

ORDINANCE NO: 2016-30
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.09 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“BUILDING, DEMOLITION, HOUSE MOVING, SIGN AND
DRIVEWAY PERMIT FEES” AND DECLARING AN
EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.09 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS: deleted material appears like this):

1351.09 BUILDING, DEMOLITION, HOUSE MOVING, SIGN AND DRIVEWAY PERMIT FEES.

~~The Building Commissioner or his or her agent shall issue the permit required and collect the fee therefor. As used in this section, the floor space of a building or other structure means the floor space of each floor, including basements, attached garages, breezeways and covered porches, as determined by dimensions from exterior faces of exterior walls.~~

~~—The fees to be charged shall be based upon the following:~~

~~—Fees for Building Applications.~~

~~—(a) All new single family dwellings (detached), including attached garages and basements~~

-

~~(1) Per 100 square feet of gross floor area in all stories \$ 25.00~~

~~(2) Minimum 700.00~~

~~—(b) All new single family dwellings (attached), including garages and basements~~

-

~~(1) Per 100 square feet or fraction thereof of gross floor area in all stories 25.00~~

~~(2) Minimum 700.00~~

-

~~(c) New multifamily buildings not constructed as town homes, cluster type single or two family or planned unit developments~~ \$1,000,
plus
\$50.00 per
unit

-

~~—(d) All other new buildings or structures not constructed to provide shelter, housing or living arrangements for persons or families (commercial structures or buildings)~~

-

~~(1) Per 100 square feet of gross floor area \$ 25.00~~

~~(2) Minimum 2,500.00~~

~~—(e) New commercial buildings that are permitted accessory buildings to the main building or use~~

-

~~(1) Per 100 square feet 20.00~~

~~500.00~~

~~(2) Minimum~~

—(f) Additions to single family homes (attached or detached)	
-	
(1) Per square foot	.50
(2) Minimum	100.00
(3) Maximum	200.00
—(g) Additions to multifamily buildings	
-	
(1) Per 100 square feet of gross floor area in all stories	20.00
(2) Minimum	500.00
—(h) Additions to all buildings other than residential	
-	
(1) Per 100 square feet of gross floor area in all stories	30.00
(2) Minimum	500.00
—(i) Additions to permitted residential accessory buildings	
-	
(1) Per square foot	.25
(2) Minimum	50.00
—(j) Additions to permitted accessory buildings other than residential	
-	
(1) Per square foot	.50
(2) Minimum	100.00
-	
(k) Permitted residential storage buildings not exceeding 120 square feet in area	10.00
—(l) Garage additions to existing attached garages	
-	
(1) Per square foot	1.00
(2) Minimum	50.00
(3) Maximum	100.00
—(m) New detached garages	
-	
(1) Per 100 square feet of gross floor area	10.00
(2) Minimum	50.00
—(n) Swimming pools	
-	
(1) Residential single family, in ground	100.00
(2) Residential single family, above ground	50.00
(3) Swimming pools above or below ground for multifamily structures	200.00
(4) All other new in or above ground swimming pools	200.00
—(o) Driveways	
-	
(1) New residential driveways or replacements (concrete or asphalt)	\$ 20.00
(2) Resurface existing residential asphalt drive	15.00
(3) New commercial driveway	30.00
(4) New residential driveway apron	15.00
(5) New commercial apron	20.00
(6) Widening of drive or apron	10.00
—(p) Alterations to any building interior or exterior, according to costs as estimated by the Building Commissioner (including fixed equipment, damage from fire or other causes)	
-	

(1) Per \$1,000 valuation	5.00
(2) Minimum	100.00
—(q) Fireplaces	
-	
(1) New masonry fireplaces	50.00
(2) Factory built or inserts	25.00
—(Note: Requires floor plans and section thru drawings to scale.)	
-	
(r) Open deck	30.00
(s) Parking lot construction or additions thereto per 50 spaces or fraction thereof	50.00
—(t) Demolition of all types of buildings (including tenant spaces, but excluding detached garages)	
-	
(1) Per 1,000 square feet in all stories	15.00
(2) Minimum	100.00
(3) Detached garages	25.00
—(u) For each permit to erect a sign	
-	
(1) All new signs, either electrical or nonelectrical including ground signs, per face	30.00
(2) All signs, relocated or altered in size or advertising copy, each, per face	20.00
(3) Signs restored or repaired with no change in size, location or advertising copy	No charge
-	
(v) Vinyl and/or aluminum siding or re-siding with other approved materials	25.00
-	
(w) Fences	
(1) Open fences not exceeding four feet in height	10.00
(2) Closed fences, or any fence over four feet in height	15.00
(x) Retaining walls in excess of eighteen inches in height	30.00
—(y) Satellite dish or antenna	
-	
(1) One meter thirty nine inches diameter or less (residential and commercial)	No charge
(2) Residential, over one meter	30.00
(3) Commercial installation, over one meter	50.00
-	
(z) Antenna towers	
(1) Residential, per foot	\$ 1.00
(2) Commercial, per foot	5.00
(aa) Fire protection for hoods of commercial cooking equipment	50.00
—(bb) Moving of buildings	
-	
(1) On rollers on a public street or portion thereof	500.00
(2) On carryalls on a public street or portion thereof	250.00
(3) Without traversing a public street or portion thereof	100.00

~~In addition to the fees in this subsection, the supervision or inspection by, and/or the use of, police for traffic control will be charged to the person making application for the permit. Said charges will be estimated and a deposit will be required to cover these costs prior to the issuance of a permit.~~

The Building Commissioner or his or her agent shall issue the permit required and collect the fee therefor. As used in this section, the floor space of a building or other structure means the floor space of each floor, including basements, attached garages, breezeways and covered porches, as determined by dimensions from exterior faces of exterior walls. The fees to be charged shall be based upon the following:

