A Special Meeting of the Bay Village City Council will be held on **Monday, June 24, 2019** at 8:00 p.m., following the Committee Meeting of Council at 7:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by Ward 3 Councilwoman Sara Byrnes Maier.

2. **Motion** to approve the Minutes of the Special Meeting of Council held June 10, 2019. *Tadych*

3. **Ordinance No. 19-50** amending Chapter 1163 of the Codified Ordinances of the City of Bay Village by amending Section 1163.05 relating to Fence Regulations and declaring an emergency. (Second Reading June 10, 2019, as amended) (First Reading June 3, 2019)*Mace*

4. **Resolution** approving use by Hayden and Rachel Stafford of Submerged Lands of Lake Erie for shoreline improvements, and declaring an emergency.*Mace*

5. **Resolution** authorizing the purchase of a Fire Department vehicle, and declaring an emergency.*Mace*

6. **Resolution No. 19-53** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading June 10, 2019) (First Reading June 3, 2019)*Tadych*

7. **Resolution No. 19-54** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading June 10, 2019) (First Reading June 3, 2019)*Tadych*

8. **Resolution No. 19-55** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading June 10, 2019) (First Reading June 3, 2019)*Tadych*

9. **Resolution No. 19-56** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading June 10, 2019) (First Reading June 3, 2019)*Tadych*

10. **Ordinance No. 19-57**, as amended, fixing the salary of the President and Members of Council and repealing Ordinance No. 17-56, and declaring an emergency. (Second Reading June 10, 2019) (First Reading June 3, 2019)*Tadych*

11. **Motion** to acknowledge receipt of May 2019 Financial Statements of the City of Bay Village as prepared by the office of Renee Mahoney, Director of Finance.*Tadych*
12. **Ordinance 19-60** amending Part 5 of the Codified Ordinances of the City of Bay Village by enacting Chapter 555 relating to Lakeside Cemetery Regulations and declaring an emergency. (Second Reading and consideration for adoption) (First Reading June 10, 2019)*Maier*

13. **Ordinance** amending Part 13 of the Codified Ordinances of the City of Bay Village by enacting Chapter 1375 relating to Vacant Buildings, and declaring an emergency.*Maier*

14. **Resolution** ordering the repair of the public sidewalks abutting certain premises in the City of Bay Village, and declaring an emergency*Stainbrook*

15. **Motion** to confirm the reappointment by Mayor Koomar of Stewart Watterson to a four-year term to the Parks and Recreation Commission ending June 30, 2023.*Winzig*

16. **Motion** to remove Prohibition of Smoking in City Parks from the Matters Pending before Council list.*Winzig*

17. **Ordinance** amending Ordinance 15-80 authorizing the Mayor to enter into an agreement with Browning-Ferris Industries of Ohio, Inc., for Solid Waste Collection and Disposal, Yard Waste, and Recycling Material Collection and Processing, and declaring an emergency.*DeGeorge*

18. **Resolution** authorizing the purchase of Service Department vehicles, and declaring an emergency.*DeGeorge*

19. **Motion** to adjourn Regular Meetings of Bay Village City Council during the months of July and August in accordance with City Charter Section 2.10. with Special Meetings called as necessary.*Tadych*

20. Announcements/ Audience/Miscellaneous

21. Adjournment

Dwight A. Clark
President of Council

Charter Reference 2.11
Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ... at least 24 hours before any meeting of Council at which action ... is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.
City of Bay Village

Council Minutes, Special Meeting June 10, 2019
Council Chambers 9:17 p.m.
President of Council Dwight A. Clark, presiding

Present: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Community Services Director Selig, Recreation Director Enovitch, Building Director Tuck-Macalla.

AUDIENCE

Claire Banasiak, Dennis Driscoll.

President of Council Clark called the meeting to order at 9:17 p.m. with roll call and the Pledge of Allegiance led by Councilwoman Lydia DeGeorge, Ward 2.

Motion by Tadych to dispense with the reading of the minutes of the meeting of the Regular Meeting of Council held June 3, 2019 and approve the minutes as prepared and distributed.

Motion passed 7-0.

Motion by Tadych to dispense with the reading of the minutes of the meeting of the Cahoon Memorial Park Trustees held June 3, 2019 and approve the minutes as prepared and distributed.

Motion passed 8-0.

Mr. Tadych read, by title only, Ordinance No. 19-45 enacting revised Codified Ordinance Chapter 151, Employment Provisions, amending by reading, Section 151.5 (f) removing the dollar amount and changing the words to: shall pay a monthly surcharge beginning in 2020 in order to; and 151.7 (g) regarding sick leave, removing the quotation marks around sick leave, and declaring an emergency, and moved for adoption. (Second Reading June 3, 2019) (First Reading May 20, 2019).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-45.

Roll Call on Suspension of the Charter Rules:
Yeas- Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nays- None.

Roll Call on Suspension of the Council Rules:
Yeas –Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.
Nays –None.

Roll Call on Inclusion of the Emergency Clause:
Mr. Barbour announced adoption of Ordinance No. 19-45, an emergency measure, with a vote of 7-0.

Mr. Mace read, by title only, Ordinance No. 19-50 amending Chapter 1163 of the Codified Ordinances of the City of Bay Village by amending Section 1163.05 relating to Fence Regulations, amending by reading, Section (e) to read: rear yard, fences within the rear yard shall not exceed five feet four inches in height, the fence posts shall not exceed five feet six inches in height, any fence greater than four feet, four inches, shall have a minimum of 75% open area, and Section (f) to read: side yards, fences within side yards shall not exceed five feet, four inches, in height with fence posts maximum of five feet, six inches in height, fences shall be set back at least one foot from public sidewalks, and any fence greater than four feet, four inches shall have a minimum of 75% open area, and declaring an emergency. The rest remains as it did on first reading, June 3, 2019, (Second Reading) (First Reading June 3, 2019).

Mrs. Stainbrook addressed the President of Council, stating that if she is hearing this correctly this is essentially placing Option 1 before Council. Is that correct? President of Council Clark stated that is correct. Mrs. Stainbrook asked if there has been a change in opinions since the last meeting. Mr. Clark responded affirmatively.

Mr. Barbour announced that Ordinance No. 19-50 is placed on second reading.

Mr. Mace introduced and read Ordinance No. 19-58 authorizing the Mayor to execute a Memorandum of Understanding with the Bay Village City School District for the provision of a School Resource Officer, and declaring an emergency, and moved for adoption.

Mr. Clark commented that this Memorandum of Understanding was discussed in great detail in committee meetings of Council. He expressed appreciation to the Police Chief, Law Director, administration and Council for their input in the drafting of this document.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-58.

