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CITY COUNCIL

Joe Frank
President
Sara Continenza
Marty Gelfand
Jane Goodman
Ruth Gray
Susan Hardy
Justin Tisdale

NOTICE OF MEETING

MEETING OF: **SAFETY COMMITTEE**

CALLED BY: MARTY GELFAND, CHAIRMAN

DATE: **JUNE 22, 2020**

LOCATION: WEBEX VIRTUAL MEETING (see info. Above)

TIME: 6:00 P.M.

RE: Ord. 12-19 Party Center Business Regulations
Ord. 02-20 Abatement of Criminal Nuisances
Ord. 08-20 NOPEC "Do Not Knock" Registry

COMMITTEE MEMBERS:

JOE FRANK
JUSTIN TISDALE

COUNCIL MEMBERS

SARA CONTINENZA
JANE GOODMAN
RUTH GRAY
SUSAN HARDY

ADMINISTRATION:

BUILDING COMMISSIONER HEILMAN
POLICE CHIEF NIETERT
ECONOMIC DEVELOPMENT DIRECTOR LOVE
HOUSING MANAGER MARTIN
DIRECTOR OF COMMUNITY SERVICES BENJAMIN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 12-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

May 28, 2019
July 8, 2019, Committee Amendments

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 1137.03 "PROHIBITIONS" OF CHAPTER 1137 "PARTY CENTERS" OF PART ELEVEN "BUSINESS REGULATION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of South Euclid acknowledges the need to maintain peace and order and to enforce proper parking regulations as related to events held at party centers within the city.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio that Section 1137.03 "Prohibitions" of Chapter 1137 "Party Centers" of Part Eleven "Business Regulations Code" of the Codified Ordinances of the City of South Euclid be amended as follows:

Section 1. "1137.03 PROHIBITIONS.

(a) No owner, person, firm or corporation owning, managing or in charge of a party center or any agent or employee thereof shall:

- (a 1) Permit any person having in his or her possession, or being under the influence of, intoxicating liquor, to enter the premises of, ~~on the~~ a party center premises, any person having in his possession or being influence of intoxicating liquor;
- ~~(b) Permit idlers, loiterers or other hangers on to be on or about the premises;~~
- (e 2) Permit gambling in any form on the premises without first obtaining a permit;
- (d 3) Permit more persons on the premises than authorized by the Fire Department.

(b) For affairs held at such party center where the anticipated total number of persons in attendance exceeds fifty, the owner, person, firm or corporation owning, managing or in charge of a party center premises shall provide two ~~duly licensed and commissioned peace officers off-duty police officers, special police officers, or auxiliaries of the City [of South Euclid],~~ approved by the Chief of Police for the purpose of maintaining order and to enforce proper regulation of parking of guest vehicles.²

(c) For teen activities held at such a party center, the owner, person, firm, or corporation owning, managing, or in charge of the party center premises shall require adult chaperons and shall provide two off-duty police officers, special police officers, or auxiliaries of the City of South Euclid, approved by the Chief of Police for the purpose of maintaining order and to enforce proper regulation of parking of guest vehicles.

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 _____, 2019.

Dennis Fiorelli, 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

ORDINANCE NO.: 02-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 10, 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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 08-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

June 8, 2020

AN ORDINANCE

AMENDING SECTION 1127.07 "TRESPASSING IN VIOLATION OF POSTED SIGNS" OF CHAPTER 1127 "CANVASSING, SOLICITING OR PEDDLING FOR RESIDENTIAL SALES OF PROPERTY AND FOR CHARITABLE PURPOSES" OF PART ELEVEN "BUSINESS REGULATION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Chapter 1127 of the Codified Ordinances of the City of South Euclid, Ohio provides for the regulation of, among others, solicitors, and peddlers; and

WHEREAS, Section 1127.07 allows for resident prohibition by notice; and

WHEREAS, the Council of the City of South Euclid wishes to expand the resident prohibition by notice to include a "Do Not Knock Registry"; and

WHEREAS, the Council wishes to enlist the Northeast Ohio Public Energy Council ("NOPEC") to administer said "Do Not Knock Registry" at no cost to the City of South Euclid or its residents.

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

Section 1: That Section 1127.07 "Trespassing in Violation of Posted Signs" of Chapter 1127 "Canvassing, Soliciting or Peddling for Residential Sales of Property and for Charitable Purposes" of Part Eleven "Business Regulation Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby amended to read as follows:

"1127.07 TRESSPASSING IN VIOLATION OF POSTED SIGNS"

No person while engaged in any canvassing, solicitation or peddling, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the City **that appears on a "Do Not Knock Registry" or** upon which is displayed at the entrance a notice which reads "No Canvassers, Solicitors or Peddlers Allowed," or **"Do Not Knock" sticker or similar words**, which otherwise clearly purports to prohibit canvassers, solicitors or peddlers on the premises, unless such canvasser, solicitor or peddler is, or has been invited upon the premises by the owner, lessee or occupant thereof.

- a) If requested by the City, and for as long as the Northeast Ohio Public Energy Council ("NOPEC") shall agree to do so, NOPEC shall establish and maintain for the City a "Do Not Knock Registry" ("Registry") and is authorized to contact individuals on the Registry to distribute "Do Not Knock" stickers to them at no cost to the City or the individuals and contact individuals to update list each year.
- b) The decision of whether to place a residence, house, apartment or other dwelling on the "Do Not Knock Registry" shall be solely that of the lawful possessor and occupant thereof.
- c) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may request NOPEC to place and maintain his or her residence, house, apartment or other dwelling on the "Do Not Knock Registry" by submitting a request on form(s) supplied by the City, or by submitting a request online at www.blocktheknock.com or at a Block the Knock community event, which shall contain the following information:
 - 1) The name and signature of the person completing the form(s), unless the submission is done electronically;
 - 2) The complete address of the residence, house, apartment or other dwelling to be placed on the Do Not Knock Registry;

- 3) A valid email address of the person completing the form(s);
 - 4) The Date the form was completed;
 - 5) A statement that "No Solicitors or Peddlers" shall call at this address or words of similar import.
- d) A residence, house, apartment or other dwelling, after being lawfully placed on the "Do Not Knock Registry," shall remain on said registry until the earliest of any of the following:
- 1) The City or NOPEC receives notice of removal pursuant to subsection (e) hereof; or
 - 2) The City or NOPEC receives formal notice that the person who submitted the form pursuant to subsection (c) hereof is not or is no longer a lawful possessor and occupant of the premises.
- e) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling may request the City or NOPEC to remove his or her residence, house, apartment or other dwelling from the "Do Not Knock Registry" by submitting a "Notice of Removal" form(s) supplied by the City, or by submitting a request online to www.blocktheknock.com which shall contain the following information:
- 1) The name and signature of the person completing the form;
 - 2) The complete address of the residence, house, apartment or other dwelling to be removed from the registry;
 - 3) The Date the form was completed; and
 - 4) A statement that the residence be removed from the "Do Not Knock Registry."
- f) A copy of the "Do Not Knock Registry" shall be made available for public inspection at all times during normal business hours at the office of the Director of Finance and the Police Department of the City South Euclid and shall be given to every person who applies for and is granted a license pursuant to Chapter 1127 of the City of South Euclid Codified Ordinances or registers as a solicitor or peddler pursuant to that Chapter.

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