October 25, 2019

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1. Roll Call; Pledge of Allegiance led by Nancy W. Stainbrook, Councilwoman-at-large.

2. Motion to approve the Minutes of the Regular Meeting of Council held October 21, 2019. *Tadych*

3. Ordinance No. 19-88 authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency. (First Reading October 7, 2019) (Second Reading October 21, 2019). *Mace*

4. Ordinance amending a portion of Chapter 1365 of the Codified Ordinances of the City of Bay Village relating to short term rentals, and declaring an emergency. *Maier* (First Reading).

5. Announcements/ Audience/Miscellaneous

6. Motion to convene to Executive Session regarding Personnel: Administrative Compensation, School Resource Officer, and Litigation: Update.

7. Adjournment

Dwight A. Clark
Charter Reference 2.11
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Roll call on suspension of Charter Rules:

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2. **Motion** to approve the Minutes of the Regular Meeting of Council held October 21, 2019. *Tadych*

3. **Ordinance No. 19-88** authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency. (First Reading October 7, 2019) (Second Reading October 21, 2019). *Mace*

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5. **Announcements/ Audience/Miscellaneous**

6. **Motion** to convene to Executive Session regarding Personnel: Administrative Compensation, School Resource Officer, and Litigation: Update.

7. **Adjournment**

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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.
October 25, 2019

A Special Meeting of the Bay Village City Council will be held on Monday, October 28, 2019 at 8:00 p.m., following the Committee Meeting 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 Nancy W. Stainbrook, Councilwoman-at-large.

2. Motion to approve the Minutes of the Regular Meeting of Council held October 21, 2019. *Tadych*

3. Ordinance No. 19-88 authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency. (First Reading October 7, 2019) (Second Reading October 21, 2019). *Mace*

4. Ordinance amending a portion of Chapter 1365 of the Codified Ordinances of the City of Bay Village relating to short term rentals, and declaring an emergency. *Maier* (First Reading).

5. Announcements/ Audience/Miscellaneous

6. Motion to convene to Executive Session regarding Personnel: Administrative Compensation, School Resource Officer, and Litigation: Update.

7. Adjournment

Dwight A. Clark
Charter Reference 2.11
President of Council
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CITY OF BAY VILLAGE

Council Minutes, Regular Meeting October 21, 2019
Council Chambers 8:38 p.m.

Dwight A. Clark, President of Council, presiding

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

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

AUDIENCE

Russ Bauknecht, Alex Kamczyc, Zoe Logston.

Mr. Clark called the Regular Meeting of Council to order at 8:38 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilman Peter J. Winzig, Ward 4.

Mr. Clark called for a reading of the minutes of the Regular Meeting of Council held October 7, 2019. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Regular Meeting of Council held October 7, 2019, as prepared and distributed.

Motion carried 7-0

Mr. Clark called for a reading of the minutes of the Cahoon Memorial Park Trustees meeting held October 7, 2019. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the meeting of the Cahoon Memorial Park Trustees held October 7, 2019, as prepared and distributed.

Motion carried 8-0

REPORTS

Law Director Barbour had no report this evening.

Recreation Director Enovitch advised that this Saturday, October 26, 2019, is the last week for the football program. Games will be played at the Bay High Stadium by every team from Kindergarten to 6th grade, and up.

The deadline for the Basketball Program registrations is November 1. The Basketball Programs include ages three to high school students.
Director of Public Service and Properties Liskovec stated that today marks the beginning of leaf collections by the Service Department. The City website will identify the areas to be covered as the trucks move through the City, as a convenient reference for residents. Mr. Liskovec stressed the importance of not putting leaves in the street, and making sure branches stay in one pile, and leaves in a separate pile for greater efficiency by the crews.

Ms. DeGeorge asked if there is anything done to enforce, by way of citations, the regulation of not putting leaves in the streets. Police Chief Spaeetzelt stated that the violation is complaint driven and is handled by advising the resident.

Mr. Winzig noted that residents do like the fact that locations of the trucks are posted on the City’s website.