Roll Call on Suspension of the Charter Rules:
Yeas- DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays- None.

Roll Call on Suspension of the Council Rules:
Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays –None.

Roll Call on Inclusion of the Emergency Clause:
Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
Special Meeting of Council
June 10, 2019

Nays – None.
Roll Call on Adoption:
Yea s– DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark.
Nays – None.

Mr. Barbour announced adoption of Ordinance No. 19-58, an emergency measure, with a vote of 7-0.

Mr. Tadych read, by title only, Resolution No. 19-46 adopting a Tax Budget for the City of Bay Village for the Fiscal Year Beginning January 1, 2020, submitting same to the County Fiscal Officer, and declaring an emergency, and moved for adoption. (Second Reading June 3, 2019) (First Reading May 20, 2019)

Mr. Clark commented that, as noted in a number of Finance Committee meetings, the Tax Budget of the City of Bay Village continues annually without any increase in millage to the residents.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-46.

Roll Call on Suspension of the Charter Rules:
Yeas - Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays- None.

Roll Call on Suspension of the Council Rules:
Yeas - Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.

Roll Call on Adoption:
Yeas– Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Nays – None.

Mr. Barbour announced adoption of Ordinance No. 19-46, an emergency measure, with a vote of 7-0.

Mr. Tadych read, by title only, Ordinance No. 19-52 amending Ordinance No. 18-52 authorizing the Mayor to enter into an agreement with McGowan Insurance Agency as agents of Argonaut Insurance, amending by reading to note the amount of the annual premium to be $158,298 for the years 2019 and 2020, which includes a $2 million liability for cyber insurance security at the cost of $4,063, and declaring an emergency, and moved for adoption. (Second Reading and consideration for adoption) (First Reading June 3, 2019)

Mr. Clark commented on behalf of City Council that they learn more about the City’s insurance policies each year and all agree that the inclusion of the increase for cyber security insurance components is valuable for the City. The renewal is due June 15, 2019 and adoption is timely.
Mr. Win zig asked, due to the fact of an increase this year, is it important to have a competitive
bid or two next year to see if it is still competitive, due to the things we learned about this year
that we did not know when we agreed last year. Mr. Clark stated that the good news is that the
tipping point of $270,000 was hit not that long ago in terms of the liability. It is down to about
$100,000 since then, but we certainly want to be prudent in the way this is handled.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of
Ordinance No. 19-52.

Roll Call on Suspension of the Charter Rules:
  Yeas- Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace.
  Nays- None.

Roll Call on Suspension of the Council Rules:
  Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace.
  Nays – None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace.
  Nays – None.

Roll Call on Adoption:
  Yeas–Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace.
  Nays – None.

Mr. Barbour announced adoption of Ordinance No. 19-52, an emergency measure, with a vote of
7-0.

Mr. Tadych read, by title only, Resolution No. 19-53 certifying unpaid grass cutting and
cleaning charges to the Cuyahoga County Fiscal Officer for collection, and declaring an
emergency. (Second Reading) (First Reading June 3, 2019)

Mr. Barbour announced that Resolution No. 19-53 is placed on second reading.

Mr. Tadych read, by title only, Resolution No. 19-54 certifying unpaid tree removal charges to
the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second
Reading) (First Reading June 3, 2019)

Mr. Barbour announced that Resolution No. 19-54 is placed on second reading.

Mr. Tadych read, by title only, Resolution No. 19-55 certifying unpaid sewer rental and refuse
collection charges to the Cuyahoga County Fiscal Officer for collection, and declaring an
emergency. (Second Reading) (First Reading June 3, 2019)

Mr. Barbour announced that Resolution No. 19-55 is placed on second reading.

Mr. Tadych read, by title only, Resolution No. 19-56 certifying unpaid sidewalk repair and/or
construction charges to the Cuyahoga County Fiscal Officer for collection, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)

Mr. Barbour announced that Resolution No. 19-56 is placed on second reading.

Mr. Tadych read, by title only, Ordinance No. 19-57, as amended, fixing the salary of the President and Members of Council and repealing Ordinance No. 17-56, and declaring an emergency. (Second Reading) (First Reading June 3, 2019)

Mr. Barbour announced that Ordinance No. 19-57 is placed on second reading.

Mr. Tadych introduced and read, by title only, Ordinance No. 19-59 to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2019 as previously appropriated in the Annual Appropriations 18-95, 19-07, 19-13, 19-27 and 19-41, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-59.

Roll Call on Suspension of the Charter Rules:
  Yeas- Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier.
  Nays- None.

Roll Call on Suspension of the Council Rules:
  Yeas –Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier.
  Nays –None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas –Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier.
  Nays – None.

Roll Call on Adoption:
  Yeas-, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier.
  Nays –None.

Mr. Barbour announced adoption of Ordinance No. 19-59, an emergency measure, with a vote of 7-0.

Ms. Maier introduced and read, Ordinance No. 19-60 amending Part 5 of the Codified Ordinances of the City of Bay Village by enacting Chapter 555 relating to Lakeside Cemetery Regulations and declaring an emergency.

Mr. Clark noted that this requirement by the State of Ohio was discussed in the committee meeting held this evening. The due date for submission is July 19, 2019.

Mr. Barbour announced that Ordinance No. 19-60 is placed on first reading.

Motion by Stainbrook to authorize the Director of Public Service and Properties to advertise for bids for Infrastructure Improvements to Sunset area as slated for 2019.
Motion passed 7-0.

Motion by Stainbrook to authorize the Director of Public Service and Properties to advertise for bids for Roadway Improvements to Sunset area as slated for 2019.

Motion passed 7-0.

Mrs. Stainbrook introduced and read Ordinance No. 19-61 authorizing the Mayor to enter into an agreement with Chagrin Valley Engineering, Ltd. for construction observation services for the Columbia Road Culvert Project, and declaring an emergency, and moved for adoption.

Mr. Tadych asked when this project will begin. Director of Public Service and Properties Liskovec stated that the project will begin June 17.

Mr. Tadych asked if the person from Chagrin Valley Engineering will be on site the entire construction working hours.

Mr. Liskovec stated that the person will be there the entire time of construction working hours.

Mr. Tadych asked how many hours are expected.

Mr. Liskovec stated that the contractor has scheduled working four ten-hour days per week for a period of nine weeks, with an additional two weeks for overruns. The project will run a minimum of nine weeks, and a maximum of eleven weeks, with no overcharges unless the project goes past eleven weeks.

Mr. Clark confirmed with Mrs. Mahoney that this project that has a state construction manual and financing as well.

