

ORDINANCE NO. 2020-0-23 (Amended)

**AN ORDINANCE AMENDING CODIFIED  
ORDINANCE 232.01 - COMPOSITION OF FIRE DEPARTMENT**

**WHEREAS**, Council wishes to amend Ordinance 232.01 in order to make this composition section for employees in the Fire Department is consistent with the composition section for the Police Department.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Mentor-on-the-Lake, County of Lake and State of Ohio, as follows:

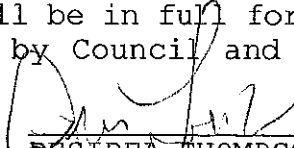
Section 1. That Codified Ordinance Sections 232.01 is amended and as amended hereby reads as follows:

**232.01 COMPOSITION.**

The Fire Department shall be composed of the Fire Chief and such other officers and employees as provided by Council from time to time.

Section 2. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which 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.

WHEREFORE, this Ordinance shall be in full force and effect as provided in law upon its passage by Council and approval by the Mayor.

  
DESIREA THOMPSON *Jim Lunder*  
Vice-PRESIDENT OF COUNCIL

  
DAVID R. EVA  
MAYOR

Dated: 4/27/2021

ADOPTED: April 27, 2021

ATTEST: Joyce M. Saye  
Clerk of Council

ORDINANCE 2021-0-09

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (January 14, 2020) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, Ohio:

SECTION 1. The editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2016-O-28	12-13-16	893.01 to 893.09
2020-O-07	3-10-20	250.07
2020-O-13	9-8-20	1064.04
2020-O-14	9-8-20	678.01
2020-O-15	9-8-20	232.06
2020-O-22	11-10-20	1258.01, 1258.02
2020-O-24	11-24-20	1258.03
2020-O-26	11-24-20	Repeals 1036.05, Repeals 1036.12
2020-O-27	12-8-20	1060.01

SECTION 2. The following sections in the Codified Ordinances are or contain new matter and are hereby approved, adopted and enacted:

414.10, 432.41, 436.09, 618.02, 624.01

SECTION 3. The following section in the Codified Ordinances are hereby repealed:

636.075

SECTION 4. All ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and enacted by Section 2 hereof are hereby repealed, except as follows:

- (a) The enactment of such new matter shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2020.

SECTION 5. Pursuant to R.C. § 731.23 and 731.25(A) and Section 212.01 of the Codified Ordinances, the Clerk of Council shall cause a notice of the enactment of this ordinance, containing the title of this ordinance and a summary of the new matters covered by it, which summary is attached hereto as Exhibit A, to be posted for not less than fifteen days after passage in the five public places provided in Section 212.01.

SECTION 6. All formal actions of this Council concerning the passage of this ordinance were adopted in an open meeting, and all deliberations of this Council, or any of its committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including R.C. § 121.22.

SECTION 7. This ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need to have an up-to-date code of laws with which to govern and administer the affairs of the City. Such ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopting Ordinance

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ADOPTED: April 27, 2021

*[Signature]*  
Vice-PRESIDENT OF COUNCIL

ATTEST: *Joyce M. Day*  
Clerk of Council

*David R E*  
MAYOR

EXHIBIT A

SUMMARY OF NEW MATTER  
CONTAINED IN THE 2021 REPLACEMENT PAGES  
FOR THE CODIFIED ORDINANCES  
OF MENTOR-ON-THE-LAKE, OHIO

New matter in the Codified Ordinances of Mentor-on-the-Lake, Ohio, as contained in the 2021 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
414.10	Signal preemption devices; prohibitions.
432.41	Use of earphones while driving.
436.09	Display of license plates; registration; obstructions.
618.02	Abandoning animals.
624.01	Definitions relating to drugs.
636.075	Criminal child enticement. (Repealed)

ORDINANCE NO. 2021-0-11

**AN ORDINANCE AMENDING CHAPTER 1466 - INSPECTION OF VACANT BUILDINGS IN ITS ENTIRETY**

**WHEREAS**, Council wishes to amend Chapter 1466 - Inspection of Vacant Buildings in order to add in fees and other changes to this Chapter and to include responsibility for maintaining vacant lands in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, County of Lake and State of Ohio, as follows:**

Section 1. The Title to Chapter 1466 is amended so that as amended is reads as follows: **Inspection and Maintenance of Vacant Buildings and Lands.**

Section 2. That Chapter 1466 is amended in its entirety and as amended hereby reads as follows:

**Chapter 1466  
Inspection and Maintenance of Vacant Buildings and Lands.**

1466.01 DEFINITIONS, REGISTRATION REQUIREMENT AND FEE.

(a) Definitions

(1) "Vacant building" shall be defined for the purposes of this chapter, as a building which is not occupied by its owner, lessee or other person in lawful possession for a period in excess of sixty days, or at which substantially all lawful business operations or residential occupancy has ceased for a period in excess of thirty days, or which is substantially devoid of content. The following conditions with respect to the property on their own or combined with other conditions present are evidence that the building is vacant and subject to the provisions of this Chapter: Such conditions include, but are not limited to: significantly below standard or disconnected utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, interior mold growth on and around windows and window coverings, abandoned

vehicles, auto parts or materials, the absence of window coverings such as curtains, blinds, and/or shutters, the absence of interior furnishings and/or personal items consistent with habitation or occupation, or statement(s) by persons with personal knowledge, such as neighbors, that the dwelling is vacant.