Mr. Clark expressed appreciation to Director Liskovec, the leadership team of the administration, and Service Department for balancing all of the various projects throughout the City that are happening right now under the Public Improvements Committee, including the road improvements and the other vital programs, such as the cemetery work and the work at Rose Hill Museum. Trying to balance all of that is a difficult achievement, and kudos to everyone for working on that front. He noted that we are in the second year of a multi-year, catch-up Capital plan, making a lot of progress, and will continue to do so. Public Safety, Infrastructure, and things of that nature are vital to the City and the Service Department is certainly answering the bell.

Director of Community Services Selig had no report this evening.

Police Chief Spaeetzelt reported that a meeting will be held with the United States Department of Agriculture (USDA) on Wednesday, October 23 to scope out the sites for deer culling for this year.

Safety training for City employees will occur on Tuesday, October 22, 2019, dealing with awareness and potentially violent and crisis situations. This training, the second of its kind, will cover probably 80% of the City employees. An additional follow-up will be done to make sure all receive this valuable exercise.

Director of Building Tuck-Macalla advised that an Architectural Board of Review meeting will be held on Wednesday, October 23, 2019 to review the plans of the Bay Presbyterian Church for the installation of an illuminated monument sign. On November 6, the Planning Commission will hold a public hearing for the new Bay Village Library and for the Bay Creek residential development on the former Shell Oil property on Wolf Road. On November 20, the Planning Commission will hold a public hearing for the Boat Storage Building, and restroom improvements in Cahoon Memorial Park. Concord Consulting representatives will be present at the November 20, 2019 meeting to discuss the overlay zoning district.

AUDIENCE
Minutes of Regular Meeting  
Bay Village City Council  
October 21, 2019

There were no comments from the audience this evening.

COMMUNICATIONS

The Clerk of Council reported that the following communication has been received:

A letter from Ella Denker, 8th Grader, Brunswick, Ohio dated September 22, 2019 to the City Council members. While visiting Walker Road Park for her brother’s soccer game, Ella admired the beauty of the park, but could not find a recycling bin near the soccer fields. She asked for consideration to place a bin, noting that recycling helps reduce the amount of pollution in our air and our lakes.

Mr. Clark commented that Recreation Director Enovitch and his team will see to the placement of a bin at Walker Road Park. A photograph will be sent to Miss Denker. Mr. Winzig added that currently Bay Village has these receptacles throughout our parks. The City of Avon Lake manages their recycling program at the Walker Road Park, and hopefully they will adopt the procedure that is followed in Bay Village.

Mr. Clark noted that Bay Village ranks yearly in the top three in terms of percentage of recycling amongst cities in the northeastern Ohio area and Cuyahoga County.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace

Mr. Mace read, by title only, Ordinance No. 19-88 authorizing the Mayor to enter into an agreement with the United States Department of Agriculture to provide Wildlife Services, and declaring an emergency. (First Reading October 7, 2019).

Mr. Barbour announced that Ordinance No. 19-88 is placed on second reading. Mr. Clark stated that approval is anticipated on October 28 by both City Council and the Cahoon Memorial Park Trustees.

Mr. Mace introduced and read Resolution No. 19-96 amending Resolution No. 19-23 approving use by Michael and Susan Novak of Submerged Lands of Lake Erie for shoreline improvements, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-96.

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.
Mr. Barbour announced adoption of Resolution No. 19-96, an emergency measure, by a vote of 7-0.

FINANCE AND CLAIMS-Mr. Tadych

Mr. Tadych read, by title only, Ordinance 19-85 authorizing the Mayor to enter into an agreement with Bailey Communications for network support, and declaring an emergency, and moved for adoption. (Second Reading 10-7-19) (First Reading 9-23-19).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-85.

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

Mr. Barbour announced adoption of Ordinance No. 19-85, an emergency measure, by a vote of 7-0.

Mr. Tadych read, by title only, Ordinance No. 19-90 establishing the effective date for the Refuse Collection Fee, and declaring an emergency, and moved for adoption. (First Reading 10-7-19).

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 19-90.

- Roll Call on Suspension of the Charter Rules:
  - Yeas- Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge.
Minutes of Regular Meeting  
Bay Village City Council  
October 21, 2019

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. 19-90, an emergency measure, by a vote of 7-0.