I. Fees for Building Applications.

- (a) All new single-family dwellings (detached), including attached garages and basements.
Per 100 square feet of gross floor area in all stories \$ 25.00
Plus a Base Fee \$700.00
- (b) All new single-family dwellings (attached), including garages
Per 100 square feet or fraction thereof of gross floor area in all stories \$25.00
Plus a Base Fee \$700.00
- (c) New multifamily buildings not constructed as town homes, cluster type single or two family or planned unit development. \$1,500.00
Plus Per Unit \$50.00
- (d) All other new buildings or structures not constructed to provide shelter, housing or living arrangements for persons or families (commercial structures or buildings).
Per 100 square feet of gross floor area \$25.00
Plus Base Fee \$2,500.00
- (e) New commercial buildings that are permitted accessory buildings to the main building or use.
Per 100 square feet \$25.00
Plus Base Fee \$500.00
- (f) Additions to single family homes, attached or detached:
Per square foot \$.50
Plus a base Minimum Fee \$100.00
Maximum Fee \$500.00
- (g) Additions to multifamily buildings:
Per 100 square feet of gross floor area in all stories: \$20.00 per
Plus Base Fee \$500.00
- (h) Additions to all buildings other than residential:
Per 100 square feet of gross floor area in stories: \$30.00 per
Plus Base Fee \$500.00
- (i) Additions to permitted residential accessory Buildings:
Per square foot: \$.25 per
Plus Base Fee \$50.00
- (j) Additions to permitted accessory buildings other than Residential:
Per square foot of floor area \$.50 per
Plus Base Fee \$100.00

(k) Permitted residential storage building not exceeding one Hundred twenty (120') square feet in area:	\$15.00
(l) Garage additions to existing attached garages:	
Per Square Foot	\$1.00 per
Plus a Base Minimum Fee	\$50.00
Maximum Fee	\$200.00
(m) New detached garages:	
Per 100 square feet of gross floor area: Over 500 Square feet	\$10.00
Minimum	\$75.00
(n) Swimming Pools:	
1. Residential single family, in ground:	\$100.00
2. Residential single family, above ground:	\$ 50.00
3. Swimming pools above or below ground for multi-family structures:	\$200.00
4. All other new in or above ground swimming pools:	\$200.00
(o) New residential driveway or replacement (concrete or asphalt):	\$25.00
Resurface existing residential asphalt drive:	\$20.00
New or replacement commercial driveway:	\$35.00
New or replacement residential driveway apron:	\$20.00
New or replacement Commercial apron:	\$25.00
Widening of drive or apron:	\$15.00
(p) Alterations to any building, interior or exterior, according to costs as Estimated by the Building Commissioner (includes fixed equipment, damage From fire or other causes).	
Per \$1,000.00 of valuation	\$ 5.00
Plus Base Fee	\$100.00
(q) New or replacement exterior steps	\$ 50.00
(r) New masonry fireplaces	\$50.00
Factory Built Fireplaces	\$25.00
NOTE: Requires floor plans and section-thru drawings to scale	
(s) Open deck	\$30.00
(t) Parking lot construction, new, replacement or additions thereto:	
Per 50 spaces or fraction thereof:	\$75.00
(u) Demolition of all types of buildings (including tenant spaces, excluding Detached garages.	
For each 1000 square feet in all stories:	\$15.00
Minimum	\$100.00
Detached garages	\$25.00
(v) For each permit to erect a sign	
New or replacement up to 24 square feet in area	\$ 50.00
New or replacement from 25 to 60 square feet in area	\$ 75.00
New or replacement over 61 square feet in area	\$100.00
Ground signs per face	\$ 50.00
(w) Vinyl and/or aluminum or re-siding with other approved materials	\$ 25.00
(x) Fences:	\$ 20.00
(y) Retaining walls in excess of 18" in height	\$ 30.00

- (z) Satellite dish, or antenna one meter (39”) or less (residential and commercial)
no charge
 - Residential one meter \$ 30.00
 - Commercial installation, over one meter \$ 50.00
- (aa) Antenna Towers: Residential per foot \$ 1.00
Commercial per foot \$ 5.00
- (bb) Fire protection for hoods of commercial cooking equipment \$ 75.00
- (cc) For moving a building on rollers on a public street or portion thereof: \$500.00
For moving a building on carryalls on a public street or portion thereof: \$250.00
For moving a building without traversing public street of portion thereof: \$100.00
In addition to the fees in this sub section, supervision, inspection and/or
Use of police for traffic control will be charged to the person making application
for the permit. Said charges will be estimated and a deposit will be required to
cover these costs prior to issuance of a permit.

SECTION 2. Any and all provisions of the Codified Ordinances inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: 2016-31
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.10 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“HEATING AND AIR CONDITIONING PERMIT FEES”
AND DECLARING AN EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.10 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS: deleted material appears like ~~this~~):

1351.10 HEATING AND AIR CONDITIONING PERMIT FEES.

In addition to the fees for building permits provided in Section 1351.09, the following fees shall be collected by the Building Commissioner for heating work:

(a) For all new residential heating systems, the following fees:	
-	
(1) For the first 250,000 BTU input	\$ 50.00
For each 1,000 BTU input over the first 250,000 BTU or fraction thereof	1.00
(2) For the replacement or installation of gas burning devices, including, but not limited to, unit heaters, space heaters, wall hung heaters, furnaces, steam and hot water boilers, log lighters and similar devices	25.00
(3) Additional equipment installed with a new or existing furnace	
 A. Humidifiers	5.00
 B. Electronic filters	5.00
 C. Energy vent dampers and heat extractors	5.00
(4) Additional ductwork and other additions to existing heating systems	25.00
(b) Commercial fees, including new and replacement:	
-	
(1) For the first 250,000 BTU input, all types of heating systems	75.00
For each 1,000 BTU input over the first 250,000 BTU or fraction thereof	1.00
(2) For the replacement or installation of gas burning devices, including, but not limited to, unit heaters, wall hung heaters, space heaters, furnaces, clothes, dryers or similar devices	30.00
(3) Heating boilers (low pressure boilers)	
 A. Less than 1,000 feet of radiation	20.00
 B. 1,000 to 5,000 feet of radiation	30.00
 C. Over 5,000 feet of radiation	60.00
(4) Power boilers up to 400 horsepower	40.00
Power boilers over 400 horsepower	60.00
(5) Hot water boiler with steam	50.00

