

ORDINANCE NO. 2015-93
INTRODUCED BY: COUNCIL MEMBER PATRICK A. WARD

**AN ORDINANCE PLACING A TEMPORARY
MORATORIUM ON THE GRANTING OF ANY
PERMITS FOR FENCES IN EXCESS OF FOUR (4)
FEET IN HEIGHT IN THE CITY, AND DECLARING
AN EMERGENCY**

WHEREAS, Council wishes to review the City's Codified Ordinances with regard to the construction of fences in excess of four (4) feet in height in the City; and

WHEREAS, in order to permit such review, and to avoid potential litigation if permits are requested in the City in accordance with the Codified Ordinances, Council desires to withhold, for a temporary period of time, the issuance of any permit to businesses or individuals allowing for fences in excess of four (4) feet in height while it undertakes a review of the Ordinances of the City; and

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, welfare and safety of the citizens of the City of Lyndhurst more effectively if a moratorium is in place. Now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Council hereby places a temporary moratorium until May 1, 2016, regarding the granting of any permits allowing fences in excess of four (4) feet in height in the City of Lyndhurst, unless the fence is between a residentially zoned property and a property in a different zoning classification.

SECTION 2. The Building Department is hereby directed to refrain from granting any permit for a fence in excess of four (4) feet in height in the City during the effective period stated herein.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that it is necessary to impose this moratorium immediately so as not to mislead any potential permit applicants. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: October 19, 2015

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on October 29, 2015 and November 5, 2015.

Clerk of Council

First Reading: October 19, 2015

Second Reading: Suspended

Third Reading: Suspended

Passed 10-19-2015