Mr. Tadych announced that an Ordinance amending Section 2 of Ordinance 18-20 regarding rates of compensation for the officers and employees of the General Administration Department and those employees of the City not covered by separate labor contract for the Calendar Year 2019 and thereafter, and declaring an emergency, has been removed from the agenda this evening.

Mr. Tadych introduced and read Ordinance 19-97 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 Nos. 18-95, 19-07, 19-13, 19-27, 19-41, 19-59, 19-76, and 19-91, 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. 19-97.

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. 19-97, an emergency measure, by a vote of 7-0.
PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE-Ms. Maier

Ms. Maier introduced and read Resolution No. 19-98 amending Resolution 19-92 authorizing the filing of a Transportation for Livable Communities Initiative (TLCI) Implementation Grant Application with NOACA, and declaring an emergency, and moved for adoption.

Mr. Clark advised that the City continues to make great progress on grants through the efforts of Project Manager Kathryn Kerber on behalf of the City administration, noting the great work on that front.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-98.

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 Resolution No. 19-98, an emergency measure, by a vote of 7-0.

Mr. Clark stated that an Ordinance amending a portion of Chapter 1365 of the Codified Ordinances of the City of Bay Village relating to short term rentals, and declaring an emergency will be removed from the agenda this evening in anticipation of a new draft of the ordinance on October 28, 2019.

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mrs. Stainbrook

Mrs. Stainbrook had no report this evening.

RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig
Mr. Winzig introduced and read Resolution 19-99, amending by reading to correct the numbering of sections, supporting the establishment of the Lake Erie Water Trail as a Designated Water Trail by the Ohio Department of Natural Resources.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-99.

Roll Call on Suspension of the Charter Rules:
   Yeas- Tadych, Winzig, Clark, DeGeorge, Mace, Stainbrook.
   Abstained – Maier.
   Nays- None.
Roll Call on Suspension of the Council Rules:
   Yeas –Tadych, Winzig, Clark, DeGeorge, Mace, Stainbrook.
   Abstained – Maier.
   Nays –None.
Roll Call on Inclusion of the Emergency Clause:
   Yeas –Tadych, Winzig, Clark, DeGeorge, Mace, Stainbrook.
   Abstained – Maier.
   Nays – None.
Roll Call on Adoption:
   Yeas– Tadych, Winzig, Clark, DeGeorge, Mace, Stainbrook.
   Abstained – Maier.
   Nays –None.

Mr. Barbour announced adoption of Resolution No. 19-99, an emergency measure, by a vote of 6 yeas, 1 abstention, and 0 nays, as amended by reading.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Ms. DeGeorge

Ms. DeGeorge had no report this evening.

MISCELLANEOUS

Mr. Clark advised that the 2020 Budget preparation season is drawing near, with a number of Finance Committee meetings to be held during the next few weeks. Other committee meetings will be held as well during this fourth quarter of 2019.

ADJOURNMENT

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 9:00 p.m.
AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE TO PROVIDE
WILDLIFE SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village, in order to reduce health and safety risks and
property damage associated with white-tailed deer populations, adopted a White-Tailed Deer
Management Plan; and

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

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

SECTION 2. The total cost of services and equipment provided under the agreement
is not to exceed $24,842.00.

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,
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

09.30.19 jt
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING A PORTION OF CHAPTER 1365 OF THE CODIFIED ORDINANCES
OF THE CITY OF BAY VILLAGE RELATING TO SHORT-TERM RENTALS,
AND DECLARING AN EMERGENCY

WHEREAS, The City has a legitimate interest in preserving its residential neighborhoods,
and the proliferation of short-term rentals of residential properties threatens the health, safety,
peace and tranquility of those neighborhoods by introducing transient guests into residential areas,
leading to increased noise, traffic, and occupancy of residences without sufficient owner
supervision and City oversight; and

WHEREAS, in order to protect and preserve the character and tranquility of the City’s
residential neighborhoods and to protect the health, safety, and welfare of the City and its residents,
the City wishes to prohibit short-term rentals;

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

SECTION 1. That Codified Ordinance Chapter 1365 which presently reads as follows:

Chapter 1365 - RENTAL DWELLING HOUSING LICENSE CODE[23]

Footnotes:

--- (23) ---

Cross reference— Discrimination in housing rental—see GEN.OFF. 515.03. Basic standards for
residential occupancy—see BLDG. 1344.04.