Mr. Mace stated that the material received states that Fridays are reserved if needed in the event of inclement weather during the week. He asked if construction will be done five days a week if the weather is good all week. Mr. Liskovec stated that they will not work five days per week unless they would make a request to the City for overtime.

Ms. DeGeorge stated that there have been issues around town with noise, and asked what time the daily work will begin. Mr. Liskovec stated that the work will begin at 8 a.m.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-61.

Roll Call on Suspension of the Charter Rules:
   Yeas- Tadych, Winzig, Clark, DeGeorge, Mace, Maier, Stainbrook.
   Nays- None.
Roll Call on Suspension of the Council Rules:
   Yeas –Tadych, Winzig, Clark, DeGeorge, Mace, Maier, Stainbrook.
Special Meeting of Council
June 10, 2019

Nays –None.
Roll Call on Inclusion of the Emergency Clause:
  Yeas —Tadych, Winzig, Clark, DeGeorge, Mace, Maier, Stainbrook.
  Nays – None.
Roll Call on Adoption:
  Yeas– Tadych, Winzig, Clark, DeGeorge, Mace, Maier, Stainbrook.
  Nays –None.

Mr. Barbour announced adoption of Ordinance No. 19-61, an emergency measure, with a vote of 7-0.

Motion by Winzig to authorize the Director of Public Service and Properties to advertise for bids for the renovation of Reese Park tennis/pickle ball courts.

Motion passed 7-0.

ANNOUNCEMENTS

Mayor Koomar advised that next week he will be attending the National Homeland Security Conference as the Mayors’ representative for the County Citizens Advisory Board. It is a good opportunity with a lot of information regarding schools, active shooters, and related items. The Mayor conferred with Chief Spaetzel regarding areas that the Mayor might want to focus on at the conference. All of Mayor Koomar’s traveling expenses are paid by the county. He noted that it is a great opportunity to bring things back from a national perspective at no cost to the City.

The Mayor commented further that Law Director Barbour has provided information to Council relative to Ohio Revised Code regulations. He suggested that the members of Council communicate with Mr. Barbour if there are any questions.

Mr. Clark stated that the meeting of Council scheduled for June 17, 2019 is cancelled. The next meeting of Council will be held June 24, 2019.

There being no further business to come before the City Council this evening, the meeting adjourned at 9:45 p.m.

Dwight A. Clark, President of Council                        Joan Kemper, Clerk of Council
ORDINANCE AMENDING CHAPTER 1163 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE BY AMENDING SECTION 1163.05 RELATING TO FENCE REGULATIONS AND DECLARING AN EMERGENCY

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Chapter 1163.05 which presently reads as follows:

“1163.05 - Fence regulations.
(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.
(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.
(c) Any yard.
(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.
(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.
(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.
(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.
(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.
(6) No electrified or barbed wire fence shall be erected or installed in any location.
(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.
(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.
(e) **Rear yard.** Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(f) **Side yards.** Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.)

(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**

1. A privacy screen may be constructed only behind the established building setback line or building line whichever is greater so that the length of the screen shall not exceed ten percent of the perimeter of the total lot.

2. The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

3. The privacy screen shall not exceed 32 feet in any direction.

4. No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

1. Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

2. Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

3. Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

4. Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.
be and the same is amended to read:

“CHAPTER 1163.05 – FENCE REGULATIONS

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any yard.

   (1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

   (2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

   (3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, or windbreak or dog run shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

   (4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of 75 percent open area.

   (5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

   (6) No electrified or barbed wire fence shall be erected or installed in any location.

   (7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.

(e) Rear yard. Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.) The fences Any fence greater than four feet, four inches shall have a minimum of 75 percent open area.

(f) Side yards. Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.) The fences Any fence greater than four feet, four inches shall have a minimum of 75 percent open area.
(g) **Lakefront yard.** Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than 20 feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of 75 percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) **Privacy screen.**

1. A privacy screen may be constructed only behind the established building setback line or building line, whichever is greater, so that the total length of the screen shall not exceed ten percent of the perimeter of the total lot 32 feet. In addition, the privacy screen may have two transitional sections not to exceed eight feet in length in each direction that provides a gradual decrease in height from six feet, four inches to four feet four inches, to be approved by the Building Director.

2. The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

3. The privacy screen shall not exceed 32 feet in a single direction.

4. No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) **Adjacent to nonresidential uses.** Fences on residential properties adjacent to nonresidential uses may be six feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than 20 feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) **Temporary wildlife fences.** Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

1. Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

2. Temporary fences may be installed in the rear yard only and must be at least three feet from property lines.

3. Temporary fences shall not exceed eight feet four inches in height and fence posts shall not exceed eight feet six inches in height.

4. Temporary fences may be installed on or after April 1 and shall be removed no later than November 15 of each year.

(Ord. 10-70. Passed 6-21-10.)”

and present 1163.05 is hereby repealed.
SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

PASSED:

__________________________

PRESIDENT OF COUNCIL

__________________________

CLERK

__________________________

MAYOR

06.11.19 jt
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE PURCHASE OF A FIRE DEPARTMENT VEHICLE
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village Fire Department is in need of a new vehicle to replace
an existing vehicle per the replacement schedule, and the Council of the City of Bay Village has
previously appropriated funds for the purchase of said vehicle; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village:

SECTION 1. That the Mayor is hereby authorized and directed to submit a purchase order to
purchase the following vehicle:

  • One (1) 2019 Demo Pierce Enforcer Ascendant 107’ Quint from Pierce
    Manufacturing, 2600 American Drive, Appleton, WI 54912, total cost not to
    exceed $849,980 (after trade-in).

SECTION 2. That this Council finds and determines that all formal actions of this Council
concerning and relating to the passage of this resolution were taken in an open meeting of this
Council, and that all deliberations of this Council and of any committee that resulted in those formal
actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure
immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore
this resolution shall be in full force and take effect immediately upon its passage and approval by the
Mayor.

PASSED:

_________________________  __________________________
PRESIDENT OF COUNCIL  CLERK OF COUNCIL

_________________________
MAYOR

06.21.19  jt
A RESOLUTION
CERTIFYING UNPAID GRASS CUTTING AND CLEANING CHARGES
TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 521.11 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of grass cutting and cleaning charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid grass cutting and cleaning charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2019 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

053019
jk
A RESOLUTION
CERTIFYING UNPAID TREE REMOVAL CHARGES TO THE
CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 547.15 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of tree removal charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid tree removal charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2019 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

053019 jk
A RESOLUTION
CERTIFYING UNPAID SEWER RENTAL AND REFUSE COLLECTION
CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 921.05 and Section 923.04 of the Codified
Ordinances of the City of Bay Village it is hereby determined and declared the list of sewer rental
and refuse collection charges on file in the office of the Director of Finance of the City, which list
is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is
hereby directed to do all things necessary to cause said unpaid sewer rental and refuse collection
charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the
Fiscal Officer is hereby requested, pursuant to statute, to cause said sewer rental charges to be
extended in the 2019 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this
Council concerning and relating to the passage of this resolution were taken in an open meeting of
this Council, and that all deliberations of this Council and of any committee that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time
permitted by law.