(6) Additional ductwork and other additions to existing heating equipment	50.00
(7) Additional equipment installed with new or existing heating equipment:	
 -A. Diffusers	2.00
 -B. Fire dampers	10.00
 -C. Humidifiers	10.00
 -D. Electric air filters	10.00
 -E. Energy vent dampers	10.00
 -F. VAV boxes (variable air volume)	2.00
-	
(e) For all relatively new or innovative systems for hot water and/or innovative systems for hot water and/or air conditioning, such as geothermal, solar, etc. (plans and specifications to be approved by Building Commissioner)	100.00
(d) For all residential and commercial gas or electric central air conditioning systems, including heat pumps, each compressor unit (new or replacement)	50.00
(e) Commercial cooking hoods	50.00
(f) For all combination residential and commercial heating and air conditioning units placed on the inside of a structure (including multifamily buildings), each unit	30.00
(g) For all commercial equipment placed outside or on a roof of any structure, each	
(a) For all residential heating systems, the following fees:	
(1) New Structure	\$100.00
Plus per 100 square foot or fraction thereof:	\$5.00
(2) For the replacement or installation of residential gas-burning, unit heaters, space heaters, wall hung heaters, furnaces, steam and hot water boilers.	\$50.00
(3) Additional equipment installed new or replacement:	
(A) Gas Logs	\$25.00
(B) Wood Burning Unit (Gas)	\$25.00
(C) Factory Built Fireplace and Stoves	\$25.00
(D) Air Handler	\$25.00
(4) Additional ductwork and other additions to existing heating systems. Residential	\$25.00
Plus per 100 square feet or fraction thereof	\$ 5.00 per
(b) For all commercial heating systems, the following fees:	
(1) New structures/additions	\$200.00
Plus per 100 square feet or fraction thereof	\$ 5.00 per
(2) For the replacement or installation of commercial gas burning devices, including but not limited to: unit heaters, wall hung heaters, space heaters, furnaces, boilers or similar devices.	
Rated input capacity in BTU or equivalent:	
Up to 50,000	\$ 50.00
50,000 up to 250,000	\$ 75.00
250,001 up to 500,000	\$100.00
500,001 up to 2,500,000	\$125.00
2,500,001 up to 10,000,000	\$175.00
10,000,0001 up to 100,000,000	\$225.00
Over 100,000,000	\$325.00

- | | |
|---|-------------|
| (3) Air handler new or replacement | \$ 50.00 |
| (4) Additional ductwork and other additions to existing commercial heating systems | \$ 50.00 |
| Plus per 100 square feet or fraction thereof | \$ 5.00 per |
| (5) Additional equipment installed new or replacement: (Commercial) | |
| (A) Diffusers | \$ 3.00 |
| (B) Fire dampers | \$ 10.00 |
| (C) Humidifiers | \$ 10.00 |
| (D) Electric air filters | \$ 10.00 |
| (E) Energy vent Dampers | \$ 10.00 |
| (F) VAV Boxes (variable air volume) | \$ 3.00 |
| (c) For all relatively new or innovative systems for hot water and/or innovative systems for hot water and/or air conditioning, such as geothermal, solar, etc. (Plans and specifications to be approved the Building Commissioner. | \$100.00 |
| (d) For all Residential and Commercial gas or electric central air conditioning systems, Including heat pumps, each compressor unit (new or replacement) | |
| Residential | \$ 50.00 |
| Commercial | \$ 75.00 |
| (e) Commercial cooking hoods | \$ 75.00 |
| (f) For all combination residential and commercial heating and air conditioning Units placed on the inside of a structure (includes, multi-family buildings, each Unit . | \$ 30.00 |
| Commercial equipment placed outside or on a roof of any structure, each | \$100.00 |

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: _____

Proposed

ORDINANCE NO: 2016-32
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.11 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“PLUMBING AND SEWER WORK PERMIT FEES” AND
DECLARING AN EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.11 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS: deleted material appears like ~~this~~):

1351.11 PLUMBING AND SEWER WORK PERMIT FEES.

~~(a) In addition to the fees for building permits provided in Section 1351.09, the following fees shall be collected by the Building Commissioner for plumbing and sewer work:~~

~~— (1) For each permit for new work, alterations or repairs to plumbing, including water lines or plumbing fixtures, or both, or a replacement thereof (base fee):~~

A. Commercial	\$30.00
B. Residential	20.00

~~— (2) The following sums, in addition to the base fee provided by paragraph (a)(1) hereof, for each tub, water closet, shower, lavatory, sink, laundry tray, hot water heater and boiler, slop sink, bar, urinal, drinking fountain, dishwasher, pump, instant hot, garbage disposal, grease interceptor unit, floor drain or any other sanitary trap:~~

A. For each fixture	\$3.00
B. Lawn sprinkler systems	20.00
C. Sump pump	
1. Residential	10.00
2. Commercial	20.00
D. Gas lines (repair, alterations or new installation)	10.00
E. Fire protection sprinkler systems	
1. Each sprinkler head	2.00
2. Minimum	25.00

~~(3) For each permit to make a new sewer connection, including laying of sewers connected thereto~~