1365.01 - Title.

The provisions of this chapter, hereinafter referred to as "this Code" shall be known as "The Bay Village
Rental Dwelling Housing License Code." The word "City" in this chapter shall mean the City of Bay
Village.

(Ord. 06-98. Passed 10-2-06.)

1365.02 - Purpose.

Within the scope of this Code, as hereinafter defined, the purpose of this Code is to establish minimum
standards necessary to make all rental dwellings safe, sanitary, free from fire and health hazards and fit
for human habitation and beneficial to the public welfare; to establish minimum standards governing the
maintenance and repair of rental dwellings and their exterior property areas in such condition so as not to
constitute a blighting or deteriorating influence on the neighborhood and the community; to protect
property values and maintain the character and appearance of neighborhoods and the community; to
attach responsibilities for owners and occupants with respect to sanitation, repair and maintenance; to
establish the inspection of rental dwellings; to establish the fee for housing license; to establish
enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for
human habitation; to fix penalties for failure and/or refusal to abate violations of the Codified Ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.03 - General scope.

The provisions of this Code shall supplement any and all laws of the State of Ohio and City Ordinances and specifically shall include all rules and regulations promulgated by authority of such laws or ordinances applicable to rental dwellings, their exterior property areas and accessory structures.

(Ord. 06-98. Passed 10-2-06.)

1365.04 - Application.

(a) This Code shall apply to all rental dwellings, their exterior property area and accessory structures.

(b) Existing buildings may continue to be occupied as rental dwellings if:

(1) The rental dwelling complies with the provisions of the Codified Ordinances of the City except as to any variance heretofore granted by the Board of Zoning Appeals.

(2) The use and occupancy of the rental dwelling is not in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

(3) A housing license as required by this Code has been applied for, issued is current and in effect.

(c) The provisions of this code shall apply to all such rental dwellings, their exterior property areas and accessory structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The Director of the Division of Building, Engineering and Inspections and his authorized agents or representatives are designated to enforce this Code.

(Ord. 06-98. Passed 10-2-06.)

1365.05 - Conflict with other ordinances.

In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City; that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the occupants shall govern.

(Ord. 06-98. Passed 10-2-06.)

1365.06 - Severability.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions and the holding of any such section, subsection and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section, subsection and provision thereof.
1365.07 - Definitions.

For the purposes of this Code, the following words and phrases shall have the meaning set forth as follows:

(a) **Dwelling** means a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

(b) **Family** means an individual or two or more persons living together as a single housekeeping group in a dwelling.

(c) **Housing license** means an application form provided by the Building Department which authorizes the operation of a rental dwelling.

(d) **Non-resident** means the owner of a rental dwelling, who at the time of application for a housing license, does not reside within Cuyahoga County and/or adjoining counties, i.e.: Lake, Geauga, Portage, Summit, Medina, Lorain or relocates outside these counties after he has been issued a housing license for a rental dwelling, or who for 30 consecutive days or more is located outside the above designated area.

(e) **Occupant** means a family or family member living in a rental dwelling.

(f) **Owner** means a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed holder. For purposes of this ordinance an officer of a corporation and/or company can and shall be the owner of record.

(g) **Rental dwelling** means a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid or exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.

(h) **Single housekeeping group** means a group of individuals who share expenses and/or labor related to the maintenance of a dwelling and who are living and eating together in a dwelling.

1365.08 - Housing license.

No owner shall let, rent, lease, operate, maintain or occupy any building or portion of any building in which there is one or more rental dwellings unless a housing license as required by this chapter is in force. The housing license shall be signed by the owner as defined in this chapter.

1365.09 - Housing license fee.

(a) A nonrefundable non-prorated housing license fee shall be paid to the City in the amount required by Section 1305.02(k).

