: This Council hereby approves and authorizes the establishment of an Opt-In Natural Gas Aggregation Program in the City jointly through NOPEC as a NOPEC member and adopts this Ordinance pursuant to the authority contained in Section 4929.27(A)(1), Ohio Revised Code.

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 the further reason it is necessary to levy assessments to reimburse the City for said work. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2020.

Joseph Frank, 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.: 16-20
INTRODUCED BY: Frank
REQUESTED BY: Hardy

September 14, 2020

AN ORDINANCE

CREATING SECTION 505.22 "FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED" OF CHAPTER 505 "ANIMALS AND FOWL" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid desires to regulate and abate the nuisances caused by the feeding of certain wildlife and stray animals in the City of South Euclid, Ohio.

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

Section 1: That Section 505.22 "Feeding of Wildlife and Stray Animals Prohibited" of Chapter 505 "Animals and Fowl" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

SECTION 505.22 – FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED.

(a) No person shall provide food for dogs, cats, deer, geese, ducks, raccoons, fowl, or other wild animals or wildlife by setting such food out on any public property or within a fifteen-yard radius of any private residence or public roadway. This section does not apply to animals owned by a person or songbirds fed from an elevated stationary feeder, which is at least sixty inches from ground level and built of such design and construction as to minimize the potential for food and/or seed from spilling or dropping to the ground.

(b) No person shall purposely or knowingly feed, cause to be fed, or provide food for wild white-tail deer in any location where undomesticated animals can access such food, whether by hand or through ground-feeding stations, salt licks or other established mechanisms to feed wild white-tail deer, on lands publicly or privately owned.

(c) This section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the first degree for each subsequent offense. A separate offense shall be deemed committed on each day on or during which a violation of this ordinance occurs.

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 _____, 2020

Joe Frank, 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.: 44-20
INTRODUCED BY: Frank
REQUESTED BY: Continenza & Gray

September 14, 2020

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE TO PROVIDE WILDLIFE SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council, in order to reduce health and safety risks and property damage associated with white-tailed deer populations, wish to adopt a White-Tailed Deer Management Plan in coordination with the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS); and

WHEREAS, the proposed agreement with the USDA to provide Wildlife Services will be one component of a comprehensive Deer Wildlife Management Program to be considered by City Council, which will also include the following components:

- Comprehensive Community Education Programs on living in harmony with deer populations in urban areas.
- Continuing preservation of greenspace areas to promote habitat modification for deer populations.
- Controlling deer populations in approved neighborhoods with participation in the USDA Wildlife Services.
- Controlling deer populations in approved neighborhoods, with the assistance of Cuyahoga County, with implementation of a pilot Wildlife Fertility Control Program.
- Increasing food security programs for at-risk populations.
- Recognizing that Wildlife Management is a regional issue and there are benefits to working with Cuyahoga County, The Greater Cleveland Metroparks and neighboring communities to implement programs that control and maintain healthy deer populations in our region.

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

Section 1. That the Mayor is hereby authorized to enter into a Cooperative Service Agreement with the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) to assist with meeting the objectives of the City's White-Tailed Deer Management Plan.

Section 2. The total cost of services and equipment provided under the agreement is not to exceed \$_____.

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 declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for further to reduce the health and safety risks and property damage associated with the white-tailed populations, adopted by the White-Tailed Deer Management Plan. 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 _____, 2020.

Joseph Frank, 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.: 17-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020

AN ORDINANCE

AN ORDINANCE CREATING NEW SECTION 311.06 "OPERATION OF SHARED MOTORIZED ELECTRONIC SCOOTERS AND BICYCLES" OF CHAPTER 311 "STREET OBSTRUCTIONS AND SPECIAL USES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Cuyahoga County has entered into an agreement with various vendors to encourage the use of mobility devices throughout the County wherein a municipality may opt-in to the agreement; and

WHEREAS, under the agreement, municipalities that opt-in will receive a \$0.15 per trip fee for all trips that originate within that municipality; and

WHEREAS, Cuyahoga County has requested that any municipality that opts-in to the agreement for the use of shared mobility devices within its jurisdiction agree that the County will have sole business licensing authority and the City of Cleveland because of its central location and likely majority of devices be the only City in the County with permitting authority for said devices; and