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

052019 jk
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING PART 13 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY ENACTING CHAPTER 1375 RELATING TO
VACANT BUILDINGS AND DECLARING AN EMERGENCY

WHEREAS, the City of Bay Village has, on occasion, vacant buildings within its
municipal jurisdiction that have a detrimental effect on neighboring properties, and

WHEREAS, the City of Bay Village desires to preserve the quality of the properties within
the city by requiring the owners of buildings to maintain their vacant properties;

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Part 13 of the Codified Ordinances of the City of Bay Village is hereby
amended by enacting new Chapter 1375 which shall read as follows:

CHAPTER 1375
Vacant Buildings

1375.01 DEFINITIONS.
For the purpose of this chapter, words and phrases shall have the following meanings:

(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, and at which
substantially all lawful business operations or substantially all residential occupancy has
ceased, or which is substantially devoid of content.

1375.02 DUTIES OF OWNER.
(a) The owner, lessee, or party in control of any vacant building, or a party that has filed and
is currently maintaining an open foreclosure action regarding a vacant building shall
maintain the vacant building in compliance with City codes, with particular attention to
the following:
(1) Grass and weeds shall be kept at a maximum height of seven 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 found to be defective shall
be replaced with similar, new doors or window units equipped with locking hardware.
Property must be properly winterized.
(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) 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 party that has
filed a foreclosure action that is currently pending regarding any vacant building shall
register the property with the Building Director, 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
      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 Section 1375.02(b)(5).
(3) Registration shall remain valid for twelve months from the date of issuance. The
owner, agent, lessee or party in control, or 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 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 required by this Section shall be two hundred dollars
($200.00).
(c) Exemptions. Waivers exempting compliance with the provisions of this chapter shall be
obtained 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 1375.02 “Duties of Owner”:
(1) A building under active construction, reconstruction or renovation and having a valid
building permit(s) at the time of initial inspection shall be exempt from registration
until the expiration of the longest running, currently active building permit. Active
construction for the purposes of this chapter is construction activity that continues without any interruption longer than 30 days.

(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 building that is for sale and listed with a State of Ohio Realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner submits proof to the Building Department of such listing and for sale status.

1375.03 CERTIFICATE OF COMPLIANCE REQUIRED.

(a) The owner, agent, or party in control of any vacant building, shall apply for and obtain a vacant building inspection from the Building Director 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 inspection to the prospective purchaser or title transferee prior to conveyance of the title.

(b) An agreement to sell, transfer or otherwise convey an interest in a vacant building shall include a copy of the vacant building inspection from the Building Director, in order to permit the escrow agent to comply with this chapter. The 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 vacant building inspection, and such statement shall list thereon the date the 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.

1375.04 VACANT BUILDING INSPECTION AND ISSUANCE.

An application for a vacant building inspection required by this chapter shall be made upon forms supplied by the Building Director.

(a) The Building Director shall cause a general exterior and interior inspection for the dwelling structure and premises to be made.

(b) The vacant building inspection shall contain the following information:
   (1) The street address or other identifying characteristics of the dwelling structure;
   (2) The name and address of the owner(s); lessee or party in control;
   (3) The authorized use and occupancy of the dwelling structure; and
   (4) The listing of all known code violations existing at the time of such inspection.

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

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

1375.05 FEES.

(a) Upon completion of vacant building violations, fee for a certificate of compliance shall be two hundred dollars ($200.00).

(b) There shall be no fee for one 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 vacant building inspection. All subsequent re-inspections may be billed at twenty-five dollars ($25.00) per inspection.

(c) In the event of resale within the one-year period, this vacant building inspection report shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

1375.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE.

(a) If all violations listed on the 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 dollars ($1,000) and equal to 100 percent 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 Building Director may establish the amount of the escrow based on a schedule of fees.

(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 Bay Village. These estimates may be provided to the Building Director as an alternative to the schedule of fees for determining escrow.

1375.07 CORRECTION OF VIOLATIONS.

Any violations found upon inspection of the premises shall be corrected prior to issuance of the certificate of compliance. However, should the buyer agree to assume all violations listed in the notice of violations, a certificate of compliance may still be issued if the condition of the property meets minimum requirements for habitation as specified in Section 1344.04. In such case the buyer would have six 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 compliance; provided that, issuance of such certificate shall be upon written acknowledgment of all violations and agreement to correct all violations within six 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). Such account shall be held by an independent escrow agent, or by the City of Bay Village, at the City’s discretion, and be closed only upon written notice by the Building Director.
(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 Director within thirty days from the date such notice was given, mailed or issued, and to appear before the Board within sixty 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.

### 1375.08 DISPERAL 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 1375.06 unless there has been compliance with Section 1375.07.

(a) Funds shall be disbursed only upon written authorization from the Building Director or his/her designee as follows:

(1) The Building Director or his/her designee may authorize one partial release of funds from the escrow account established per Section 1375.06 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.

### 1375.09 CERTIFICATE OF COMPLIANCE.

(a) At the request of the owner of the property or his/her agent, the City shall issue a letter or other written document signed and dated by the Building Director stating that all violations listed on the vacant building inspection have been completed to the City's satisfaction, and the property is eligible for occupancy. No previously vacant building may be lawfully occupied until this certificate of compliance is obtained.

(b) At the request of the owner of the property or his/her agent, the City may issue a letter or other written document signed and dated by the Building Director stating that specific violations listed on the vacant building inspection have been completed to the City's satisfaction. If the Building Director 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 1375.07.

### 1375.10 LIABILITY.

The issuance of a certificate of compliance does not guarantee compliance with the Building, Housing and/or Zoning Codes, nor does the Building Director 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 vacant building inspection, the City does not thereby insure, warrant or guarantee to the holder thereof, to his/her assignees, or any other interested party that such inspection report contains all of the violations of the Bay Village Codified Ordinances, State or Federal law.

(c) In issuing a certificate of 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 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 certificate of inspection have been corrected to the City's satisfaction.