(b) All housing licenses required by this Code and not secured by the applicable dates as stated in Section 1365.12 shall incur a late fee of $75.00 per rental dwelling for which the housing license is required.
1365.10 - Housing license issuance.

The Building Director shall issue the license applied for if the building and its uses are found to comply in all respects with this Standard and all other laws and ordinances of the City. The housing license shall be posted on the interior at the main entrance of the building for which it is issued. The Building Director may inspect and/or cause to be inspected the building and require compliance in all respects with this Standard and all other laws and ordinances prior to the issuance of the housing license.

(Ord. 13-117. Passed 2-24-14.)

1365.11 - Housing license nonresident applicant.

(a) A nonresident owner of a rental dwelling shall designate either a janitor, custodian, agent or other responsible person in control for each rental dwelling building and such person shall be a resident of a county as listed in Section 1365.07(d).

(b) Such janitor, custodian, agent or other responsible person shall be available during normal business hours to the Building Department and to the occupants of the rental dwelling. A schedule listing the name, address, phone number and available hours of the janitor, custodian, agent or other responsible person shall be posted on the housing license.

(Ord. 06-98. Passed 10-2-06.)

1365.12 - License expiration.

Every housing license shall be secured by and expire no later than:

(a) All rental dwelling owners shall have secured from the City by April 1 the required housing license.

(b) All rental dwelling housing licenses shall expire on March 31 of each year irrespective of the date of issuance.

(c) Whenever the ownership of a rental dwelling changes, the current housing license shall become null and void. Housing licenses are not transferable. The new owner shall, within 15 days of title transfer, secure a housing license as required by this Code.

For the purpose of this Code, execution of a "land contract agreement" shall not be considered as change of ownership.

(Ord. 06-98. Passed 10-2-06.)

1365.13 - Inspections.

(a) The Building Director is hereby authorized to make or cause to be made inspections to determine the condition of rental dwellings in order that he may perform his duty of safeguarding the health and safety of the occupants and of the general public.

(b) Inspections may also be made whenever the Building Director has reasonable cause to believe a violation of the Laws and/or Ordinances of the City exist.

(c) The Building Director is authorized to revoke a housing license when access is denied to make an inspection.
1365.14 - Right of entry.

(a) For the purpose of making inspections, the Building Director and/or his authorized agent, upon presentation of proper identification, may enter and inspect at all reasonable times the rental dwelling. The owner, responsible person and/or the occupant shall give free access to the rental dwelling for the purpose of inspection.

(b) Every occupant of a rental dwelling shall give the owner or his agent free access to the rental dwelling at all reasonable times for the purpose of making repairs and/or improvements that are necessary to comply with the laws and ordinances of the City.

1365.15 - Pest extermination.

(a) Every occupant of a building containing a single rental dwelling shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises. Exterior yard areas and any accessory structures shall be the responsibility of the dwelling owner to provide pest extermination as required.

(b) Every occupant of a building containing two or more rental dwellings shall be responsible for the extermination of any insects, vermin, rodents or other pests within their rental dwelling unit. Common, shared and/or public areas, exterior areas and any accessory structures shall be the responsibility of the building owner to provide pest extermination as required.

1365.16 - Voiding housing license.

Any housing license shall become null and void if:

(a) The building for which the license was granted or the use to which it is put are in violation of this code and/or any other applicable ordinance of the City.

(b) A false statement or representation was made by the owner in connection with the application and issuance of the housing license.

(c) The building for which the license was applied, has rental dwellings added that were not stated on the application and shown on the housing license.

1365.99 - Penalty.

Whoever refuses, neglects or fails to comply with the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $1,000.00 for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

be and the same is amended to read:

V3
10.24.2019
Chapter 1365 - RENTAL DWELLING HOUSING LICENSE CODE[23]

Footnotes:
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Cross reference— Discrimination in housing rental—see GEN.OFF. 515.03. Basic standards for residential occupancy—see BLDG. 1344.04.

1365.01 - Title.

The provisions of this chapter, hereinafter referred to as "this Code" shall be known as "The Bay Village Rental Dwelling Housing License Code." The word "City" in this chapter shall mean the City of Bay Village.