WHEREAS, each municipality that opts-in to the agreement may direct where the charging stations for the mobility devices will be located within its boundaries and may further enact and enforce its own laws and regulations concerning traffic and the public right-of-way as they relate to mobility devices; and

WHEREAS, the cities of Cleveland, Cleveland Heights, Euclid, Lakewood, Shaker Heights, South Euclid, and University Heights, along with Cuyahoga County, have worked collaboratively in an attempt to establish uniform guidelines and regulations governing the usage of mobility devices for the benefit and ease of the users; and

WHEREAS, this Council recognizes that shared mobility is key to reducing environmental impact, decreasing motor vehicle traffic, and improving access to other forms of transportation; and

WHEREAS, the rental of shared mobility devices and bicycles is a fast-emerging industry; and

WHEREAS, the City of South Euclid has experienced some impact by the presence of these devices; and

WHEREAS, establishing regulations for shared mobility devices is critical to ensuring the health, safety, and well-being of shared mobility riders, pedestrians and other users of the public right-of-way, and the general public.

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

Section 1. That Section 311.06 "Operation of Shared Motorized Electronic Scooters and Bicycles" of Chapter 311 "Street Obstructions and Special Uses" of Part Three "Traffic Code" of the Codified Ordinances of South Euclid is hereby amended to read as follows:

DEFINITIONS

(a) "Electronic scooter" or "e-scooter" means a two-wheeled device that has handlebars, a floor board, designed to be stood upon when operating and is powered by electricity. Some devices of this type are equipped with a seat, but none has operable pedals. The electricity is stored on board in a rechargeable battery.

(b) "Mobility device" means small mobility devices, such as an e-scooter, e-bike or other similar device. A mobility device does not include those designed solely for use by a child, those used as assistive mobility devices by persons with disabilities, or those defined as an electric personal assistive mobility device.

(c) "Shared mobility device and bicycle vendor" means an entity approved to use/occupy the public right-of-way for offering shared mobility devices, such as a bicycle, scooter, e-bike, e-scooter, or any other mobility device, to subscribers on a fee basis subscription for short-term rental in point-to-point trips.

CODE APPLICATION TO BICYCLES AND MOBILITY DEVICES.

(a) The provisions of this Traffic Code that are applicable to bicycles or mobility devices apply whenever a bicycle or mobility device is operated upon any street or upon any path set aside for the exclusive use of bicycles or mobility devices.

(1) Except as provided in subsection (a3) of this section, a bicycle or mobility device operator who violates any section of this Traffic Code described in section (a) of this section that is applicable to bicycles or mobility devices may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or mobility device shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(2) Except as provided in subsection (a3) of this section, in the case of a violation of any section of this Traffic Code described in section (a) of this section by a bicycle or mobility device operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle or mobility device riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle or mobility device operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(3) The provisions of this Traffic Code shall apply to bicycles and mobility devices except those which by their nature are not applicable.

RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

(a) No person operating a bicycle or mobility device shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or mobility device other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or mobility device other than upon such a firmly attached and regular seat.

(b) No person operating a bicycle or mobility device shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(c) No bicycle, mobility device, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

ATTACHING BICYCLE, MOBILITY DEVICE, OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, coaster, mobility device, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, mobility device, roller skates, sled or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(c) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under the Traffic Code. (ORC 4511.54)

RIDING BICYCLES, MOBILITY DEVICES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles, mobility devices, or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(b) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under the Traffic Code. (ORC 4511.55(B))

LIGHTS AND REFLECTOR ON BICYCLE OR MOBILITY DEVICE; BRAKES.

