

**ORDINANCE NO: 2016-54**  
**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**, 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:

I. Fees for Building Applications.

- |  |                                  |
|--|----------------------------------|
| (a) All new single-family dwellings (detached), including attached garages and basements.<br>Per 100 square feet of gross floor area in all stories<br>Plus a Base Fee   | \$25.00<br>\$700.00              |
| (b) All new single-family dwellings (attached), including garages<br>Per 100 square feet or fraction thereof of gross floor area in all stories<br>Plus a Base Fee   | \$25.00<br>\$700.00              |
| (c) New multifamily buildings not constructed as town homes, cluster type single or two family or planned unit development.<br>Plus Per Unit   | \$1,500.00<br>\$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).<br>Per 100 square feet of gross floor area<br>Plus Base Fee | \$25.00<br>\$2,500.00            |
| (e) New commercial buildings that are permitted accessory buildings to the main building or use.<br>Per 100 square feet<br>Plus Base Fee   | \$25.00<br>\$500.00              |
| (f) Additions to single family homes, attached or detached:<br>Per square foot<br>Plus a base Minimum Fee<br>Maximum Fee   | \$ .50<br>\$100.00<br>\$500.00   |
| (g) Additions to multifamily buildings:<br>Per 100 square feet of gross floor area in all stories:<br>Plus Base Fee  | 20.00 <sup>per</sup><br>\$500.00 |

(h) Additions to all buildings other than residential: Per 100 square feet of gross floor area in stories: Plus Base Fee	\$30.00 <sub>per</sub> \$500.00
(i) Additions to permitted residential accessory Buildings: Per square foot: Plus Base Fee	\$.25 <sub>per</sub> \$50.00
(j) Additions to permitted accessory buildings other than Residential: Per square foot of floor area Plus Base Fee	\$.50 <sub>per</sub> \$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 Plus a Base Minimum Fee Maximum Fee	\$1.00 <sub>per</sub> \$50.00 \$200.00
(m) New detached garages: Per 100 square feet of gross floor area: Over 500 Square feet Minimum	\$10.00 \$75.00
(n) Swimming Pools: 1. Residential single family, in ground: 2. Residential single family, above ground: 3. Swimming pools above or below ground for multi-family structures: 4. All other new in or above ground swimming pools:	\$100.00 \$50.00 \$200.00 \$200.00
(o) New residential driveway or replacement (concrete or asphalt): Resurface existing residential asphalt drive: New or replacement commercial driveway: New or replacement residential driveway apron: New or replacement Commercial apron: Widening of drive or apron: Garage base: NEW OR REPLACEMENT CONCRETE SERVICE WALK: NEW OR REPLACEMENT CONCRETE PUBLIC SIDEWALK:	\$25.00 \$20.00 \$35.00 \$20.00 \$25.00 \$15.00 \$25.00 \$20.00 NO FEE, BUT A PERMIT REQUIRED
(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 Plus Base Fee	\$5.00 \$100.00
(q) New or replacement exterior steps	\$ 50.00
(r) New masonry fireplaces Factory Built Fireplaces Chimney repairs	\$50.00 \$25.00 \$50.00
(s) Open deck New or replacement patio pad	\$30.00 \$25.00
(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: Minimum Detached garages	\$15.00 \$100.00 \$25.00
(v) For each permit to erect a sign New or replacement up to 24 square feet in area New or replacement from 25 to 60 square feet in area New or replacement over 61 square feet in area Ground signs per face	\$50.00 \$75.00 \$100.00 \$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 Commercial installation, over one meter	 \$30.00 \$50.00
(aa) Antenna Towers: Residential per foot Commercial per foot	\$1.00 \$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: For moving a building on carryalls on a public street or portion thereof: For moving a building without traversing public street of portion thereof: 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.	\$500.00 \$250.00 \$100.00

**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: \_\_\_\_\_

Proposed

**ORDINANCE NO. 2016-55**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 618 OF THE  
CODIFIED ORDINANCES OF THE CITY ENTITLED  
“ANIMALS” BY AMENDING SECTION 618.24, AND  
DECLARING AN EMERGENCY**

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

**SECTION 1.** Section 618.24 of the Codified Ordinances of the City entitled “FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED” is hereby amended to read as follows:

**618.24 FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED**

(a) No person shall provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals or wildlife by setting such food out on any public property, or within a 150 yard radius of any private residence or public right-of-way. This section does not apply to animals owned by that person, or to song birds fed from a stationary bird feeder.

(b) No person shall purposely or knowingly feed, cause to be fed, or provide food for wild white-tail deer in any location where undomesticated animals can access such food, whether by hand or through ground-feeding stations, salt licks or other established mechanisms to feed wild white-tail deer, on lands publicly or privately owned.

(c) This section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program.

(d) The City may initiate a civil action in the court of common pleas A COURT OF COMPETENT JURISDICTION for injunctive and other relief for any violation of this section.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree for the first offense, and a misdemeanor of the first degree for each subsequent offense. A separate offense shall be deemed committed on each day on or during which a violation of the ordinance occurs.

Penalty shall be as provided in Section 698.02.