	100.00 (each connection)
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~~(4) The following sum, in addition to the base fee provided by paragraph (a)(3) hereof, for each downspout connection, yard drain, area drain, trench drain and catch basin~~

	5.00
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~~(5) The following sum, in addition to the base fee provided by paragraph (a)(3) hereof, for each exterior interceptor connected to the sewer system~~

	50.00
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~~(6) For each permit to alter, repair or relay any portion of the sewer system on the premises or waterproofing (no base fee)~~

	50.00
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~~(7) For each permit to clean a sewer (no base fee)~~

	15.00
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50.00

~~(8) Underground fire line inspection~~

~~—(b) Upon furnishing satisfactory proof of hardship or inability to pay the required fee, senior citizens shall be exempt from the permit fee for the installation of a hot water heater as provided for in paragraph (a)(2) hereof. Proof of senior citizen status shall be furnished to the Building Commissioner at the time of making application for the permit.~~

~~—(c) Homeowners who are installing or replacing a domestic hot water heater at their place of residence within the City, with the work being performed entirely by the homeowner, may obtain the necessary permit at a reduced cost of ten dollars (\$10.00), provided, however, that the homeowner doing said work obtains the required permit in person, assumes responsibility for the work, and calls for the necessary safety inspection.~~

(a) The following fees shall be collected by the Building Commissioner for plumbing and sewer work

(1) Commercial plumbing new structure	\$200.00
Plus per 100 square foot or fraction thereof:	\$5.00
No Base Fee	
(2) Residential plumbing new structure	\$100.00
Plus per 100 square foot or fraction thereof:	\$5.00
No Base Fee	
(3) For each permit for additions, alterations or repairs to plumbing, including Water line or plumbing fixtures or both, or a replacement thereof	
(Base fee) Commercial	\$50.00
(Base fee) Residential	\$ 30.00
(4) The following sums in addition to the base fee for each tub, water closet, shower, lavatory, sink, laundry tray, slop sink, bar sink, urinal, drinking fountain, dishwasher, pump, instant hot, garbage disposal, grease interceptor unit, floor drain or any other fixture:	
A. For each fixture	\$ 5.00
B. Lawn sprinkler systems	
\$20.00	
C. Gas line (repair, alterations or new installation)	\$10.00
D. Hot water tank – No Base Fee	\$25.00
(5) Fire protection sprinkler systems:	
Base fee	\$75.00
Plus per each sprinkler head	\$ 3.00
(6) For each permit to make a new sewer connection including laying of sewers connected thereto – per connection	\$100.00
(7) The following sum, in addition to the base fee provided by paragraph (a)(3) hereof, for each downspout connection, yard drain, area drain Catch basin.	\$ 5.00
(8)The following sum, in addition to the base fee provided by paragraph (a) (6) hereof, for each exterior interceptor connected to the sewer system	\$ 50.00
(9) Underground fire line inspection	\$ 50.00

- (b) Upon furnishing satisfactory proof of hardship or inability to pay required fee, senior citizens shall be exempt from the permit for the installation of a hot water heater as provided for in paragraph (a)(2) hereof. Proof of senior citizen shall be furnished to the Building Commissioner at the time of making application for the permit.
- (c) Homeowners who are installing or replacing a domestic hot water heater at their place of residence within the City, with the work being performed entirely by the homeowner, may obtain the necessary permit at a reduced cost of ten (\$10.00) dollars, provided however, that the homeowner doing said work obtains the required permit in person assumes the responsibility for the work, and calls for the necessary safety inspection.

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: 2016-33
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.12 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“ELECTRICAL PERMIT FEES” AND DECLARING AN
EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.12 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS: deleted material appears like ~~this~~):

1351.12 ELECTRICAL PERMIT FEES.

In addition to the fees for building permits provided in Section 1351.09, the following fees shall be collected by the Building Commissioner for electrical work:

(a) For any electrical work, either new, replacement or temporary (base fee):	20.00
(1) Residential	20.00
(2) Commercial	30.00
—(b) The following sums, in addition to the base fee provided in —subsection (a) hereof, where applicable:	
-	
(1) Wiring of a new single family dwelling house (no base fee)	100.00
(2) Wiring of two or more single or two family dwellings constructed as town homes or cluster type development (attached), each unit (no base fee)	100.00
(3) Wiring of a multifamily building other than town homes, cluster or planned unit developments	
A. First unit	100.00
B. Each additional unit	30.00
(4) Wiring of a new commercial building	
A. Per 100 square feet of gross floor area in all stories	10.00
B. Minimum	100.00
(5) Wiring of an addition to a single family home —(no base fee)	35.00
—(c) For all other work:	
-	
(1) Each lighting or receptacle outlet, except as otherwise specified in this subsection	.50
(2) Each lighting fixture (including exit signs and emergency lighting lamps)	.50
(3) Each section of track lighting—	
(4) High intensity lighting outlets of 1,000 watts or more, including projectors and arc lamps, each	5.00
(5) Residential fees, including new and replacement, for post lights, ranges, ovens of 220 volts or higher in rating, clothes dryers, window air conditioning units of one horsepower or more, electric hot water heaters, disposals, dishwashers, garage door openers, compactors, instant hots (water), fans, electric furnaces, hair dryers and similar devices over 1,000 watts capacity, humidifiers, electronic filters, heat cables, power outlets for other 220 volt or higher equipment, electric baseboard heating (per circuit), hot tubs and	5.00

