

**ORDINANCE NO. 2017-58
INTRODUCED BY ADMINISTRATION**

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING
CURRENT REPLACEMENT PAGES AND DECLARING AN EMERGENCY.**

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare replacement pages to the Codified Ordinances which are before Council; Now, Therefore,

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

SECTION 1: The ordinances of the City of Lyndhurst, Ohio, of a general and permanent nature, as revised, recodified, rearranged, and consolidated into component codes, titles, chapters and sections within the 2017 replacement pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2: The following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

402.21	Motorcycle. (Amended)
402.22	Motorized Bicycle; Moped. (Amended)
404.03	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
414.12	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
432.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
434.01	Driving Under the Influence. (Amended)
436.09	Display of License Plates. (Amended)
452.06	Unattended Vehicles; Duties. (Amended)

General Offenses Code

606.01	General Definitions. (Amended)
606.06	Limitation of Criminal Prosecution. (Amended)
624.02	Gift of Marihuana. (Amended)
624.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
624.04	Possessing Drug Abuse Instruments. (Amended)
624.05	Permitting Drug Abuse. (Amended)
624.07	Possessing or Using Harmful Intoxicants. (Amended)
624.08	Illegally Dispensing Drug Samples. (Amended)
624.076	Possessing Nitrous Oxide in Motor Vehicle. (Amended)
624.14	Drug Paraphernalia. (Amended)
624.15	Counterfeit Controlled Substances. (Amended)
660.13	Nonsmoking Areas in Places of Public Assembly. (Amended)
606.12	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
642.08	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
612.01	Liquor Control Definitions. (Amended)
612.07	Open Container Prohibited. (Amended)
636.08	Criminal Child Enticement. (Amended)
636.13	Contributing to Child Delinquency. (Amended)
642.09	Arson. (Amended)
642.11	Criminal Mischief. (Amended)
642.10	Vehicular Vandalism. (Amended)
672.01	Weapons Definitions. (Amended)
672.02	Carrying Concealed Weapons. (Amended)
672.04	Improperly Handling a Firearm in a Motor Vehicle. (Amended)

SECTION 3: The complete text of the sections listed above is set forth in full in the current replacement pages to the Codified Ordinances. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of the current replacement pages to the Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

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 Ordinance 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 _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO. 2017-59
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE CONTINUING A MORATORIUM ON GRANTING ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, HB 523, which permits patients in Ohio to use medical marijuana under the recommendation of physicians, became effective on September 8, 2016; and

WHEREAS, Section 3796.29 of the Ohio Revised Code, which was enacted by HB 523, authorizes the legislative authority of a municipal corporation to adopt an ordinance to prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the municipal corporation; and

WHEREAS, HB 523 also sets up limits within which a medical marijuana cultivator, processor, retail dispensary or laboratory that tests medical marijuana may be located near a school, church, public library, public playground, or public park; and

WHEREAS, there are concerns by this Council and the City Administration regarding the manner in which HB 523 will interact with Federal, State and local law; and

WHEREAS, in consideration of these concerns, this Council previously by Ordinance imposed a moratorium on granting any building permit or certificate of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of medical marijuana for a period not to exceed six months from the effective date of the Ordinance; and

WHEREAS, this Council and the City Administration, especially the City Planning Commission, require additional time to undertake a review of all applicable Federal, State and local legislation in order to determine a course of action in response to HB 523. Now, therefore,

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

SECTION 1. Council hereby continues the moratorium on granting any building permit or certificate of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Ordinance.

SECTION 2. This moratorium does not apply to any pharmacy currently established in the City and licensed in accordance with Chapter 4729 of the Ohio Revised Code.

SECTION 3. During this moratorium the Director of Law shall review the applicable statutes, and will report to Council as to the effect of HB 523 on the Codified Ordinances of the City of Lyndhurst.

SECTION 4. During this moratorium the Planning Commission shall likewise consider the effect of HB 523 upon the Codified Ordinances of the City of Lyndhurst, and shall report same to Council.

SECTION 5. It is hereby determined that no valid existing business in the City may expand in any way that would establish the cultivation, processing, or retail sale of medical marijuana for the duration of this moratorium.

SECTION 6. This moratorium shall be in effect for a period of six months from the effective date of this Ordinance, and may be extended by Council at its discretion if its consideration is not completed.

SECTION 7. 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 7. 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 the City of Lyndhurst because additional time is necessary to review the applicable legislation. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

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 Ordinance 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 _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO. 2017-60
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2
WITH CAMINO CONSTRUCTION, INC. FOR THE
HANSFORD ROAD WATERLINE REPLACEMENT
PROJECT, AUTHORIZING THE CLOSEOUT OF SAID
CONTRACT, AND DECLARING AN EMERGENCY**

WHEREAS, the City has previously entered into a Contract with Camino Construction, Inc. for the Hansford Road Waterline Project; and

WHEREAS, Camino Construction, Inc. has successfully completed the Contract; and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Program. Now, therefore,

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

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with Camino Construction, Inc. for the credit amount of Three Thousand Two Hundred Fifty-Three Dollars (\$3,253.00), in addition to the Contract heretofore authorized by the Board of Control of this Council, as and for final reconciliation of contract quantities for said Contract, all as more fully set forth in Change Order No. 2, dated September 21, 2017, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to credit the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

SECTION 3. This Council determines that the work included in the Contract with Camino Construction, Inc. has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Two Hundred One Thousand One Hundred Seventy-Five Dollars and 52/100 (\$201,175.52). This final payment amount has been approved by the City Engineer.

