

**ORDINANCE NO. 2021-04**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CONTRACTS FOR THE  
DEPOSIT OF INTERIM AND ACTIVE FUNDS OF THE CITY OF  
LYNDHURST, AND DECLARING AN EMERGENCY**

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

**SECTION 1.** PNC BANK; KEY BANK; JP MORGAN CHASE BANK; HUNTINGTON BANK; FIFTH THIRD BANK; STAR OHIO, STAR PLUS and U.S. BANK have submitted applications to act as depositories for the active funds and/or interim funds of the City of Lyndhurst. The Council desires to authorize contracts with all nine institutions.

The Mayor be and he is hereby authorized and directed to enter into contracts with PNC BANK; KEY BANK; JP MORGAN CHASE BANK; HUNTINGTON BANK; FIFTH THIRD BANK; STAR OHIO, STAR PLUS and U.S. BANK to act as depositories for the active funds and/or interim funds of the City of Lyndhurst on the terms, conditions and remedies provided in Sections 135.01 - 135.54, inclusive, Ohio Revised Code, (Uniform Depository Act) except as modified by this Council in its bidding procedure in accordance with its authority under its Charter.

**SECTION 2.** Substitution of securities shall be permitted in accordance with Section 135.18 Revised Code and pooling of securities shall be permitted in accordance with Section 135.181 Revised Code.

**SECTION 3.** All actions taken by the Director of Finance in utilizing the above named institutions as depositories to date are hereby ratified and approved.

**SECTION 4.** 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 5.** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City of Lyndhurst and its inhabitants for the reason that it is necessary to authorize and execute the contracts in order to continue to receive the best interest rate as soon as possible. Wherefore, this Ordinance shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval 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. 2021-05  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
AND FINANCE DIRECTOR TO ADOPT UNIFORM  
GUIDANCE COST PRINCIPLES, AUDIT AND  
ADMINISTRATION REQUIREMENTS NECESSARY TO  
COMPLY WITH FEDERAL COST PRINCIPLE,  
INTERNAL CONTROLS, PROCUREMENT STANDARDS,  
PROGRAM INCOME REQUIREMENTS IN OBTAINING  
FEDERAL GRANTS AND DECLARING AN EMERGENCY**

**WHEREAS**, the Administration recommends the adoption of policies that will facilitate the ability of Lyndhurst to obtain grants and participate in agreements.

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

**SECTION 1.** That Council of the City of Lyndhurst hereby authorizes the Administration to adopt said policies attached hereto and incorporated by reference.

**SECTION 2.** 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 3.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to facilitate the ability to obtain Federal Funds in a timely manner given the current crisis. 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 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: \_\_\_\_\_

**ORDINANCE NO. 2021-06**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 4  
WITH BARBICAS PAVING LLC, FOR THE 2020 ASPHALT  
PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID  
CONTRACT AND DECLARING AN EMERGENCY**

**WHEREAS**, the City has previously entered a Contract with Barbicas Paving, LLC, for the 2020 Asphalt Program; and

**WHEREAS**, Barbicas Paving, LLC, successfully completed the contract with the close out of that contract being authorized in Ordinance No. 2021-03; and,

**WHEREAS**, it is necessary to enter into a Change Order as set forth herein in order to update the contract amount and complete the close out procedure, Now, therefore;

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

**SECTION 1.** The Mayor be and he is hereby authorized to enter into a Change Order Contract with Barbicas Paving, LLC, in the amount of Sixty Three Dollars (\$63.00), in addition to the Contract heretofore authorized by the Board of Control and this Council, as and for final reconciliation of Contract quantities of said Contract, as more fully set forth in Change Order No. 4, dated January 11, 2021, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

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

**SECTION 3.** This Council determines that the work included in the Contract with Barbicas Paving, LLC, has been completed, and the contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Three Hundred Twenty-Four Thousand Five Hundred Eighty Dollars and Thirty-Seven Cents (\$324,580.37). This final payment amount has been approved by the City Engineer.