~~therapeutic pools~~

- ~~(6) Commercial fees, including new and replacement, for post lights, parking lighting standards, commercial ranges and ovens of 220 volts or higher in rating, clothes dryers, electric hot water tanks, garbage disposals and dishwashers, garage door operators, compactors, instant hots, fans, electric furnaces, hair dryers and similar devices over 1,000 watts capacity, humidifiers, electric air filters, heat cables, power outlets for other 220-volt or higher equipment, hot tubs and therapeutic pools, electric heat treating or tempering equipment and permanent wave apparatus 10.00~~
- ~~(7) For motors~~
- ~~A. Fractional horsepower up to 1 horsepower~~
- ~~B. Horsepower up to 10 horsepower, each~~
- ~~C. Over 10 horsepower, each~~
- ~~(8) X-ray machines and/or medical equipment~~
- ~~(9) Wiring for commercial hood protection~~
- ~~(10) Each sign, illuminated either internally or externally 15.00~~
- ~~(11) Each panel board or electrical panel~~
- ~~(12) For generators~~
- ~~A. 0-400 kw~~
- ~~B. Above 400~~
- ~~(13) Each fire alarm, smoke detection system, CO detection system and other pre-engineered systems, and nurses call stations 50.00~~
- ~~(Note: Certification required from the State Fire Marshall's Office.)~~
- ~~(14) Each commercial security system and communication system, including fibre optic cable systems and data processing systems 50.00~~
- ~~(15) Co-generation systems and associated equipment 100.00~~
- ~~(16) Underground service wiring~~
- ~~(17) Electrical violation corrections~~
- ~~A. For single or two-family homes~~
- ~~B. All other occupancies, base fee plus~~
- (a) For any electrical work, either new, replacement or temporary.
- | | |
|-----------------------|----------|
| Base fee, residential | \$ 30.00 |
| Base fee, commercial | \$ 50.00 |
- (b) The following sums, in addition to the base fee provided in subsection (a) hereof, where not specifically excluded.
1. Wiring of new single family dwelling house \$100.00
 Plus per 100 square foot or fraction thereof: \$5.00
 NO BASE FEE

 2. Wiring of two or more single or two-family dwellings constructed as Town homes or cluster type development.
 Attached. Per Unit \$100.00
 Plus per 100 square foot or fraction thereof: \$5.00
 NO BASE FEE

 3. Wiring of a multi-family building other than town homes, cluster or Planned unit development.
 First unit \$100.00
 Each additional unit \$ 30.00

Plus per 100 square foot or fraction thereof: \$5.00
NO BASE FEE

4. Wiring of a new commercial building
Minimum \$200.00
Plus per 100 square foot or fraction thereof: \$5.00
NO BASE FEE

5. Wiring of an addition to a single family home
Minimum \$ 50.00
Plus per 100 square foot or fraction thereof: \$5.00
NO BASE FEE

(c) ALL OTHER WORK

1. For each lighting outlet, receptacle outlet, except as otherwise specified in
This subsection \$.50

2. For each lighting fixture (including EXIT signs and emergency lighting
Lamps.) \$.50
For each section of track lighting \$ 2.00

3. High intensity lighting outlets of 1,000 watts or more, including
Projectors and arc lamps, each. \$ 5.00

4. Residential fees, including new and replacement:
Post lights, ranges, ovens of 220 volts or higher in rating, clothes
Dryers, window air conditioning units of one horsepower or more,
Electric hot water heaters, disposals, dishwashers, garage door openers
Compactors, instant hots (water), fans, electric furnaces, hair dryers and
Similar devices over 1,000 watts capacity, humidifiers, electric filters,
Heat cables, power outlets for other 220 volt or higher equipment, electric
Baseboard heating per circuit, hot tubs and therapeutic pools. \$ 5.00

5. Commercial fees, including new and replacement: post lights, parking lighting
Standards, commercial ranges and ovens of 220 volts or higher in rating,
Clothes dryers, electric hot water tanks, garbage disposals, and
dishwashers, garage door openers, compactors, instant hots, fans,
electric furnaces, hair dryers and similar devices over 1,000 watts
capacity, humidifiers, electronic air filters, heat cables, power
outlets for other 220 volt or higher equipment, hot tubs and therapeutic
pools, electric heat treating or tempering equipment , permanent
wave apparatus \$ 10.00

6. For motors:
Fractional horsepower up to 1 horsepower No Charge
Horsepower up to 10 horsepower, each \$ 5.00
Over 10 horsepower, each \$ 10.00

7. X-ray machines and/or medical equipment \$ 50.00

8. Wiring for commercial hood protection \$ 20.00

9. For each sign, illuminated either internally or externally \$ 15.00

10. For each panel board or electrical panel
Residential \$ 20.00
Commercial \$ 50.00

- 11. For Generators:
 - Residential \$ 50.00
 - Commercial \$100.00

- 12. For each fire alarm, smoke detection systems, CO detection system
And other pre-engineered systems, nurses call station
NOTE: Certification required from the State Fire Marshall's Office
 - New \$200.00
 - Upgrade, addition or alteration \$100.00

- 13. For each commercial security system and communication system including
Fiber optic cable systems, data processing systems \$ 50.00

- 14. Co-generation systems and associate equipment \$100.00

- 15. Underground service wiring \$ 20.00

- 16. For electrical violation corrections to single or two family homes, Base
Fee only.
For all other occupancies, base fee plus \$20.00

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: 2016-34
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.13 OF
THE CODIFIED ORDINANCES OF THE CITY TITLED
“FEES FOR INSPECTION” AND DECLARING AN
EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.13 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

1351.13 FEES FOR INSPECTION.

For each extra inspection in connection with the installation, alteration, removal, addition or demolition of any building pursuant to a building permit issued where such extra inspection is made necessary by faulty or incomplete work, whether construction, plumbing, heating, electrical or otherwise, the Building Commissioner shall require the payment of a ~~twenty~~ THIRTY dollar (\$~~20.00~~30.00) fee per each extra inspection. Said fees shall be deducted from the construction deposit required under Section 1351.13