1375.99 PENALTY.

Any person who violates any provision of this chapter or of the rules and regulations issued hereunder shall be fined not less than two hundred dollars ($200.00) and not more than one thousand dollars ($1,000) for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR
06.13.19 jt
A RESOLUTION
CERTIFYING UNPAID SIDEWALK REPAIR AND/OR CONSTRUCTION
CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of sidewalk repair and/or construction charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sidewalk repair and/or construction charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2019 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

________________________________________
PRESIDENT OF COUNCIL

________________________________________
CLERK OF COUNCIL

APPROVED:

________________________________________
MAYOR

053019 jk
AN ORDINANCE

FIXING THE SALARY OF THE PRESIDENT AND MEMBERS OF COUNCIL AND REPEALING ORDINANCE NO 17-56, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That effective on the dates listed below, the salaries for the office of President of Council and Members of Council shall be as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>President of Council</td>
<td>$10,794 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td></td>
<td>$13,500 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$13,500 per annum</td>
<td>1/1/2021</td>
</tr>
<tr>
<td></td>
<td>$13,500 per annum</td>
<td>1/1/2022</td>
</tr>
<tr>
<td></td>
<td>$13,500 per annum</td>
<td>1/1/2023</td>
</tr>
<tr>
<td>Ward Councilman</td>
<td>$ 9,520.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2021</td>
</tr>
<tr>
<td>Councilman-at-Large whose</td>
<td>$ 8,983.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>Term expires 12/31/19</td>
<td>$12,500.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2021</td>
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<td>$12,500.00 per annum</td>
<td>1/1/2022</td>
</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2023</td>
</tr>
<tr>
<td>Councilman-at-Large whose</td>
<td>$ 9,520.00 per annum</td>
<td>1/1/2019</td>
</tr>
<tr>
<td>Term expires 12/31/2021</td>
<td>$ 9,996.00 per annum</td>
<td>1/1/2020</td>
</tr>
<tr>
<td></td>
<td>$10,496.00 per annum</td>
<td>1/1/2021</td>
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<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2022</td>
</tr>
<tr>
<td></td>
<td>$12,500.00 per annum</td>
<td>1/1/2023</td>
</tr>
</tbody>
</table>

SECTION 2. That ordinance No. 17-56 be and the same is hereby repealed.

SECTION 3. That the Clerk of Council is directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County immediately upon its adoption and approval by the Mayor.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide said compensation before deadline, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

________________________
PRESIDENT OF COUNCIL

________________________
CLERK OF COUNCIL

APPROVED:

________________________
MAYOR

5-30-19 jk
ORDINANCE

AMENDING PART 5 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY ENACTING CHAPTER 555 RELATING TO
LAKESIDE CEMETERY REGULATIONS AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Commerce requires that all registered cemeteries
file Rules and Regulations to the Division of Real Estate and Professional Licensing, and

WHEREAS, Lakeside Cemetery is a registered cemetery and

WHEREAS, the City of Bay Village desires to promulgate a formal set of Rules of
Regulations regarding Lakeside Cemetery;

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Part 5 of the Codified Ordinances of the City of Bay Village is hereby
amended by enacting new Chapter 555 which shall read as follows:

CHAPTER 555
Cemetery Regulations

555.01 Short title
555.02 Definitions
555.03 Cemetery property
555.04 Sanitation
555.05 Traffic
555.06 Behavior
555.07 Cemetery operating policy
555.08 Cemetery lots
555.09 Interment and burial
555.10 Removals or disinterments
555.11 Interment and disinterment fees
555.12 Enforcement
555.13 Trustees
555.14 Designation of historical area
555.99 Penalty

555.01 SHORT TITLE.
This chapter shall be known and may be cited as the "Bay Village ordinance regulating
operations and conduct in Lakeside Cemetery."

555.02 DEFINITIONS.
For the purpose of this chapter, the following terms, phrases, words and their derivations
shall have the meanings given herein. When not inconsistent with the context, words used in the
present tense include the future, words in the plural number include the singular number and words
in the singular number include the plural number. The word "shall" is always mandatory and not
merely directory.

(a) “Ash Grave” means land where cremated remains in an urn are buried.
(b) "Burial" means disposition of human remains below ground, also called interment.
(c) "Casket" means a container manufactured of wood or metal designed for the viewing of a body in the funeral home. The casket then acts as storage and protection for the body during transportation and protection for the body during transportation to the cemetery for interment.
(d) "Cemetery" means the parcel of land designated as Lakeside Cemetery in Bay Village.
(e) "City" means City of Bay Village.
(f) "Deed for Cemetery Lot" means the document by which the City conveys the sale of a lot described upon the plat of Lakeside Cemetery. A Deed for Cemetery Lot is also a Deed for Interment Rights.
(g) "Director" means Director of Public Service and Public Properties, which is the person immediately in charge of the cemetery and its operations.
(h) "Disinterment" means to remove a vault or urn from a grave site.
(i) "Foundation" means the base or footing on which a memorial is installed.
(j) "Grave Site" means a space of land reserved for the burial of an individual or where an individual is buried.
(k) "Interment" means to bury a vault below the surface of the ground in a grave space.
(l) "Interment Right" means the particular right to place the remains of a deceased person in a specific interment space within a cemetery, subject to the limitations set forth by the cemetery.
(m) "Inurnment" means to bury cremated remains in an urn below the surface of the ground, in an ash grave.
(n) "Lot" refers to the section in the Cemetery as described upon the plat of said Cemetery purchased for the purpose of interment rights.
(o) "Marker" means a flat memorial quarried from granite or cast in bronze and placed at ground level at the head or foot of a grave.
(p) "Memorial" means a monument, grave marker, or headstone identifying a grave or graves.
(q) "Opening and Closing" means digging and closing the grave for burial of a vault or urn.
(r) "Owner" means the person or persons to whom the City has conveyed interment right(s) or who hold such right(s) by inheritance.
(s) "Person" means any individual, firm, partnership, association, corporation, company, or organization of any kind.
(t) "Trustees" mean the Cahoon Memorial Park Trustees.
(u) "Urn" means a container for cremated remains. In Lakeside Cemetery, the urn must be of retrievable materials such as bronze, plastic or cultured marble.
(v) "Vault" means an outer container manufactured of concrete, fiberglass, or steel into which a casket is placed for burial. Its purpose is to prevent the ground from sinking after burial, as well as providing protection for the casket.
(w) "Vehicle" means any wheeled conveyance whether motor-powered or self-propelled. The term shall include any trailer in tow of any size, kind, or description. Exception is made for baby carriages and vehicles in the Service Department, Police Department or Fire Department.
555.03 CEMETERY PROPERTY.
No person shall:
(a) **Disfiguration and Removal.** Willfully mark, deface, disfigure, tamper with or displace or remove any headstones, grave markers, benches, fences, flags, paving materials, signs, notice of placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment facilities, grounds, graves, or cemetery property or appurtenances whatsoever, either real or personal.
(b) **Removal of Natural Resources.** Dig or remove any soil, rock, stones, trees, shrubs or plants, downed timber, or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, without the prior written consent of the Director.
(c) **Erection of Structures.** Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands without the prior written consent of the Director.
(d) **Trees, Shrubbery, Lawns.** Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant, or dig in or otherwise disturb the grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without prior written consent of the Director.