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

**SECTION 5.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

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

PASSED: \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

ATTEST: \_\_\_\_\_  
**Clerk of Council**

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

\_\_\_\_\_  
**Clerk of Council**

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed

## PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)  
(PARTICIPATORY)

Ordinance # : 2021-07

PID No. : 114329

County/Route/Section : CUY-175-7.97

Agreement No: 35995

The following is an ordinance enacted by the City of Lyndhurst of Cuyahoga  
(Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I – Project Description

WHEREAS, the STATE has determined the need for the described project:

**Full depth concrete pavement repairs and installation of curb ramps on Richmond Road (SR-175) from Meadow Wood Blvd to 220 feet north of Oakmont Drive in the City of Lyndhurst.**

NOW THEREFORE, be it ordained by the City of Lyndhurst of Cuyahoga County, Ohio.  
(LPA)

### SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

### SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

*The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.*

*The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

*The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.*

PID No.: 114329

*The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.*

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

#### SECTION IV Authority to Sign

The LPA hereby authorizes the Mayor of said City of Lyndhurst to  
(Signature authority) (LPA-or its division, department or agency)  
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to  
(Signature authority)  
affect the assignment of all rights, title, and interests of the City of Lyndhurst to ODOT arising from any  
(LPA)  
agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

#### SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION VI – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VII-Emergency measure**  
(as applicable)

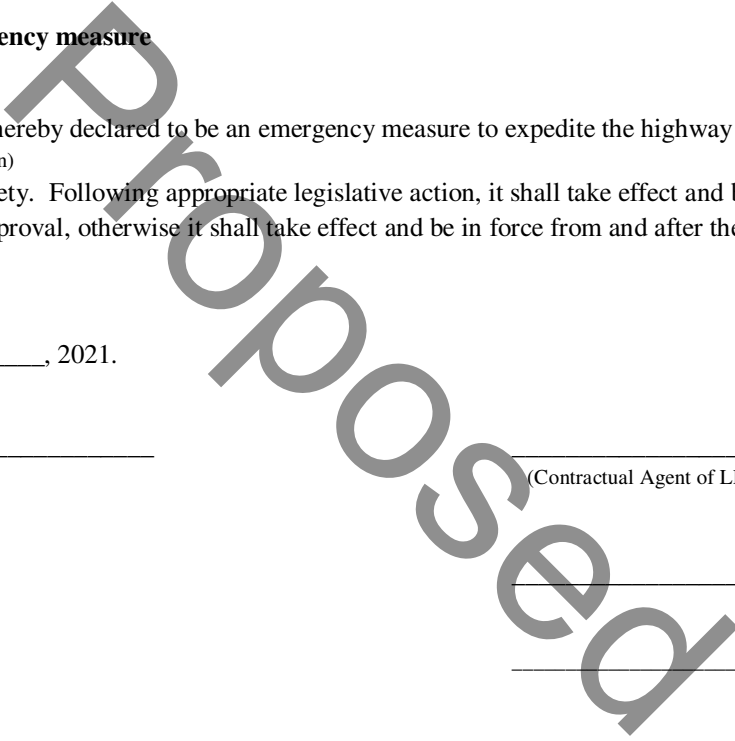
The ordinance is hereby declared to be an emergency measure to expedite the highway project and  
(Ordinance/Resolution)  
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_, Mayor  
(Contractual Agent of LPA – title)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**CERTIFICATE OF COPY  
STATE OF OHIO**

**City of Lyndhurst** of Cuyahoga County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the **City of Lyndhurst**  
(LPA)  
of Cuyahoga County, Ohio, do hereby certify that the foregoing is a true and correct copy of  
**ordinance** adopted by the legislative Authority of the said  
(Ordinance/Resolution)