- (a) Every bicycle or mobility device when in use shall be equipped with the following:
 - (1) A lamp mounted on the front of either the bicycle, mobility device or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
 - (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
 - (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.
- (b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.
- (c) Every bicycle or mobility device shall be equipped with an adequate brake when used on a street or highway. (ORC 4511.56)

RIDING BICYCLE OR MOBILITY DEVICE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

- (a) Every person operating a bicycle or mobility device upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) This section does not require a person operating a bicycle or mobility device to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or mobility device and an overtaking vehicle to travel safely side by side within the lane. (ORC 4511.55)
- (c) No person operating a mobility device should do so on any streets with a speed limit over 35 miles per hour unless in a dedicated bike lane or shared use path.
- (d) Any person operating a bicycle or mobility device shall:
 - (1) Obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer;
 - (2) Before changing course, turning or stopping upon a roadway, exercise due care that the movement can be made with reasonable safety and give the hand and arm signals required by the Traffic Code;
 - (3) Yield the right of way to pedestrian and vehicular traffic upon the roadway as lawfully required;
 - (4) Yield the right of way to a pedestrian upon a sidewalk;
 - (5) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.
- (e) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under the Traffic Code. (ORC 4511.55(A))

RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- (a) No person shall operate a bicycle or mobility device:
 - (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(c);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.
- (b) No person operating an e-scooter shall exceed a speed greater than 15 miles per hour.

PARKING OF BICYCLE OR MOBILITY DEVICE; SIDEWALK RIDING.

- (a) No person shall park a bicycle or mobility device upon a sidewalk in such a manner so as to unduly interfere with pedestrian flow. This includes ADA ramps, areas departing to and from buildings, and at transit stops.
- (b) Where bicycle or mobility device racks or other such devices to park bicycles or mobility devices are provided in a commercial area, park, school or other such place, no person shall park a bicycle or mobility device in such area, except in the rack provided or other fixture designated for such purpose.
- (c) No person shall park a bicycle or mobility device upon any street including parking spots and loading zones so as to unduly interfere with vehicular traffic.
- (d) All bicycles and mobility devices must be parked in an upright position.
- (e) A bicycle, mobility device, or skateboard may be operated or ridden upon any public sidewalk in the City except where signs are erected prohibiting such operation.
- (f) Whoever violates this section is guilty of a minor misdemeanor

REGISTRATION AND TAG REQUIRED.

Mobility devices registered to a Shared Mobility Device and Bicycle Vendor are exempt from local registration, licensing and tagging requirements.

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 _____, 2020.

Joseph Frank, 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.: 18-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020

AN ORDINANCE

AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL NUISANCES"
OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES" OF
THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO,
FIRST READING.

WHEREAS, the intent of the nuisance abatement ordinance is to promote, protect, and improve the health, safety, and welfare of our resident.

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

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

"531.09 ABATEMENT OF CRIMINAL ACTIVITY NUISANCES.

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

(1) Any animal violations under Sections [505.01](#), Dogs and Other Animals Running at Large; Dangerous and Vicious Dogs; [505.09](#), Barking or Howling Dogs; [505.06](#), Poisoning Animals; [505.07](#), Cruelty to Animals; [505.071](#), Neglect of Animals; [505.08](#), Noxious Odors; Unsanitary Conditions;

(2) Any disorderly conduct, disturbance of the peace or other violation of [Chapter 509](#) of the Codified Ordinances;

(3) Any drug abuse violation under [Chapter 513](#) of the Codified Ordinances;

(4) Any gambling violation under [Chapter 517](#) of the Codified Ordinances;

(5) Any health, safety or sanitation violation under [Chapter 521](#) of the Codified Ordinances;

(6) Any obstruction of official business violation under Section [525.07](#) of the Codified Ordinances;

(7) Any alcohol violations under [Chapter 529](#) of the Codified Ordinances;

(8) Any sex offenses under Sections [533.07](#), Public Indecency; [533.08](#), Procuring; [533.09](#), Soliciting; or [533.10](#), Prostitution, of the Codified Ordinances;

(9) Any offense against another person under [Chapter 537](#) of the Codified Ordinances with the exception of Domestic Violence charged pursuant to Section [537.14](#) or equivalent Ohio Revised Code section; Menacing by Stalking charged pursuant to Section [537.051](#) or equivalent Ohio Revised Code section; or Violating Protection Order charged pursuant to Ohio R.C. 2919.27;

(10) Any offense against property under Sections [541.03](#), Criminal Damaging or Endangering; [541.04](#), Criminal Mischief, of the Codified Ordinances;

(11) Any littering or deposition of waste under [Chapter 527](#) of the Codified Ordinances;

