

**THE CITY OF SOUTH EUCLID**  
**SCHEDULE OF MEETING**  
**September 26, 2016**  
**8:00 PM**

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. OPEN MEETING**

**4. REPORT OF COMMITTEES**

**ZONING & PLANNING COMMITTEE**

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

2. ORDINANCE 13-16      AMENDING CHAPTER 1414 "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF OCCUPANCY COMPLIANCE FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

**SERVICE COMMITTEE:**

1. RESOLUTION 10-16      AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREAT LAKES RECYCLING, INC. FOR THE COLLECTION OF SOFT RECYCLABLES WITHIN THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

**5. LEGISLATION REQUESTED BY CITY COUNCIL**

1. ORDINANCE 15-16      AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING AND REFERRED TO THE ZONING & PLANNING COMMITTEE.**

2. ORDINANCE 16-16 AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING AND REFERRED TO THE ZONING & PLANNING COMMITTEE.**

**6. MAYOR'S REPORT**

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

1. RESOLUTION 47-16 AUTHORIZING THE MAYOR TO APPLY FOR A GRANT UNDER THE CUYAHOGA COUNTY "COMPETITIVE MUNICIPAL PROGRAM": 2017 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND DECLARING AN EMERGENCY. **TO BE PLACED ON FIRST READING.**
2. RESOLUTION 48-16 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND #101" IN ORDER TO FULFILL A CONTRACTUAL OBLIGATION DESCRIBED IN RESOLUTION 49-16. FIRST READING.
3. RESOLUTION 49-16 AUTHORIZING THE TRANSFER OF FUNDS FROM THE "GENERAL FUND #101" TO THE "LAND ACQUISITION FUND #440" AND AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "LAND ACQUISITION FUND #440" IN AN AMOUNT OF \$32,323.31 TO FULFILL A CONTRACTUAL OBLIGATION TO DOMINION EAST OHIO GAS COMPANY. FIRST READING.

**8. LAW DIRECTOR'S REPORT**

**9. LETTERS AND COMMUNICATIONS**

**10. ADJOURN**

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 45-16  
INTRODUCED BY: Russell  
REQUESTED BY: Goodman, Russell

September 12, 2016  
Second Reading: September 26, 2016

A RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

Section 5: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

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

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

Attest:

Approved:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 13-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 12, 2016  
Second Reading: September 26, 2016

AN ORDINANCE

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

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

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

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

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

**1414.01 DEFINITIONS.**

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

**1414.02 DUTIES OF OWNER**

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

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

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

(b) REGISTRATION REQUIRED

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

(c) EXEMPTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

#### 1414.05 FEES

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

#### 1414.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE

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

#### 1414.07 CORRECTION OF VIOLATIONS

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

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

#### 1414.07 (a) APPEALS

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

#### 1414.08 PENALTY

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

#### 1414.09 DISPERSAL OF FUNDS BY ESCROW AGENTS

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

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

#### 1414.10 CERTIFICATE OF OCCUPANCY COMPLIANCE

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

#### 1414.11 LIABILITY

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

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

#### ~~1414.12 EXPIRATION~~

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

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

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for further reason that it is important to protect and enhance the safety and aesthetic quality of the residential housing stock within the City at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force upon passage by City Council and signature of the Mayor.

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

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

Attest:

Approved:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 10-16 April 11, 2016  
INTRODUCED BY: Goodman Second Reading: September 26, 2016  
REQUESTED BY: Mayor

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREAT LAKES RECYCLING, INC. FOR THE COLLECTION OF SOFT RECYCLABLES WITHIN THE CITY OF SOUTH EUCLID, OHIO.

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 an agreement with Great Lakes Recycling, Inc, to collect soft recyclables within the City of South Euclid under the terms and provisions as contained in the agreement, a copy of which is attached hereto and made a part hereof as Exhibit A.

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 shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

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

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

Attest:

Approved:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Russell

September 26, 2016

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF PART THIRTEEN "BUILDING 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, Ohio:

Section 1: That Chapter 1333 "Demolition or Removal of Principal Structures on Commercial or Industrial Properties" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

**CHAPTER 1333 - DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES.**

**(a) Requirements Before Demolition or Removal of Principal Structures on Commercial or Industrial Properties.**

No demolition or removal of a principal structure in a C1 Limited Commercial, C2 General Commercial, C3 Special Commercial, C-C Cedar District, M-G Mayfield-Green District, M-1 Limited Manufacturing and M-2 General Manufacturing shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Building Commissioner, the Fire Chief, and the City Engineer; or

(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Three and Title Four of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

- A. The new development plans are consistent with the code, and
- B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.
- C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

**(b) Demolition or Removal Delay Period.**

The time period before a demolition or removal permit can be issued in a C1, C2, C3, C-C, M-G, M-1 and M-2 is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new development plans. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

- (c) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.
- (d) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application.