**City of Lyndhurst** on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
(LPA)

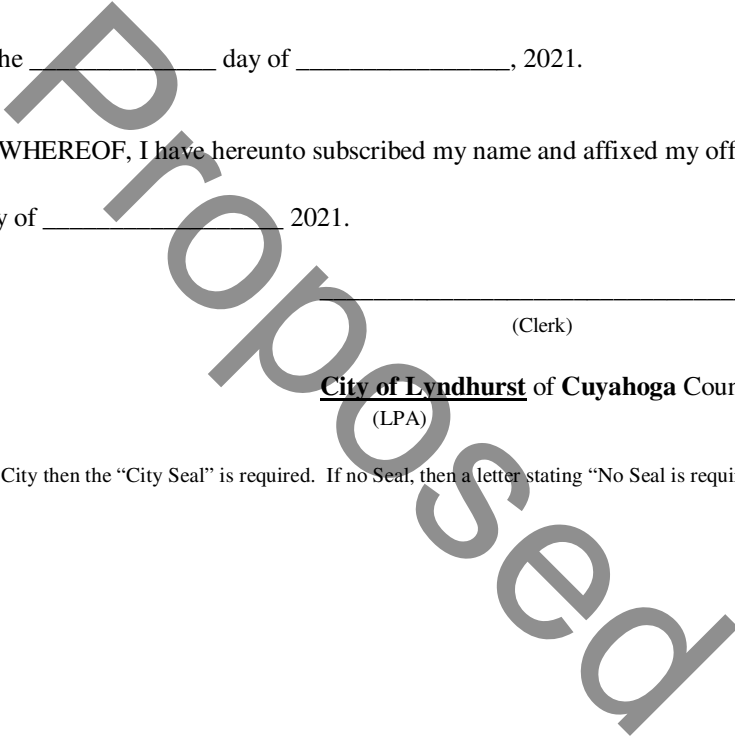
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**SEAL**

\_\_\_\_\_  
(Clerk)

**City of Lyndhurst** of Cuyahoga County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)



**ORDINANCE NO: 2021-08**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 757 OF THE  
BUSINESS REGULATION CODE OF THE CITY TITLED  
“REGISTRATION AND INSPECTION OF RENTAL  
PROPERTY,” AND DECLARING AN EMERGENCY**

**WHEREAS**, Council has previously adopted Ordinance No. 2019-61 AND 2021-01 thereby enacting AND THEN AMENDING Chapter 757 of the Codified Ordinances, “Registration and Inspection of Rental Property”; and

**WHEREAS**, continued and adequate maintenance of residential property is an important consideration in the City; and

**WHEREAS**, inspection, registration, and maintenance of residential property is a proper function to protect the public health, welfare and safety of the City of Lyndhurst, its residents and its residential property owners; and

**WHEREAS**, Council has determined the necessity of amending chapter 757 of the codified ordinances to provide clarification as to the enforcement procedures of its ordinances.

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

**SECTION 1.** Chapter 757 of the Codified Ordinances titled “Registration and Inspection of NON-OWNER OCCUPIED OR Rental Property” is hereby Amended to read as follows: (new material appears like THIS and deleted material appears like this):

**757.01 DEFINITIONS.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) “Designated City Official” means the Building Commissioner the City of Lyndhurst, Ohio or his/her designee.

(b) “Dwelling unit” means a space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used by only one family.

(c) “Property Owner” means the person claiming, or in whom is invested, the ownership or title to real property, including but not limited to: the holder of a fee-simple title; the holder of a life-estate; the holder of leasehold estate for a term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate an initial term of less than five years.

(d) “Person” means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

(e) NON-OWNER OCCUPIED MEANS THE REGISTERED AS OWNER OF THE PROPERTY IS NOT PHYSICALLY RESIDING AT THE PROPERTY.

(F) “Property Manager” means a person other than the Property Owner that has managing control of a rental unit with or without compensation.

(G) “Renting” means the offering, holding out or actual leasing of a rental unit to an occupant other than the Property Owner, and generally involves the payment of a rental amount in cash, check or money order, although other forms of consideration (such as property safekeeping) may be involved; or no consideration at all may be involved.

(H) “Rental unit” means a one, two or three-family dwelling unit, including a town home dwelling unit, a condominium, apartment condominium or apartment dwelling that is not continuously occupied by the Property Owner twelve months out of the year. A tax mailing address which is not the address of the dwelling unit creates a rebuttable presumption that the dwelling unit is a rental unit.

(I) "Tenant" means any person, other than the Property Owner, who occupies, rents or leases a rental unit for any period of time for living or dwelling purposes with the consent of the owner or the landlord.

(J) "Vacant building" means any structure that is unoccupied. A vacant building is subject to the provisions of Chapter 1395 of these Codified Ordinances.

(K) "Tax mailing address" means the address shown on the Cuyahoga County Fiscal Officer's website as being the location to which the property tax bill is to be mailed.