SECTION 4. The Mayor be and he is hereby authorized to execute all documents necessary to complete the closeout of this Contract in accordance with this Ordinance.

SECTION 5. 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 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid changes so as to not unnecessarily delay the completion of the aforesaid Project. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

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 Ordinance 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 _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

**ORDINANCE NO. 2017-61
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1
WITH H&J CONSTRUCTION, INC. FOR THE 2017
SIDEWALK REPAIR PROGRAM, AUTHORIZING THE
CLOSEOUT OF SAID CONTRACT, AND DECLARING AN
EMERGENCY**

WHEREAS, the City has previously entered into a Contract with H&J Construction, Inc. for the 2017 Sidewalk Repair Program; and

WHEREAS, H&J Construction, Inc. has successfully completed the Contract; and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Program. Now, therefore,

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

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with H&J Construction, Inc. for the credit amount of Seven Thousand Six Hundred Fifty-Three and 44/100 Dollars (\$7,653.44), in addition to the Contract heretofore authorized by the Board of Control of this Council, as and for final reconciliation of contract quantities for said Contract, all as more fully set forth in Change Order No. 1, dated September 27, 2017, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to credit the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

SECTION 3. This Council determines that the work included in the Contract with H&J Construction, Inc. has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Eighty-Nine Thousand Three Hundred Seventy-One and 56/100 Dollars (\$89,371.56). This final payment amount has been approved by the City Engineer.

SECTION 4. The Mayor be and he is hereby authorized to execute all documents necessary to complete the closeout of this Contract in accordance with this Ordinance.

SECTION 5. 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 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid changes so as to not unnecessarily delay the completion of the aforesaid Project. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

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 Ordinance 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 _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

**RESOLUTION NO. 2017-62
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION ADOPTING THE UPDATED 2017-2022
ALL-HAZARDS MITIGATION PLAN FOR CUYAHOGA
COUNTY AND DECLARING AN EMERGENCY**

WHEREAS, hazard mitigation is any sustainable action taken to reduce or eliminate damage from future disasters; and

WHEREAS, the Disaster Mitigation Act of 2000 requires all communities that desire to apply for mitigation programs to have an updated All-Hazards Mitigation Plan; and

WHEREAS, the Disaster Mitigation Act of 2000 also requires communities to review and revise the plan at least every five (5) years to reflect changes in development, progress in local mitigation efforts and changes in priorities, in order to continue eligibility to apply for federal mitigation programs; and

WHEREAS, the Cuyahoga County Office of Emergency Management has prepared and updated such a mitigation plan which is titled the 2017-2022 Cuyahoga County All-Hazards Mitigation Plan; and

WHEREAS, the updated 2017 Cuyahoga County All-Hazards Mitigation Plan must meet the criteria established by the Federal Emergency Management Agency (FEMA); and

WHEREAS, each jurisdiction requesting approval of the Plan must document that the Plan has been formally adopted; and

WHEREAS, the Council of the City of Lyndhurst, Ohio, upon recommendation of the Fire Chief of the City after his review of said Plan, desires to formally adopt said Plan. Now, therefore,

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

SECTION 1. The City of Lyndhurst, Ohio does hereby adopt the updated 2017-2022 All-Hazards Mitigation Plan for Cuyahoga County.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it is necessary to adopt same as soon as possible. Therefore, this Resolution shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor or otherwise at the earliest time allowed by law.

PASSED: _____

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 _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

**RESOLUTION NO. 2017-63
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION PROVIDING FOR HALLOWEEN
OBSERVANCE UPON THE STREETS AND OUT-OF-DOORS
FOR OCTOBER 31, 2017, BETWEEN THE HOURS OF
6:00 P.M. AND 8:00 P.M.**

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

SECTION 1. Halloween activities and observances in the City of Lyndhurst, Ohio, in the year 2017 shall take place on Tuesday, October 31, 2017. The custom generally known as “trick or treating” shall be permitted only between the hours of 6:00 and 8:00 P.M., and the canvassing which is part of said custom shall be subject to parental supervision. Disorderly conduct and peace disturbances as provided for in Chapter 648 of the Codified Ordinances are prohibited.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the public health, peace, welfare, and safety of the City of Lyndhurst for the reason that most communities in and around Lyndhurst will observe Halloween on the same day, thereby eliminating the possibility of misunderstanding among children who may go from one community to another. Wherefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest time allowed by law.

PASSED: _____

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 _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____