(Ord. 06-98. Passed 10-2-06.)

1365.02 - Purpose.

Within the scope of this Code, as hereinafter defined, the purpose of this Code is to establish minimum standards necessary to make all rental dwellings safe, sanitary, free from fire and health hazards and fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance and repair of rental dwellings and their exterior property areas in such condition so as not to constitute a blighting or deteriorating influence on the neighborhood and the community; to protect and preserve the property values and maintain the character, tranquility and appearance of neighborhoods and the community; to attach responsibilities for owners and occupants with respect to sanitation, repair and maintenance; to establish the inspection of rental dwellings; to establish the fee for housing license; to establish enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for human habitation; to protect the health, safety and welfare of the City and its residents; to regulate and minimize the adverse effects of short-term rentals on residential neighborhoods; to fix penalties for failure and/or refusal to abate violations of the Codified Ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.03 - General scope.

The provisions of this Code shall supplement any and all laws of the State of Ohio and City Ordinances and specifically shall include all rules and regulations promulgated by authority of such laws or ordinances applicable to rental dwellings, their exterior property areas and accessory structures.

(Ord. 06-98. Passed 10-2-06.)

1365.04 - Application.

(a) This Code shall apply to all rental dwellings, their exterior property area and accessory structures.

(b) Existing buildings may continue to be occupied as rental dwellings if:

(1) The rental dwelling complies with the provisions of the Codified Ordinances of the City except as to any variance heretofore granted by the Board of Zoning Appeals.
(2) The use and occupancy of the rental dwelling is not in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

(3) A housing license as required by this Code has been applied for, issued is current and in effect.

(c) The provisions of this code shall apply to all such rental dwellings, their exterior property areas and accessory structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The Director of the Division of Building, Engineering and Inspections Department and his authorized agents or representatives are designated to enforce this Code.

(Ord. 06-98. Passed 10-2-06.)

1365.05 - Conflict with other ordinances.

In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City; that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the occupants shall govern.

(Ord. 06-98. Passed 10-2-06.)

1365.06 - Severability.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions and the holding of any such section, subsection and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section, subsection and provision thereof.

(Ord. 06-98. Passed 10-2-06.)

1365.07 - Definitions.

For the purposes of this Code, the following words and phrases shall have the meaning set forth as follows:

(a) Dwelling means a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

(b) Family means an individual or two or more persons living together as a single housekeeping group in a dwelling.

(c) Housing license means an application form provided by the Building Department which authorizes the operation of a rental dwelling.

(d) Non-resident means the owner of a rental dwelling, who at the time of application for a housing license, does not reside within Cuyahoga County and/or adjoining counties, i.e.: Lake, Geauga, Portage, Summit, Medina, Lorain or relocates outside these counties after he has been issued a housing license for a rental dwelling, or who for 30 consecutive days or more is located outside the above designated area.
(e) **Occupant** means a family or family member living in a rental dwelling.

(f) **Owner** means a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed holder. For purposes of this ordinance an officer of a corporation and/or company can and shall be the owner of record.

(g) **Rental dwelling** means a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid or exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.

(h) **Single housekeeping group** means a group of individuals who share expenses and/or labor related to the maintenance of a dwelling and who are living and eating together in a dwelling.

(Ord. 06-98. Passed 10-2-06.)

(i) **Short-term rental** means the right to use, occupy or possess, or the actual use, occupancy or possession, of a rental dwelling through a rental for temporary, transient occupancy for dwelling, sleeping or lodging, for a period of time less than twenty-nine (29) continuous days.

1365.08 - **Housing license.**

No owner shall let, rent, lease, operate, maintain or occupy any building or portion of any building in which there is one or more rental dwellings unless a housing license as required by this chapter is in force. The housing license shall be signed by the owner as defined in this chapter.

(Ord. 06-98. Passed 10-2-06.)

1365.09 - **Housing license fee.**

(a) A nonrefundable non-prorated housing license fee shall be paid to the City in the amount required by Section 1305.02(k).

(b) All housing licenses required by this Code and not secured by the applicable dates as stated in Section 1365.12 shall incur a late fee of $75.00 per rental dwelling for which the housing license is required.