**757.02 NON-OWNER OCCUPIED OR RENTAL REGISTRATION.**

(a) Each Property Owner of a ~~rental-unit~~ RESIDENTIAL UNIT THAT IS NON-OWNER OCCUPIED OR OFFERED FOR RENTAL within the City shall register each such NON-OWNER OCCUPIED OR rental unit with the Designated City Official, and shall renew such registration annually on the date prescribed by the Designated City Official pursuant to Section [757.03\(a\)](#) and the provisions of this Section regarding registration fees. A separate registration shall be required for each rental unit.

(b)(1) Each new Property Owner of a ~~rental-unit~~ RESIDENTIAL UNIT THAT WILL NOT BE OWNER OCCUPIED OR THAT WILL BE OFFERED FOR RENT within the City shall make application for registration with the Designated City Official within 30 days after the date of acquiring ownership of a rental unit, or within 30 days of non-owner occupancy of a dwelling unit. Each initial application for rental registration or renewal of a rental registration shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00) for each one family dwelling unit; two hundred dollars (\$200.00) for each two-family dwelling unit; and three hundred dollars (\$300.00) for each three family dwelling unit, or a non-refundable fee of Fifty Dollars (\$50.00) for each town home, condominium or apartment condominium dwelling unit. Registration and fees for apartment dwelling units, not to exceed Fifty Dollars (\$50.00) per apartment dwelling unit, may be required at the discretion of the Designated City Official.

(2) If a Property Owner as defined in Section [757.01](#) fails to register a property or properties by the prescribed date, the registration fee shall be doubled regardless of whether or not the dwelling unit was inspected. Said Property Owner shall also be subject to the penalty provisions as set forth in Section [757.99](#) of the Codified Ordinances.

(c) Application for NON-OWNER OCCUPIED OR rental registration shall be made upon a form provided by the City for such purpose, and shall include at least the following information:

(1) Property Owner's name, address (no post office box), work and home telephone number, and email address;

(2) If the Property Owner is a partnership, the name of all partners, and the principal business address, telephone number and email address of each partner;

(3) If the Property Owner is a corporation, the person registering must state whether it is organized under the laws of this State or is a foreign corporation, and must show the mailing address, business location, telephone number, email address, name of the person in charge of the local office of such corporation, if any, and the names of the registered and statutory agent, and, if a foreign corporation, the place of incorporation;

(4) Name, address, telephone number and email address of the property manager, if applicable;

(5) Street address of the rental unit;

(6) Name, phone number and email address of each primary or principal tenant;

(7) Number of adults and children under eighteen (18) years of age occupying the rental unit;

(8) Name and age of children attending school and name of school;

(9) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;

(10) Be signed by the Property Owner or Property Owner's agent.

(d) The Designated City Official shall, within 30 days after receipt of the registration application, either issue a certificate of registration or provide notification to the Property Owner that the application does not comply with the requirements of this Chapter.

(e) A certificate of registration shall be valid until June 1 following issuance thereof.

(f) Rental registration is not assignable or transferable.

(g) It is a violation for a Property Owner to fail to register and/or fail to renew the registration for the Property Owner's rental units within the City. Each day that the Property Owner continues to fail to register and/or renew the registration of the Property Owner's rental units within the City shall constitute a separate offense.

(h) It shall be unlawful for any person to file a false registration application with the Designated City Official.

**757.03 RENEWAL OF REGISTRATION.**

(a) Recognizing that the initial implementation of this Chapter may be difficult because of the number of rental units, the inspections of rental units and limited manpower, the Designated City Official may by administrative order divide the City into geographical areas.

(b) A registered Property Owner of a rental unit within the City, or the Property Owner's agent, shall renew the registration for each rental unit on or before the date prescribed by subsection (a) hereof. All renewal applications must be filled out completely and correctly; incomplete or incorrect renewal applications will be returned, with the possibility that late fees will be assessed.

(c) (1) Each renewal of a rental registration shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00) for each one family dwelling unit; two hundred dollars (\$200.00) for each two-family dwelling unit; and three hundred dollars (\$300.00) for each three-family dwelling unit, or a non-refundable fee of fifty dollars (\$50.00) for each town home, condominium or apartment condominium dwelling unit. Registration and fees for apartment dwelling units, not to exceed fifty dollars (\$50.00) per apartment dwelling unit, may be required at the discretion of the Designated City Official.