555.04 SANITATION.
No person in the cemetery shall:
(a) **Pollution of Waters.** Throw, discharge or otherwise place or cause to be placed in the waters of the lake, or any tributary stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
(b) **Refuse and Trash.** Have brought into the cemetery or dump, deposit or leave in the cemetery any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to the cemetery, or left anywhere on the grounds thereof; but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the cemetery by the person responsible for its presence and properly disposed of elsewhere.

555.05 TRAFFIC.
No person in the cemetery shall:
(a) **State Motor Vehicle Laws Apply.** Fail to comply with all applicable provisions of the State and City motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.
(b) **Enforcement of Traffic Regulations.** Fail to obey all law enforcement officers and city employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in or out of the cemetery and on the street.
immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(c) **Obey Traffic Signs.** Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(d) **Speed of Vehicles.** Ride or drive a vehicle at a rate of speed exceeding five miles an hour through the cemetery unless otherwise posted by the Director.

(e) **Operation Confined to Roads.** Drive any vehicle on any area except the cemetery drive, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(f) **Parking**
- **Designated Areas.** Park a vehicle in other than established or designated parking area which is on the side of the drive.
- **Full-Parking.** Full-park on the drive at any time.
- **Night Parking.** Leave a vehicle standing or parked after sunset without lights clearly visible on the cemetery drive.
- **Emergency Procedure.** Fail to immediately notify the Police Department of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

**555.06 BEHAVIOR.**
No person in the cemetery shall:

(a) **Intoxicating Beverages**
- **Prohibition.** Bring intoxicating liquor, alcoholic beverages or beer into the cemetery nor shall any person have upon his person, in his possession or under his control, or buy or sell or drink, alcoholic beverages or beer at any time in the cemetery.
- **Drunkenness.** Enter the cemetery or be in the cemetery under the influence of intoxicating liquor or beer.

(b) **Fireworks and Explosives.** Bring into the cemetery or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosive of inflammable material, or discharge them or throw them into any such area from land or a highway adjacent thereto. This section shall not apply to persons to whom the Fire chief has granted a permit for the discharge of fireworks pursuant to Section 549.11.

(c) **Domestic Animals.** Allow a dog or other domestic animal to run at large in the cemetery.

(d) **Fires.** Build or attempt to build a fire except in a fireplace provided for such purpose as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within the cemetery.

(e) **Closed Areas.** Enter an area posted as “Closed to the Public,” nor shall any person use or abet the use of any area in violation of posted notices.

(f) **Remain in Cemetery After Closing Hours.** Enter, be in or remain in the cemetery after the designated closing hour of such cemetery.
555.07 CEMETERY OPERATING POLICY.
(a) **Hours.** Except for unusual and unforeseen emergencies, the cemetery shall be open to the public every day of the year during the hours between dawn and dusk. The Director may allow the cemetery to be open during the hours the cemetery is normally closed, for person or groups designated in advance by such Director.

555.08 CEMETERY LOTS.
(a) **Sale of Lots.** The availability of cemetery lots, cost, and sale shall be determined and approved by the Trustees.
(b) **Deed for Cemetery Lot.** A Deed for Cemetery Lot shall be issued by the Director of Law to each person(s) purchasing a lot.
(c) **Fees.** The Director of Finance shall deposit all funds collected from the sale of lots and interment fees into the Cahoon Memorial Park Income Fund for perpetual care of the cemetery.
(d) **Lots and Interment rights.** Lots and Interment rights cannot be transferred or sold to another person; however, the lot and interment rights do pass by inheritance. Lots may be transferred back to the City for the original purchase amount as approved by the Trustees.
(e) **Memorials.** All new and replacement memorials and their location must be submitted to, and approved by, the Director.
(f) **Foundation.** All memorials and markers shall be placed upon a foundation to be installed by the company providing such memorial or marker.
(g) **Structures.** No person shall install or have installed vases, permanent military markers, or any type of permanent structure without the prior written consent of the Director.
(h) **Trees, Shrubbery, Plants and Flowers.** No person shall plant or have planted trees, shrubbery, plants or flowers on any cemetery lot without the prior written consent of the Director.
(i) **Wreaths, Cut Flowers, and Seasonal Items.** Wreaths, cut flowers, flags, and seasonal items may be placed at any grave site for the period of time that the items remain healthy and in season. The Director may remove or have removed any items which are no longer applicable or need to be removed to complete mowing and maintenance.

555.09 INTERMENT AND BURIAL.
(a) **Interments.** Interments are not permitted on Sundays or New Year’s Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day, or Christmas Day unless authorized by the Director.
(b) **Burial Certificate.** The person requesting the order for interment shall provide to the Director the Burial Certificate from Vital Statistician, the time of the funeral and expected time to enter the cemetery, complete pre-payment of interment costs, including cemetery lot costs, if not already paid.
(c) **Urn.** For burial, caskets must be placed in a vault provided by the owner. Urns do not need a vault, but must be made of retrievable materials such as bronze, plastic, or cultured marble. The vault company shall be responsible to lower the vault.
(d) **Opening and Closing.** The opening and closing shall be completed by the Director.
(e) Any existing lots in the cemetery made available for sale by the Trustees shall be designated for inurnment only.

(f) Should a disinterment occur at a gravesite in the cemetery, the Trustees shall determine the future availability of the lot and if the gravesite is eligible for an interment or only an inurnment.

(g) One gravesite designated for inurnment only may hold two urns. One gravesite designated for a full interment may hold one adult vault or one adult vault plus one urn, or one adult vault plus one infant vault, or two urns, unless otherwise indicated in the deed for cemetery lot.

555.10 REMOVALS OR DISINTERMENTS.

(a) When remains are to be removed from the cemetery, or moved within the cemetery, a permit must be presented from the Board of Health, in accordance with the Statutes of Ohio governing the disinterment and removal of bodies.

(b) When remains are to be removed from a grave, written consent must first be received from the person who paid for the interment, the gravesite owner, or the next of kin of the deceased. If none of these can be obtained, an order from a court of competent jurisdiction may be substituted.

555.11 INTERMENT AND DISINTERMENT FEES.

(a) Opening and closing for an adult vault $900.00

(b) Opening and closing for an infant vault or urn $350.00

555.12 ENFORCEMENT.

(a) Officials. The Director, Service Department attendants and all other law enforcement officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) Ejectment. The Director, and any Service Department attendant or Police Officer shall have the authority to eject from the cemetery any person acting in violation of this chapter.

