

**ORDINANCE NO. 2017-73
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE DEMANDING THAT THE CLEVELAND PLAIN DEALER AND CLEVELAND.COM IMMEDIATELY STOP LITTERING PUBLIC PROPERTY WITH THE “SHOP CLE” WEEKLY CIRCULAR, REQUESTING THAT THE CLEVELAND PLAIN DEALER BEGIN MAILING THE CIRCULAR TO HOMES IN THE CITY OF LYNDHURST AS HAS BEEN DONE IN CLEVELAND HEIGHTS AND NEWBURGH HEIGHTS, AND DECLARING AN EMERGENCY

WHEREAS, Resolution No. 2016-06 adopted January 18, 2016, demanded that the Cleveland Plain Dealer and Cleveland.com immediately stop littering public property with the “shopCLE” weekly circular, requested that the Cleveland Plain Dealer begin mailing the circular to homes in the City of Lyndhurst as has been done in Cleveland Heights and Newburgh Heights, and declared an emergency; and

WHEREAS, the Cleveland Plain Dealer and Cleveland.com have continued to provide a “weekly circular” of advertisements and promotions known as “shopCLE” which is placed in plastic bags and carelessly tossed along the City’s roadways, sidewalks, driveways and tree lawns; and

WHEREAS, this weekly circular is really a collection of unsolicited advertisements and promotions which profit the Cleveland Plain Dealer and Cleveland.com; and

WHEREAS, the careless tossing of these advertisements continues to violate this City’s Littering Ordinances, Sections 432.40 and 660.03 of the Codified Ordinances, and continues to be a public nuisance in accordance with the City’s Building and Housing Code; and

WHEREAS, the plastic bags containing the advertisements are thrown all over the neighborhoods, and continues to pose serious hazards to wildlife, human health and the environment; and

WHEREAS, this Council continues to receive numerous complaints from residents regarding the littering of neighborhoods with these advertisements encased in plastic bags; and

WHEREAS, at least two Cleveland suburbs have complained to the Cleveland Plain Dealer and have negotiated that the advertisements will be mailed instead of dumped onto the public right-of-way. Now, therefore,

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

SECTION 1. This Council demands the Cleveland Plain Dealer and Cleveland.com to immediately stop littering public property with the “shopCLE” weekly circular, and requests that the Cleveland Plain Dealer begin mailing the circular to homes in the City of Lyndhurst as has been done in the City of Cleveland Heights and Newburgh Heights Village.

SECTION 2. The Clerk of Council is hereby directed to transmit copies of this Ordinance to the Plain Dealer Depot Manager in charge of shopCLE distribution, Cathy McBride, to Plain Dealer Director of Planning and Project Management, Chris Chimes, and to Jeff Pierkowski, the local reporter for Cleveland.com.

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 make this demand immediately and without delay. 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: October 16, 2017

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 October 26, 2017 and November 2, 2017.

Clerk of Council

First Reading: October 16, 2017

Second Reading: Suspended

Third Reading: Suspended

Passed 10-16-2017