(12) Any theft violation under Sections [545.05](#), Petty Theft; [545.08](#), Unauthorized Use of Property, of the Codified Ordinances;

(13) Any weapons, explosives, firearm or handgun violation under [Chapter 549](#) of the Codified Ordinances;

(14) Any fireworks violation under [Chapter 1540](#) of the Codified Ordinances;

(15) Any waste container violation under Section [1411.081](#) of the Codified Ordinances; and

(16) Any violation of [147.04](#) Prohibited Standing or Parking Places, No vehicle shall be parked on any lot other than in an enclosed structure thereon or on the driveway from the public right-of-way to the enclosed structure or [147.04](#) Prohibited Standing or Parking Places (b) On a sidewalk, except a bicycle;

(17) Any violation under Section [1405.24](#) of the Codified Ordinances;

(18) Any violation under Section 1405.245 of the Codified Ordinances;

(19) Any violation under Section 1609.07 of the Codified Ordinances;

(16)(20) Any offense that is a felony under the Ohio Revised Code.

(b) The Chief of Police or his designee, upon finding that two or more nuisance activities declared in this section have occurred within any 12-month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to abate any future nuisances, and state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within 12 months of the written notice, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Sections [531.02](#) and [531.03](#) of the Codified Ordinances.

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

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

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or

(3) He or she had **no** knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(e) Costs of abatement shall be assessed based upon an escalating defined cost. The escalating defined costs are: two hundred and fifty dollars (\$250.00) upon the first declaration of nuisance under this chapter; five hundred dollars (\$500.00) on the second nuisance declaration; seven hundred fifty dollars (\$750.00) on the third nuisance declaration; and one thousand dollars (\$1,000.00) on each subsequent nuisance declaration. If any violation of nuisance activities described in division (a)(1) through (a)(16) above involves the possession and/or discharge of a firearm in violation of any Federal, State or local law, there shall be an additional cost assessed of two thousand dollars (\$2,000) to each enumerated cost listed in this section.

(f) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right

or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.”

(Ord. 41-04. Passed 7-26-04; Ord. 35-06. Passed 6-26-06; Ord. 10-08. Passed 3-24-08; Ord. 36-11. Passed 3-26-12; Ord. 27-12. Passed 2-11-13; Ord. 08-17. Passed 6-12-17.)

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: This ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the mayor.

Passed this _____ day of _____, 2020.

Joseph Frank, Council President

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

Resolution 45-20

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)
2020, 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,

2021; 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				5.75
TOTAL	\$0	\$0	3.65	15.20

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed years.	,20	
Current Expense Levy authorized by voters on for not to exceed years.	,20	
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on for not to exceed years.	,20	
Recreation Fund: Levy authorized by voters on for not to exceed years.	,20	
Fund: Levy authorized by voters on for not to exceed years.		
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.: 46-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND-SERVICE DEPARTMENT-EQUIPMENT #101-6610-52743" FOR THE PURPOSE OF PURCHASING A NEW COMBINATION SEWER TRUCK.

WHEREAS, the City of South Euclid is in need of a new Combination Sewer Truck (GapVax Combination Jet/Vacuum Machine) to replace a 2004 International that is nonfunctional and in need of major repair; and

WHEREAS, the Northeast Ohio Regional Sewer District (NEORS D) offers the Community Cost-Share Program for which the city may apply in order to fund the purchase of this Combination Sewer Truck (GapVax Combination Jet/Vacuum Machine); and

WHEREAS, the City of South Euclid currently has a balance of \$463,237.72 in its NEORS D Community Cost-Share Account; and

WHEREAS, the purchase of a combination sewer truck is an eligible expense for the Community Cost-Share Program; and

WHEREAS, the Community Cost-Share Program is a reimbursement program and thus the City must first purchase the combination truck and will then be reimbursed by the NEORS D.

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 "General Fund-Service Department Equipment #101-6610-52743" in the amount not to exceed of \$425,000 in order to purchase a new Combination Truck.

Section 2: That the amount not to exceed \$425,000 shall be reimbursed to the City of South Euclid from the Northeast Ohio Regional Sewer District Community Cost-Share Fund following the purchase of the equipment.

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 _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law