555.13 TRUSTEES.

Nothing in this chapter shall be deemed to abrogate, restrict, modify, alter or change the rights, duties or obligations of the Cahoon Memorial Park Trustees as set forth in the Will of Ida Marie Cahoon dated June 16, 1917.

555.14 DESIGNATION OF HISTORICAL AREA.

Lakeside Cemetery is hereby designated as an historical area to be preserved, cared for, and protected as set forth in the Will of Ida Marie Cahoon, dated June 16, 1917. More specifically, said area is described as permanent parcel 202-04-02, which is approximately half an acre made up from portions of Lot 93 and Lot 94 purchased by the Trustees of Dover.

555.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.
SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

________________________
PRESIDENT OF COUNCIL

________________________
CLERK

________________________
MAYOR

06.11.19 jt
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING PART 13 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY ENACTING CHAPTER 1375 RELATING TO
VACANT BUILDINGS AND DECLARING AN EMERGENCY

WHEREAS, the City of Bay Village has, on occasion, vacant buildings within its
municipal jurisdiction that have a detrimental effect on neighboring properties, and

WHEREAS, the City of Bay Village desires to preserve the quality of the properties within
the city by requiring the owners of buildings to maintain their vacant properties;

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Part 13 of the Codified Ordinances of the City of Bay Village is hereby
amended by enacting new Chapter 1375 which shall read as follows:

CHAPTER 1375
Vacant Buildings

1375.01 DEFINITIONS.
For the purpose of this chapter, words and phrases shall have the following meanings:

(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, and at which
substantially all lawful business operations or substantially all residential occupancy has
ceased, or which is substantially devoid of content.

1375.02 DUTIES OF OWNER.
(a) The owner, lessee, or party in control of any vacant building, or a party that has filed and
is currently maintaining an open foreclosure action regarding a vacant building shall
maintain the vacant building in compliance with City codes, with particular attention to
the following:
(1) Grass and weeds shall be kept at a maximum height of seven 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 found to be defective shall
be replaced with similar, new doors or window units equipped with locking hardware.
Property must be properly winterized.
(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) 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 party that has
filed a foreclosure action that is currently pending regarding any vacant building shall
register the property with the Building Director, 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
      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 Section 1375.02(b)(5).
(3) Registration shall remain valid for twelve months from the date of issuance. The
owner, agent, lessee or party in control, or 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 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 required by this Section shall be two hundred dollars
($200.00).
(c) Exemptions. Waivers exempting compliance with the provisions of this chapter shall be
obtained 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 1375.02 “Duties of Owner”:
(1) A building under active construction, reconstruction or renovation and having a valid
building permit(s) at the time of initial inspection shall be exempt from registration
until the expiration of the longest running, currently active building permit. Active
construction for the purposes of this chapter is construction activity that continues without any interruption longer than 30 days.

(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 building that is for sale and listed with a State of Ohio Realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner submits proof to the Building Department of such listing and for sale status.

1375.03 CERTIFICATE OF COMPLIANCE REQUIRED.

(a) The owner, agent, or party in control of any vacant building, shall apply for and obtain a vacant building inspection from the Building Director 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 inspection to the prospective purchaser or title transferee prior to conveyance of the title.

(b) An agreement to sell, transfer or otherwise convey an interest in a vacant building shall include a copy of the vacant building inspection from the Building Director, in order to permit the escrow agent to comply with this chapter. The 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 vacant building inspection, and such statement shall list thereon the date the 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.

1375.04 VACANT BUILDING INSPECTION AND ISSUANCE.

An application for a vacant building inspection required by this chapter shall be made upon forms supplied by the Building Director.

(a) The Building Director shall cause a general exterior and interior inspection for the dwelling structure and premises to be made.

(b) The vacant building inspection shall contain the following information:
   (1) The street address or other identifying characteristics of the dwelling structure;
   (2) The name and address of the owner(s); lessee or party in control;
   (3) The authorized use and occupancy of the dwelling structure; and
   (4) The listing of all known code violations existing at the time of such inspection.

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

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

1375.05 FEES.

(a) Upon completion of vacant building violations, fee for a certificate of compliance shall be two hundred dollars ($200.00).

(b) There shall be no fee for one 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 vacant building inspection. All subsequent re-inspections may be billed at twenty-five dollars ($25.00) per inspection.

(c) In the event of resale within the one-year period, this vacant building inspection report shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

1375.06 ESCROW DEPOSIT REQUIRED PRIOR TO SALE.

(a) If all violations listed on the 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 dollars ($1,000) and equal to 100 percent 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 Building Director may establish the amount of the escrow based on a schedule of fees.

(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 Bay Village. These estimates may be provided to the Building Director as an alternative to the schedule of fees for determining escrow.

1375.07 CORRECTION OF VIOLATIONS.

Any violations found upon inspection of the premises shall be corrected prior to issuance of the certificate of compliance. However, should the buyer agree to assume all violations listed in the notice of violations, a certificate of compliance may still be issued if the condition of the property meets minimum requirements for habitation as specified in Section 1344.04. In such case the buyer would have six 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 compliance; provided that, issuance of such certificate shall be upon written acknowledgment of all violations and agreement to correct all violations within six 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). Such account shall be held by an independent escrow agent, or by the City of Bay Village, at the City’s discretion, and be closed only upon written notice by the Building Director.
(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 Director within thirty days from the date such notice was given, mailed or issued, and to appear before the Board within sixty 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.

**1375.08 DISPERAL 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 1375.06 unless there has been compliance with Section 1375.07.

(a) Funds shall be disbursed only upon written authorization from the Building Director or his/her designee as follows:

(1) The Building Director or his/her designee may authorize one partial release of funds from the escrow account established per Section 1375.06 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.

**1375.09 CERTIFICATE OF COMPLIANCE.**

(a) At the request of the owner of the property or his/her agent, the City shall issue a letter or other written document signed and dated by the Building Director stating that all violations listed on the vacant building inspection have been completed to the City's satisfaction, and the property is eligible for occupancy. No previously vacant building may be lawfully occupied until this certificate of compliance is obtained.

(b) At the request of the owner of the property or his/her agent, the City may issue a letter or other written document signed and dated by the Building Director stating that specific violations listed on the vacant building inspection have been completed to the City's satisfaction. If the Building Director 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 1375.07.