(2) "Owner" shall be defined as the record owner of the property on the Lake County Auditor's website, the vendee of a Land Contract, lessee, or party in control of any vacant building, or a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building and that is in control of the vacant building and/or has the right to control the vacant building.

(b) Registration and Registration Fee. The Owner(s) of any dwelling structure that has become vacant, as defined above, shall within sixty (60) days after the structure becomes vacant, or within thirty (30) days after the effective date of this Section 1466.01(b) whichever is later, register with the Zoning Inspector or designee and designate an authorized agent located in Lake County for each vacant dwelling structure. The registration shall remain valid until December 31 of the year of the date of issuance. The Owner(s) shall be required to annually renew the registration by January 1 of each subsequent year for as long as the dwelling structure remains vacant and shall pay an annual registration fee of \$300.00 for each registered dwelling structure. The annual registration fee shall not be prorated. The Owner(s) shall notify the Zoning Inspector within twenty (20) days of any change in the registration information by filing an amended or designee registration statement on a form provided by the Zoning Inspector or designee for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the Owner or Owners of the dwelling structure. The failure of the Owner(s) of the vacant dwelling structure to obtain a deed for the property or to file the deed with the county recorder shall not excuse the Owner(s) from compliance with this Section 1466.01.

#### 1466.02 DUTIES OF OWNER.

(a) The owner, lessee, or party in control of any vacant building or vacant land, or a mortgagee that has filed and is

currently maintaining an open foreclosure action regarding a vacant building or vacant land that has become vacant shall maintain the vacant building and vacant land as follows:

(1) Grass and weeds shall be kept at a maximum height of six inches. Shrubbery must be kept trimmed and neat and kept from encroaching on or touching the building. A vacant or otherwise undeveloped lot shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which shall at all times be properly maintained.

(2) All building exteriors shall have adequate weather protection, including paint, siding, and or similar finishes in good condition.

(3) All buildings and grounds must be secured against trespassers and rodents. This includes maintaining all exterior doors, windows and yard fencing in a good and secured condition. No boards, plywood or similar means or materials may be used to secure windows and doors. Doors, and/or windows that are deemed insecure shall be secured by their replacement with similar, new doors or window units equipped with locking hardware.

(4) Roofs on all buildings shall be in good, weather tight condition with no leakage.

(5) Any accumulated trash or debris must be removed from the property immediately.

(6) Graffiti, tagging or similar markings must be immediately removed or painted over with an exterior grade paint that matches the exterior color of the structure.

(7) Pools and spas shall be drained and kept dry. Properties with pools and spas must comply with the minimum security fencing requirements of the City.

(8) Adherence to this section does not relieve the owner or agent in control of the property of any obligations set forth in any covenants, conditions, restrictions, homeowners' association rules and regulations and/or codified ordinances or building codes which may apply to the property.

(b) Inspections. The owner, agent, lessee, party in control, or mortgagee in foreclosure of any vacant building as is set forth in section (a) above, shall inspect the property at least one time each month on the interior and exterior of the property to



verify that the requirements of this section, the Codified Ordinances of the City, and any other applicable laws are being met. A written report of such inspections shall be provided to the City upon request.

(c) Exemptions. Waivers exempting compliance with the provisions of this chapter can be obtained in writing on a form provided by the City under the following circumstances as long as the property is kept in safe, secure, and habitable condition in the owner's absence. In the event that the Zoning Inspector or his or her designee denies the exemption, then the Owner of the property can appeal the denial of that exemption to the Board of Zoning Appeals provided that the Appeal is filed within 15 days of the date of the denial of the exemption. The Board of Zoning Appeals is granted the right to extend the exemption periods set forth in subsections (1) and (2) below by up to another 90 days provided that the Owner shows good cause for extending the exemption period.

(1) Fire damaged buildings: as long as cleanup, repair or demolition is initiated within one hundred eighty (180) days from the date of the fire and completed within 210 days if demolished and 360 days otherwise.

(2) Extended vacationers or temporary change in living arrangements: A resident on an extended vacation for up to eight (8) months or in an alternative temporary living arrangement, with the intention of re-occupying the property.

(3) A former owner-occupant who has moved and the Owner is attempting to sell his or her vacant home and so long as the house is actively on the market.

(4) Estate of a deceased Mentor-on-the-Lake homeowner which is actively attempting to sell the vacant home.