**SECTION 2.** All provisions in Chapter 618 of the Codified Ordinances of the City inconsistent herewith are hereby repealed and all other provisions of Chapter 618 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 institute the aforesaid change to the Codified Ordinances immediately and without delay to protect the safety, sanitation and health of the residents of the City. 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

**RESOLUTION NO. 2016-56  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT KNOWN AS THE EUCLID CREEK WATERSHED PARTNERSHIP AGREEMENT, APPROPRIATING FUNDS TO COMPLY WITH SAID AGREEMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Lyndhurst is a member of the Euclid Creek Watershed Council, which is made up of nine municipalities in the Euclid Creek Watershed organized informally in 2000 and formally in 2004 in order to, among other tasks, facilitate implementation of the State-mandated watershed action plan for the Euclid Creek Watershed, promote coordinated participation of local governments in the implementation of the plan, and coordinate implementation of the “Public Involvement and Public Education” (PIPE) Program of the Council member communities; and

**WHEREAS**, the assistance and support of the Cuyahoga Soil and Water Conservation District is necessary to provide personnel to be a Watershed Coordinator for the Council, and to provide staff support to the Council, coordinate the Council meetings and subcommittees, including PIPE committee functions, to provide support to local communities for watershed improvement projects and to implement their watershed goals, to encourage broad involvement in the watershed implementation process and assist with required reports to the Ohio EPA, and to perform such other tasks as may be necessary to accomplish the goals of the Council and the District; and

**WHEREAS**, the Euclid Creek Watershed Council has previously approved a Memorandum of Understanding between the Euclid Creek Watershed Council and the Cuyahoga Soil and Water Conservation District pertaining to the Euclid Creek Watershed Coordinator; and

**WHEREAS**, as part of the aforesaid Memorandum of Understanding the Council developed a Partnership Agreement among the communities of Euclid Creek Watershed Council which includes the City of Lyndhurst; and

**WHEREAS**, this Council determines that it is in the best interest of the City to continue the Partnership Agreement with the other Euclid Creek Watershed Communities; and

**WHEREAS**, there is a need for funding from the member communities for the Euclid Creek Watershed Council’s activities and for the support received from the Cuyahoga Soil and Water Conservation District, which is no longer being supported by grant monies and which will require each of the nine communities to fund \$5,500.00 per year for the next four years, beginning January 1, 2017. Now, therefore,

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

**SECTION 1.** The Mayor is hereby authorized to enter into a Partnership Agreement with the other Euclid Creek Watershed Communities, which Agreement is attached hereto, fully incorporated herein, and marked Exhibit A for identification.

**SECTION 2.** The Director of Finance is authorized and directed to pay an annual amount not to exceed Five Thousand Five Hundred Dollars (\$5,500.00) as required by the Partnership Agreement authorized in Section 1 of this Resolution.

**SECTION 3.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution 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.** The 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 reasons set forth in the Preamble hereto. Therefore this Resolution 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: \_\_\_\_\_

**RESOLUTION NO. 2016-57  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS  
CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-01-038, 5372  
BLUE BELL DRIVE, TO BE A NUISANCE, AUTHORIZING THE  
MAYOR TO ENTER INTO A CONTRACT FOR THE WORK  
NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City Building Commissioner has determined that the real property known as Cuyahoga County Permanent Parcel No. 714-01-038, and also known as 5372 Blue Bell Drive, Lyndhurst, Ohio, is in such disrepair that it constitutes a nuisance; and

**WHEREAS**, the City Building Commissioner has served a three (3) day notice, in accordance with Section 1355.09(b) of the Codified Ordinances, upon the owner, occupant, agent or operator to terminate the nuisance; and

**WHEREAS**, the owner, occupant, agent or operator has failed and neglected to comply with the notice to abate the nuisance; and

**WHEREAS**, Section 1355.09(c) of the Codified Ordinances provides authority to the Mayor or Building Commissioner to enter into a contract for the work necessary to abate the nuisance. Now, therefore,

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

**SECTION 1.** This Council determines the real property known as Cuyahoga County Permanent Parcel No. 714-01-038, and also known as 5372 Blue Bell Drive, Lyndhurst, Ohio, is in such a state of disrepair that it is declared to be a nuisance.

**SECTION 2.** This Council determines that the Building Commissioner has served a three day notice upon the owner, occupant, agent, or operator to abate that nuisance, and said owner, occupant, agent, or operator has failed and neglected to comply with said notice.

**SECTION 3.** This Council hereby authorizes and directs the Mayor to enter into a contract for the work necessary to abate the nuisance.

**SECTION 4.** The cost of said work shall not exceed Three Thousand Dollars (\$3,000.00) without further action by this Council.

**SECTION 5.** This Council further authorizes the Building Commissioner to invoice the owner of the premises for the costs of such nuisance abatement.

**SECTION 6.** This Council determines that if the costs of nuisance abatement are not paid within thirty (30) days of the date of the invoice, then the costs of nuisance abatement shall become a lien on the property, and shall be certified to the County Auditor and collected in the manner provided by law for assessments.

**SECTION 7.** 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 8.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Lyndhurst and its residents. 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: \_\_\_\_\_