**1375.10 LIABILITY.**

The issuance of a certificate of compliance does not guarantee compliance with the Building, Housing and/or Zoning Codes, nor does the Building Director 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 vacant building inspection, the City does not thereby insure, warrant or guarantee to the holder thereof, to his/her assignees, or any other interested party that such inspection report contains all of the violations of the Bay Village Codified Ordinances, State or Federal law.

(c) In issuing a certificate of 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 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 certificate of inspection have been corrected to the City's satisfaction.

1375.99 PENALTY.

Any person who violates any provision of this chapter or of the rules and regulations issued hereunder shall be fined not less than two hundred dollars ($200.00) and not more than one thousand dollars ($1,000) for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK

__________________________
MAYOR
06.13.19 jt
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ORDERING THE REPAIR OF THE PUBLIC SIDEWALKS
ABUTTING CERTAIN PREMISES IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY.

WHEREAS, an inspection of certain sidewalks in the City of Bay Village has shown that those sidewalks are in need of repair and are an obstruction to pedestrian traffic;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village:

SECTION 1. That the public sidewalks abutting certain premises are listed below are determined to be in need of repair and to be an obstruction and hazard to safe pedestrian traffic:

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**SECTION 2.** That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, the Clerk of Council is hereby directed to serve notice by certified mail upon the owner of said premises ordering the repair of said sidewalk and the removal of said obstruction and hazard.

**SECTION 3.** That if the owner of said premises fails to comply with such notice to repair the sidewalk within 30 days of the delivery of said notice, the Director of Public Service and Properties shall cause the sidewalk to be repaired and the expenses and labor costs incurred in the making of repair will be entered upon the tax duplicate as a lien upon such land pursuant to C.O. Section 543.01.

**SECTION 4.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 5.** That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to have said sidewalk repaired to protect pedestrian traffic, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.
PASSED:

___________________________  
PRESIDENT OF COUNCIL

___________________________  
CLERK OF COUNCIL

APPROVED:

___________________________  
MAYOR

06.17.19 jt
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING ORDINANCE 15-80 AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH BROWNING-FERRIS INDUSTRIES OF OHIO, INC.,
FOR SOLID WASTE COLLECTION AND DISPOSAL, YARD WASTE, AND
RECYCLING MATERIALS COLLECTION AND PROCESSING,
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village entered into an agreement with Browning Ferris, Industries of Ohio, Inc. for residential solid waste collection, disposal, and recycling services commencing on April 1, 2016 for a 5-year term with three 1-year options, and

WHEREAS, ordinance 15-80 authorizing the Mayor to enter into said contract contained typographical errors concerning the commencement and termination dates of the contract, and

WHEREAS, the City desires to correct the ordinance to reflect the language of the contract;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
Bay Village, Ohio:

That Ordinance 15-80 which presently reads as follows:

"SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Browning-Ferris Industries of Ohio, Inc. to provide for the collection and disposal of solid waste collection and disposal, and recyclable materials collection and processing including yard waste in the City of Bay Village, it being hereby determined that the bid of said company is the lowest and best bid received after advertising according to law.

SECTION 2. That in accordance with said agreement, Browning-Ferris Industries of Ohio, Inc. agrees to the following rate structures:

YEAR 1: April 1, 2015 to March 31, 2016 the rate per household will be $14.82 per month.
YEAR 2: April 1, 2016 to March 31, 2017 the rate per household will be $15.26 per month.
YEAR 3: April 1, 2017 to March 31, 2018 the rate per household will be $15.80 per month.
YEAR 4: April 1, 2018 to March 31, 2019 the rate per household will be $16.35 per month.
YEAR 5: April 1, 2019 to March 31, 2020 the rate per household will be $16.92 per month.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide uninterrupted garage/rubbish collection and
recycling within the City, therefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.”

and is hereby amended to read:

“SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Browning-Ferris Industries of Ohio, Inc. to provide for the collection and disposal of solid waste collection and disposal, and recyclable materials collection and processing including yard waste in the City of Bay Village, it being hereby determined that the bid of said company is the lowest and best bid received after advertising according to law.

SECTION 2. That in accordance with said agreement, Browning-Ferris Industries of Ohio, Inc. agrees to the following rate structures:

YEAR 1: April 1, 20156 to March 31, 20167 the rate per household will be $14.82 per month.
YEAR 2: April 1, 20167 to March 31, 20178 the rate per household will be $15.26 per month.
YEAR 3: April 1, 20178 to March 31, 20189 the rate per household will be $15.80 per month.
YEAR 4: April 1, 20189 to March 31, 201920 the rate per household will be $16.35 per month.
YEAR 5: April 1, 201920 to March 31, 202021 the rate per household will be $16.92 per month.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide uninterrupted garage/rubbish collection and recycling within the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.”

and present Ordinance 15-80 is hereby repealed.
Ordinance Amending 15-80 - BFI Agreement

PASSED:

______________________________
PRESIDENT OF COUNCIL

______________________________
CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

06.18.19 jt
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE PURCHASE OF SERVICE DEPARTMENT VEHICLES
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village Service Department is in need of new vehicles to
replace existing vehicles per the replacement schedule, and the Council of the City of Bay Village
has previously appropriated funds for the purchase of said vehicles; and

WHEREAS, the needed vehicles are available through the State of Ohio DAS Procurement
Schedule; and

WHEREAS, the needed equipment is available through the SourceWell (formerly NJPA)
Contract Schedule;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village:

SECTION 1. That the Service Director is hereby authorized and directed to submit a
purchase order to purchase the following vehicles:

- One (1) 2019 Dodge RAM 1500 Quad Cab 4x4 Pick-up truck (model
  #DS6L41) from Sherry Chrysler, 8645 North County Road 25-A, PO Box
  742, Piqua, Ohio 45356, through the State of Ohio DAS Contract No.:
  RS902619, Index No.: GDC093, Item #17AT, total cost $25,099.95 (temp &
  delivery included).

- One (1) 2019 Dodge RAM 1500 Crew Cab 4x4 Pick-up truck (model
  #DS6L98) from Sherry Chrysler, 8645 North County Road 25-A, PO Box
  742, Piqua, Ohio 45356, through the State of Ohio DAS Contract No.:
  RS902619, Index No. GDC093, Item #19AT, total cost $25,971.50 (temp &
  delivery included).

SECTION 2. That this Council finds and determines that all formal actions of this Council
concerning and relating to the passage of this resolution were taken in an open meeting of this
Council, and that all deliberations of this Council and of any committee that resulted in those formal
actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure
immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore
this resolution shall be in full force and take effect immediately upon its passage and approval by the
Mayor.
PASSED:

_____________________________________
PRESIDENT OF COUNCIL

_____________________________
CLERK OF COUNCIL

APPROVED:

_________________________________
MAYOR

06.20.19 Jt