(2) If a Property Owner as defined in Section 757.01 fails to renew the registration of a property or properties by the prescribed date, the renewal registration fee shall be doubled regardless of whether or not the dwelling unit was inspected. Said Property Owner shall also be subject to the penalty provisions as set forth in Section 757.99 of the Codified Ordinances.

(3) IN ORDER TO VERIFY A UNIT IS NO LONGER REQUIRED TO BE REGISTERED AS NON-OWNER OCCUPIED OR AS A RESIDENTIAL RENTAL UNIT AN AFFADAVIT, ON THE FORM PRESCRIBED BY THE CITY, MUST BE COMPLETED AND PLACED ON FILE WITH THE LYNDHURST BUILDING DEPARTMENT.

**757.04 INSPECTION.**

(a) The Designated City Official may inspect a rental unit to determine compliance with applicable state and local laws either:

- (1) On an annual or periodic basis, or
- (2) With the permission of the Property Owner, or agent of the Property Owner, or
- (3) With the permission of the tenant or occupant, or
- (4) At any other time authorized by law.

(b) Such inspection shall be as authorized by the statutes of the State and the Ordinances of the City, and as limited by the Federal and State Constitutions with respect to unreasonable searches and seizures.

(c) The City is authorized to obtain a search warrant to conduct an inspection permitted by this Section when probable cause to believe that a fire or health hazard or violation or unsafe building condition is present on the premises sought to be inspected. A search warrant is not authorized based solely upon the failure of a Property Owner to allow an inspection under this Section.

(d) In the case of an existing emergency entry may be made at any time, and no search warrant is necessary. No person shall refuse to permit such emergency entry or inspection.

**757.05 SEVERABILITY.**

Nothing in this chapter is intended to eliminate the requirement of a Property Owner to comply with the requirements of Chapter 5323 of the Ohio Revised Code.

**757.99 PENALTIES**

(a) Unless otherwise specifically provided, whoever, violates any of the provisions of this code or any rules or regulations promulgated hereunder, fails to comply therewith or with any written notice or written order issued hereunder, fails to comply with the registration requirements, refuses to permit entry by the Building Commissioner or other department heads or their representatives, or interferes with, constructs or hinders such Building Commissioner, other department heads or their representatives while attempting to make such inspection, per the requirements and compliance of

section 757.04 of the codified ordinances, shall be fined not more than one thousand dollars (\$1,000) if an individual, and shall be fined not more than five thousand dollars (\$5,000), if an organization, subject to the provisions of sections 606.08 and 606.09 of the general offenses code, for each ~~offense~~ VIOLATION. The Building Commissioner shall have the discretion to revoke the occupancy permit for any violation of this ordinance. A separate ~~offense~~ VIOLATION shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding in the court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this code, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Building Commissioner, the Director of Law, or the Board of Zoning Appeals.

**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 public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to assure that all non-owner-occupied dwelling units in the City are safe for those living there. 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: \_\_\_\_\_

**ORDINANCE NO. 2021-09**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED  
COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY**

**WHEREAS**, in the City of Lyndhurst, Ohio (the "MUNICIPALITY") is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grant(s) for 2021 ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

**WHEREAS**, the MUNICIPALITY wishes to enter into a Grant Agreement with NOPEC, Inc, in the form attached to this Ordinance to receive one or more NEC Grant(s) for 2021, and to authorize the Mayor to execute the Grant Agreement with NOPEC, Inc. in the form attached; and

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

**Section 1.** This Council of the MUNICIPALITY (the "Council") finds and determines that it is in the best interest of the MUNICIPALITY to enter into the Grant Agreement to accept the NEC Grant(s) for 2021, and authorizes the Mayor to execute the Grant Agreement with NOPEC, Inc. in the form attached.

**Section 2.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance were taken at open meeting of this Council; and that deliberations of this Council and of any committees that resulted in those formal actions were 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 declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the MUNICIPALITY because the Grant Agreement must be accepted in order to be eligible to receive a Grant. Therefore, this Ordinance shall be in full force and 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: \_\_\_\_\_