(Ord. 06-98. Passed 10-2-06.)

1365.10 - **Housing license issuance.**

The Building Director shall issue the license applied for if the building and its uses are found to comply in all respects with this Standard and all other laws and ordinances of the City. The housing license shall be posted on the interior at the main entrance of the building for which it is issued. The Building Director may inspect and/or cause to be inspected the building and require compliance in all respects with this Standard and all other laws and ordinances prior to the issuance of the housing license.

(Ord. 13-117. Passed 2-24-14.)

1365.11 - **Housing license nonresident applicant.**

(a) A nonresident owner of a rental dwelling shall designate either a janitor, custodian, agent or other responsible person in control for each rental dwelling building and such person shall be a resident of a county as listed in Section 1365.07(d).
(b) Such janitor, custodian, agent or other responsible person shall be available during normal business hours to the Building Department and to the occupants of the rental dwelling. A schedule listing the name, address, phone number and available hours of the janitor, custodian, agent or other responsible person shall be posted on the housing license.

(Ord. 06-98. Passed 10-2-06.)

1365.12 - License expiration.

Every housing license shall be secured by and expire no later than:

(a) All rental dwelling owners shall have secured from the City by April 1 the required housing license.

(b) All rental dwelling housing licenses shall expire on March 31 of each year irrespective of the date of issuance.

(c) Whenever the ownership of a rental dwelling changes, the current housing license shall become null and void. Housing licenses are not transferable. The new owner shall, within 15 days of title transfer, secure a housing license as required by this Code.

For the purpose of this Code, execution of a "land contract agreement" shall not be considered as change of ownership.

(Ord. 06-98. Passed 10-2-06.)

1365.13 - Inspections.

(a) The Building Director is hereby authorized to make or cause to be made inspections to determine the condition of rental dwellings in order that he may perform his duty of safeguarding the health and safety of the occupants and of the general public.

(b) Inspections may also be made whenever the Building Director has reasonable cause to believe a violation of the Laws and/or Ordinances of the City exist.

(c) The Building Director is authorized to revoke a housing license when access is denied to make an inspection.

(Ord. 06-98. Passed 10-2-06.)

1365.14 - Right of entry.

(a) For the purpose of making inspections, the Building Director and/or his authorized agent, upon presentation of proper identification, may enter and inspect at all reasonable times the rental dwelling. The owner, responsible person and/or the occupant shall give free access to the rental dwelling for the purpose of inspection.

(b) Every occupant of a rental dwelling shall give the owner or his agent free access to the rental dwelling at all reasonable times for the purpose of making repairs and/or improvements that are necessary to comply with the laws and ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.15 - Pest extermination.
(a) Every occupant of a building containing a single rental dwelling shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises. Exterior yard areas and any accessory structures shall be the responsibility of the dwelling owner to provide pest extermination as required.

(b) Every occupant of a building containing two or more rental dwellings shall be responsible for the extermination of any insects, vermin, rodents or other pests within their rental dwelling unit. Common, shared and/or public areas, exterior areas and any accessory structures shall be the responsibility of the building owner to provide pest extermination as required.

(Ord. 06-98. Passed 10-2-06.)

**1365.16 - Voiding housing license.**

Any housing license shall become null and void if:

(a) The building for which the license was granted or the use to which it is put are in violation of this code and/or any other applicable ordinance of the City.

(b) A false statement or representation was made by the owner in connection with the application and issuance of the housing license.

(c) The building for which the license was applied, has rental dwellings added that were not stated on the application and shown on the housing license.

(Ord. 06-98. Passed 10-2-06.)

(d) The use and occupancy of the rental dwelling, is in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

**1365.17 – Short-term Rental Prohibition.**

No person shall operate, let, rent, list, advertise, or otherwise make available, any rental dwelling in the City of Bay Village for the purpose of a short-term rental.

**1365.99 - Penalty.**

Whoever refuses, neglects or fails to comply with the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $1,000.00 for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

(Ord. 06-98. Passed 10-2-06.)

**and present Chapter 1365 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

10.22.19 jt