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: _____

Proposed

ORDINANCE NO: 2016-35
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.14 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“MISCELLANEOUS PERMIT FEES” AND DECLARING AN
EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.14 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

1351.14 MISCELLANEOUS PERMIT FEES.

~~Miscellaneous permit fees shall be as follows:~~

- ~~—(a) Setting and checking grade, additional engineering services, per contract fees with City Engineer. A deposit estimated by the Building Commissioner may be required, based on the amount and type of work involved or on the size of the project.~~
- ~~—(b) Occupancy permits:~~
- | | |
|---|---------------------|
| (1) Single and two family dwellings (each) | \$20.00 |
| (2) Multifamily, (each building) | 100.00 |
| (3) Office building (each building) | 100.00 |
| (4) Community business district (each building) | 100.00 |
| (5) All changes in use or occupancy of any building, excluding single and two-family residential (including tenant spaces of existing office and commercial buildings) | 50.00 |
| (c) Excavation deposit | \$200.00 |
| Minus for each necessary inspection | -20.00 |

Miscellaneous Permit Fees shall be as follows:

- (a) Setting and checking grade, additional engineering services, per contract fees with City Engineer. Deposit estimated by Building Commissioner may be required based on and/or the amount of and type of work involved or project size.
- (b) Occupancy Permits:
- | | |
|---|----------|
| 1. Single and two-family dwellings (each). | \$ 25.00 |
| 2. Multi-family (each building) | \$100.00 |
| 3. Office building (each building) | \$100.00 |
| 4. Community business district (each building) | \$100.00 |
| 5. All changes in use or occupancy of any building, excluding single and Two-family residential (includes tenant spaces of existing office and Commercial buildings). | \$ 50.00 |
- (c) Excavation deposit
- | | |
|--------------------------------------|----------|
| | \$200.00 |
| Deduct for each necessary inspection | \$ 20.00 |

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: 2016-36
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.16 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED “CASH
DEPOSIT FOR CONSTRUCTION REQUIRED” AND
DECLARING AN EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

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

SECTION 1. Section 1351.16 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

1351.16 CASH DEPOSIT FOR CONSTRUCTION REQUIRED.

~~(a) Before any building permit or any other permit relating to the construction, alteration or addition of a building is issued, the applicant for the permit shall deposit with the Building Commissioner, in addition to any other fee or deposit that may be required by any other section, the following cash amounts:~~

~~—(1) For each single dwelling house to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars (\$1,000);~~

~~—(2) For each multifamily building to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars (\$1,000);~~

~~—(3) For each commercial or industrial building to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars (\$1,000);~~

~~—(4) For each residential garage to be constructed, a cash deposit of fifty dollars (\$50.00);~~

~~—(5) For each alteration or addition to a single dwelling house, multiple dwelling, commercial building or industrial building, a cash deposit equal to one percent of the estimated valuation of the alteration or addition, but not less than one hundred dollars (\$100.00); and~~

~~—(6) For the demolition of any building, a cash deposit of five hundred dollars (\$500.00), exclusive of private detached garages.~~

~~(b) Refunding of the cash deposit shall take place only after any building for which a cash deposit was required has been constructed and completed in conformity with all applicable codes and is deemed habitable as evidenced that:~~

~~—(1) All basic building materials have been incorporated within the building and construction is completed in accordance with all applicable codes;~~

~~—(2) The heating system is operative.~~

~~—(3) An adequate water supply to the building has been provided.~~

~~—(4) The electrical installation is approved.~~

~~—(5) The plumbing installation is approved.~~

~~—(6) The final inspection is completed and all requirements thereof are fulfilled.~~

~~—(7) Grading and draining have been approved.~~

~~—(8) Suitable driveways and parking areas have been provided.~~

~~(c) In addition to the above, upon completion and receipt of an occupancy permit and final inspection, any deposit made as provided in this chapter shall be returned after a deduction of twenty dollars (\$20.00) for each extra required inspection and for each permit fee not paid. Where the work has been completed, the fee shall be doubled pursuant to Section 1351.18 and deducted from the cash deposit.~~

- (a) Before any building permit or any other permit relating to the construction, alteration or addition of a building is issued, the applicant for the permit shall deposit with the Building Commissioner, in addition to any other fee or deposit that may be required by any other section, the following cash amounts:
- (1) For each single-dwelling house to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars, \$1,000.00
 - (2) For each multiple-family building to be constructed, A cash deposit equal to one percent of the estimated Valuation, but not less than one thousand dollars \$1,000.00
 - (3) For each commercial or industrial building to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars. \$1,000.00
- (b) Refunding of the cash deposit shall take place only after any building for which a cash deposit was required has been constructed and completed in conformity with all applicable codes and is deemed habitable as evidenced that
1. All basic building materials have been incorporated within the building and construction is completed in accordance with all applicable codes;
 2. The heating system is operative.
 3. An adequate water supply to the building has been provided.
 4. The electrical installation is approved.
 5. The plumbing installation is approved.
 6. The final inspection is completed and all requirements thereof are fulfilled.
 7. Grading and draining have been approved.
 8. Suitable driveways and parking areas have been provided.
- (c) In addition to the above, upon completion and receipt of an occupancy permit and final inspection, any deposit made as provided in this Chapter shall be returned after a deduction of thirty dollars (\$30.00) for each extra required inspection and of each permit fee not paid, where the work has been completed; the fee shall be doubled per Ord. 1351.18 and deducted from said cash deposit.