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

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

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

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

Attest:

Approve:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 16-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Russell

September 26, 2016

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING 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, Ohio:

Section 1: That Chapter 1334 "Demolition or Removal of Residential Structures" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

**CHAPTER 1334 - DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES.**

(a) South Euclid consists of very distinctive neighborhoods that were settled at different times during its development each with its own distinctive housing patterns, which are reflective of the time period during which these neighborhoods were nurtured during the growth of the City. Many of these residential neighborhoods are easily recognizable by their consistency of characteristics such as height, setbacks and side yards as well as their distinctive exterior façade design elements which over the years created a neighborhood environment and streetscape that brought neighbors together.

As a result, the City encourages conservation, preservation, redevelopment, and revitalization of residential neighborhoods to preserve their unique environments and for the public welfare of the City. The City acknowledges as a matter of public policy that the preservation and protection of residential neighborhoods is required for the health, safety and welfare of the people.

(b) Requirements Before Demolition or Removal of Principal Structures on Residential Properties.

No demolition or removal of a principal structure in an R-75, R-60, R-50, R-40 Single Family Districts, R-O Residential Office District and M-F Multi-Family District shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Commissioner, the Fire Chief, and the City Engineer; or

(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Two of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

A. The new development plans are consistent with the code, and

B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.

C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

(c) Demolition or Removal Delay Period.

The time period before a demolition or removal permit can be issued in an R-75, R-60, R-50, R-40, R-O and M-F district is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new principal structure. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

(d) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.

(e) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application

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

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

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

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

Attest:

Approve:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 47-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 26, 2016

A RESOLUTION

AUTHORIZING THE MAYOR TO APPLY FOR A GRANT UNDER THE CUYAHOGA COUNTY "COMPETITIVE MUNICIPAL PROGRAM": 2017 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND DECLARING AN EMERGENCY.

WHEREAS, the City of South Euclid, Ohio wishes to apply for Community Development Block Grant Funds made available through the Cuyahoga County Department of Development for the purpose of resurfacing a portion of Grosvenor Road; the Grosvenor Road Resurfacing Project, in the City's qualified Improvement Target Area and Low-Moderate Income designated area.

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

Section 1: That the Mayor be and she and the Director of Community Services are hereby authorized to submit an application for funds for a Community Development Block Grant to the Cuyahoga County Department of Development.

Section 2: That the Mayor and the Director of Finance are hereby authorized and directed to enter into such agreements with Cuyahoga County as may be necessary for the application for and receipt of Community Development Block Grant Funds and related funding, as provided by law. Said agreements shall be in substantially the same form as approved by the Director of Law.

Section 3: That the Clerk be and is hereby authorized and directed to transmit a certified copy of this Resolution to the Cuyahoga County Department of Development.

Section 4: 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 5: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, and safety and for the further reason that a vital function of the municipal government is effected thereby. This Resolution shall take effect upon passage and approval.

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

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

Attest:

Approved:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 48-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 26, 2016

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND #101" IN ORDER TO FULFILL A CONTRACTUAL OBLIGATION DESCRIBED IN RESOLUTION 49-16.

WHEREAS, the City of South Euclid has a contractual obligation to Dominion East Ohio which must be fulfilled.

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 #101" in the amount of \$5,909.31 in order to fulfill a contractual obligation as defined in Resolution 49-16.

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 \_\_\_\_\_, 2016.

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

Attest:

Approved:

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

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

Approved as to form:

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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 49-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 26, 2016

A RESOLUTION

AUTHORIZING THE TRANSFER OF FUNDS FROM THE "GENERAL FUND #101" TO THE "LAND ACQUISITION FUND #440" AND AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "LAND ACQUISITION FUND #440" IN AN AMOUNT OF \$32,323.31 TO FULFILL A CONTRACTUAL OBLIGATION TO DOMINION EAST OHIO GAS COMPANY.

WHEREAS, the City of South Euclid has a contractual obligation with Dominion East Ohio Gas Company to pay for infrastructure work performed as part of the Cedar Center Redevelopment Project; and

WHEREAS, Resolution 48-16 passed by City Council authorizes the appropriation of \$5,909.31 from the General Fund #101 in order to partially pay this obligation; and

WHEREAS, the amount of \$5,909.31 shall be transferred from the "General Fund #101" to the "Land Acquisition Fund #440" so this obligation can be fulfilled, with the remainder of the obligation (\$26,414.00) being paid directly from the Land Acquisition Fund; and

WHEREAS, the total cost of the work performed is Thirty Two Thousand Three Hundred and Twenty Three Dollars and Thirty One Cents (\$32,323.31).

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 transfer funds from the "General Fund #101", as appropriated in Resolution 48-16, to the "Land Acquisition Fund #440" in an amount of \$5,909.31.

Section 2: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "Land Acquisition Fund #440" in the amount of \$32,323.31 to fulfill the City's contractual obligation to Dominion East Ohio Gas Company.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

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

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

Attest:

Approved:

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

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

Approved as to form:

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