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. 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: _____

Proposed

**ORDINANCE NO. 2016-37
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING SECTION 175.03 OF THE
ZONING CODE OF THE CITY TITLED "FEE SCHEDULE"
AND DECLARING AN EMERGENCY**

WHEREAS, it is necessary to establish a fee schedule for review of matters by the Architectural Board of Review. Now, therefore,

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

SECTION 1. Section 175.03 of the Codified Ordinances of the City titled "FEE SCHEDULE" is hereby enacted to read as follows:

175.03 FEE SCHEDULE

The Fee Schedule for each application for review by the Architectural Board of Review shall be as follows:

One, Two and Three Family Dwellings	
New Construction	\$50
Additions, Alterations	\$35
All other Buildings or Structures	
Based on square feet of Aggregate Floor Area	
Under 2,500	\$50
2,500 to 7,500	\$60
7,500 to 15,000	\$80
Over 15,000	\$120
Alterations	\$50
Signs	\$50

Fees for the Architectural Board of Review are for two appearances. There is a \$25 fee for the third and each subsequent appearance.

SECTION 2. All other provisions of Chapter 175 of the Codified Ordinances of the City not specifically amended or repealed herein shall remain in full force and effect.

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 the City of Lyndhurst for the reason that it is necessary to establish the aforesaid fee schedule as soon as possible. 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: _____

Proposed

**ORDINANCE 2016-38
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENDERSON, SCHMIDLIN & MCGARRY CO., L.P.A. TO PROVIDE LEGAL SERVICES FROM JANUARY 1, 2016, THROUGH DECEMBER 31, 2016, AND DECLARING AN EMERGENCY

WHEREAS, the Mayor of the City of Lyndhurst has appointed Paul T. Murphy as the Director of Law for the City; and

WHEREAS, Paul T. Murphy is a partner at the law firm of Henderson, Schmidlin & McGarry Co., L.P.A.; and

WHEREAS, the City of Lyndhurst wishes to continue to engage Paul T. Murphy and the law firm of Henderson, Schmidlin & McGarry Co., L.P.A. to perform legal services beginning January 1, 2016, and ending December 31, 2016. Now therefore,

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

SECTION 1. Paul T. Murphy shall continue to be employed as the Director of Law for the City for the period beginning January 1, 2016, and ending December 31, 2016, at a salary to be determined annually by Council. The Director of Law shall perform the duties imposed by Charter and Ordinances of the City of Lyndhurst, and by State law.

SECTION 2. The Mayor be and is hereby authorized to enter into an agreement to engage the law firm of Henderson, Schmidlin & McGarry Co., L.P.A. to represent the City in connection with various matters at an hourly rate to be determined annually by Council beginning January 1, 2016, and ending December 31, 2016. Council hereby ratifies any work that has been performed by Henderson, Schmidlin & McGarry Co., L.P.A., prior to and up to the date of this Ordinance in accordance herewith.

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 preservation of the public peace, health, safety and welfare and for the further reason that it is immediately necessary in order to provided continued legal services for the City. Therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise from and after the earliest period 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. 2016-39
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO AN INDEPENDENT CONTRACTOR
AGREEMENT WITH ANTHONY CARBONE TO ASSIST
THE BUILDING DEPARTMENT IN CARRYING OUT
CERTAIN ASPECTS OF BUILDING INSPECTIONS,
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Lyndhurst has an ongoing need for the services of an individual to assist the Building Department in carrying out certain aspects of building inspections in the City; and

WHEREAS, Anthony Carbone is certified to perform building inspections in the State of Ohio, and has sufficient experience and training to provide the needed services and meet the needs of the City; and

WHEREAS, Council determines this Independent Contractor Agreement is necessary for the safety and welfare of its residents and businesses so that such services may continue. Now, therefore,

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

SECTION 1. The Mayor is authorized and directed to enter into an Independent Contractor Agreement with Anthony Carbone pursuant to the terms that are set forth in that Agreement, a copy of which is attached hereto and incorporated herein as "Exhibit A."

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees, that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including of Section 121.22 of the Ohio Revised Code.

SECTION 2. 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 for the reason that it is necessary to implement the aforesaid so that the same is effective, and the services can be provided immediately. 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. 2016-40
INTRODUCED BY: ADMINISTRATION

**A RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT WINTER CONTRACT (018-17) FOR
ROAD SALT AND DECLARING AN EMERGENCY**

WHEREAS, the City of Lyndhurst, Cuyahoga County, Ohio, (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-17) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of 3,200 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2016 through March 31, 2017; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Wednesday, June 1, 2016. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

NOW, THEREFORE, be it resolved by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees, that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including of Section 121.22 of the Ohio Revised Code.

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 for the reason that it is necessary to implement the aforesaid prior to May 27, 2016. 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: _____

**RESOLUTION NO. 2016-41
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY WITH THE CITIES OF MAYFIELD HEIGHTS, HIGHLAND HEIGHTS, RICHMOND HEIGHTS, CLEVELAND HEIGHTS, SHAKER HEIGHTS AND PEPPER PIKE, AND THE VILLAGE OF GATES MILLS, TO COLLABORATE AND APPLY FOR AN ASSISTANCE TO FIREFIGHTERS GRANT; AUTHORIZING THE MAYOR TO ACCEPT SAID GRANT IF AWARDED; AND DECLARING AN EMERGENCY

WHEREAS, the City has been advised there are grant funds available through the Federal Assistance to Firefighters Grant Program; and

WHEREAS, the Cities of Lyndhurst, Mayfield Heights, Highland Heights, Richmond Heights, Cleveland Heights, Shaker Heights and Pepper Pike, and the Village of Gates Mills, in Cuyahoga County, Ohio, have come together to collaborate and to make an application for the *2015 Assistance to Firefighters Grant*; and

WHEREAS, the municipalities have agreed to enter into a collaborative agreement in which the City of Lyndhurst Fire Department will be the lead agency and named applicant, and the other municipalities will be partners in the application; and

WHEREAS, the municipalities desire to enter into a Memorandum of Understanding setting forth the services to be provided by the collaborative. Now, therefore,

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

SECTION 1. This Council authorizes the Mayor to execute, on behalf of the City of Lyndhurst, a Memorandum of Understanding with the Cities of Mayfield Heights, Highland Heights, Richmond Heights, Cleveland Heights, Shaker Heights and Pepper Pike, and the Village of Gates Mills, in generally the form attached hereto as Exhibit A, which is fully incorporated herein by reference, to collaborate and apply for an Assistance to Firefighters Grant.

SECTION 2. The Mayor is hereby authorized to accept said Grant on behalf of the collaborative if awarded.

SECTION 3. The Director of Finance is authorized and directed to appropriate to a proper account the funds required by the Memorandum of Understanding as the applicant share of the City of Lyndhurst if the Grant is awarded.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. 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 authorize the execution of the aforesaid Memorandum of Understanding immediately and without delay so as to not jeopardize the award of such funds to the City. 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 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. 2016-42
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 777 OF THE
CODIFIED ORDINANCES OF THE CITY OF
LYNDHURST REGARDING DONATION DROP BOXES
AND DECLARING AN EMERGENCY**

WHEREAS, the placement of Donation Drop Boxes in various parts of the City has increased over the past year; and

WHEREAS, it is necessary to regulate said placement in order to advance and protect the health, welfare and safety of the City and its residents. Now, therefore,

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

SECTION 1. Chapter 777 of the Codified Ordinances is hereby enacted to read as follows:

777.01 FINDINGS, PURPOSE AND INTENT.

In adopting this Chapter, the Council of the City of Lyndhurst acknowledges the proliferation of Donation Drop Boxes within the City. Donation Drop Boxes have a particular set of needs, issues and concerns, including, but not limited to the sanitary condition of both the donated items and the area surrounding the donation drop box, as well as the location, maintenance, and frequency of collection of donated items. It is with these needs, issues and concerns in mind that Lyndhurst City Council adopts this Chapter to promote the health, safety, welfare and aesthetics of the City of Lyndhurst through the regulation of Donation Drop Boxes.

777.02 DEFINITIONS.

"Donation Drop Box " means a receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, including but not limited to, clothing or household items. This definition of Donation Drop Box shall not include trailers where personnel are present at all times that donations are being accepted.

777.03 REGISTRATION.

No person or persons shall place, display, maintain, or permit a donation drop box on any property within the City of Lyndhurst unless such person or persons shall first have obtained a Donation Drop Box Permit from the City in accordance with the provisions of this Chapter and any rules and regulations which may be established hereunder.

777.04 APPLICATION AND FEE.

In order to obtain a Donation Drop Box Permit, an application must be submitted to and upon forms provided by the City of Lyndhurst Building Department. The permit application shall include, among other items, the address of the site where the Donation Drop Box will be located; the name, address, telephone number and electronic contact information of the owner of the property in which the Donation Drop Box is located; the name, address, telephone number and electronic contact information of the owner of the Donation Drop Box; and the name, address, telephone number and electronic contact information for the person or persons responsible for the placing, emptying, servicing, maintaining, cleaning and removing of the Donation Drop Box. The application shall also include a site plan of the property indicating the exact location of the Donation Drop Box, including setbacks. It shall be the responsibility of the owner of the Donation Drop Box or his or her agent to update the information requested on the permit application, to the extent that such information changes throughout the year. Such application shall include a non-refundable permit application fee of \$50.00.

777.05 EXPIRATION.

Donation Drop Box Permits shall be valid from the date of issuance until December 31st of each year. Upon expiration of a Donation Drop Box Permit, any person who intends to continue to place, display, or maintain a Donation Drop Box shall obtain a new Donation Drop Box Permit, and a new fee shall be required.

777.06 STANDARDS.

Every Donation Drop Box shall be maintained in a neat, clean, and sanitary condition and shall be kept in good working order at all times. Each Donation Drop Box shall be serviced and maintained so that it is free of: dirt and grease; chipped, faded, peeling or cracked paint; free of rust and corrosion; and cracks, dents, blemishes and discoloration. Donation Drop Boxes shall be emptied regularly and within twenty-four (24) hours of the primary contact person being notified that the Donation Drop Box is full. Each Donation Drop Box shall clearly state the name, address and telephone number of the owner of the Donation Drop Box and how the donated items will be used.

777.07 LOCATION AND MAXIMUM NUMBER OF DONATION DROP BOXES PER PARCEL.

(a) No person shall place or maintain, and no property owner or tenant shall permit or maintain, any Donation Drop Box in any location that obstructs vehicular traffic or impairs vehicular, bicycle or pedestrian views of traffic.

(b) No more than two Donation Drop Boxes shall be permitted on any parcel or at any business location.

777.08 CORRECTION ORDERS AND REMOVAL.

Upon determination by the Mayor that a Donation Drop Box has been placed or is being maintained in violation of any of the provisions of this Chapter, an order to correct the violation shall be issued via Certified Mail to the property owner; to the Donation Drop Box owner; or to the tenant or primary contact person designated by the permit holder. The order shall describe the violation and actions necessary to correct the violation. Failure to properly correct the violation within three (3) days after being provided with notice of the order, exclusive of Saturday, Sunday and legal holidays, may result in criminal charges being filed pursuant to this Chapter. If the violation is not corrected within thirty (30) days of the date of the order or if proper contact information for a primary contact person is not provided, the Donation Drop Box will constitute a nuisance, and in addition to any penalty provided in Section 777.99 for such a violation, the nuisance may be abated by the City of Lyndhurst pursuant to the Codified Ordinances of the City of Lyndhurst.

777.99 PENALTY.

Whoever violates any provision of this Chapter is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or which a violation occurs or continues.

SECTION 2. 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 3. 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 for the reason that it is necessary to regulate the placement of Donation Drop Boxes as soon as possible. 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: _____

Proposed