(5) The dwelling is under active construction/renovation and has a valid building permit(s). The applicant understands that, at the time of initial inspection, they will be exempt from registration until the expiration of the longest running, currently active building permit.

(6) Any Owner of a vacant dwelling may request an exemption for other reasons (i.e., actively marketing as a rental) from the provisions of this Chapter 1466 by filing a written application with the Planning and Zoning Commission. The applicant understands that the Director shall consider the

following: 1) the applicant's prior record as it pertains to the Ohio Building Code or Property Maintenance Code violations; 2) the amount of vacant property the applicant currently has within the City; and 3) the length of time that the dwelling for which the exception is sought has been vacant.

**1466.03 NOTICE OF VIOLATION; SERVICE OF NOTICE OF VIOLATION.**

(a) The Zoning Inspector or his or her designee upon finding that a violation of this chapter has occurred shall set forth the nature of the violation, a reasonable time determined by the Zoning Inspector or his or her designee to correct the violation and a statement that unless the violation is corrected within the stated time it may be corrected by the City and the cost of abatement assessed on the real estate involved and that the City may prosecute the Owner, lessee, or party in control of any vacant building, or a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building and that is in control of the vacant building and/or has the right to control the vacant building, for failure to comply with the notice of violation. Such notice or order may be issued by the Zoning Inspector or his or her designee without reporting the notice or order to Council. In case the City corrects the violations and the cost is not paid within thirty days, the cost to correct the violations may be assessed against the real estate from which the violations originated.

(b) The notice may be served by delivering it personally to the Owner, Authorized Agent of the Owner, lessee, party in control or occupant or by leaving it at the Owner's, Authorized Agent, lessee's, party in control or occupant's usual place of business or residence, or by posting it in a conspicuous place on the real estate, building or structure involved, or by mailing it to the Owner, Authorized Agent, lessee, party in control or occupant, or by publishing it once in a newspaper of general circulation within the City if it cannot be served in any of the ways above mentioned. The notice of violation to a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building and that is in control of the vacant building and/or has the right to control the vacant building shall be served on the mortgagee at the address that is listed on the complaint for foreclosure and to the attorney for the mortgagee at the address for the attorney that is listed on the complaint for foreclosure. The notice to the mortgagee and the attorney for the mortgagee shall be mailed by certified mail, return receipt requested and by regular mail to the mortgagee and the attorney for the mortgagee. Service shall be deemed complete

on the mortgagee and the attorney for the mortgagee when the certified and regular mail are placed into the mail by the City.

(c) Notwithstanding the requirement of notice provided herein, when in the opinion of the Zoning Inspector or his or her designee, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, including but not limited to, the placement, either temporarily or otherwise, of rubbish, garbage, litter or other personal property on the premises in violation of this chapter or any other section of this Code, then no such notice of violation need be given to the owner, lessee, or party in control of any vacant building, or a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building. Upon such finding and declaring of an emergency nuisance condition, the Zoning Inspector or his or her designee may proceed in the manner provided for in the Codified Ordinances to abate the emergency condition.  
(Ord. 2010-0-10. Passed 9-14-10.)

#### **1466.04 SALE OR TRANSFER OF PROPERTY.**

The Owner, agent, or party in control of any vacant building or a mortgagee that has filed and is currently maintaining an open foreclosure action regarding a vacant building, shall apply for and obtain a point of sale inspection pursuant to Chapter 1464 prior to selling, transferring, or conveying any interest in or entering into an agreement to sell, transfer or otherwise convey an interest in such property.

#### **1466.05 CORRECTION OF VIOLATIONS.**

Any violations found upon inspection of the premises under this chapter or any other provision of the Codified Ordinances shall be corrected within the time period prescribed in the notice of violations.

#### **1466.06 APPEALS.**

(a) The Board of Zoning Appeals as established by Charter and ordinance, shall be the Board of Appeals for this chapter and its powers and duties and the procedures for appeal shall be as provided in such ordinance establishing the Board and as supplemented by this chapter.

(b) The Owner, lessee, or party in control of any vacant building, or a mortgagee that has filed and is currently

maintaining an open foreclosure action regarding a vacant building shall have the right to appeal from any order of, or written notice issued by, the Zoning Inspector and/or his or her designee within twenty days from the date such notice was given, mailed or issued, and to appear before the Board within thirty days of the notice of appeal that has been filed with the City, to show cause why he/she/it should not comply with such notice. Such appeal must be in writing. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. However, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board.

**1466.07    LIABILITY.**

(a)    The City assumes no liability or responsibility for the failure to report violations that may exist and makes no guarantee whatsoever, since there may be further violations which were not detected, which may arise in the future, or which may only be determined by a licensed electrician, plumber or other specialist.

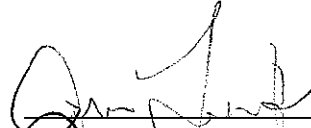
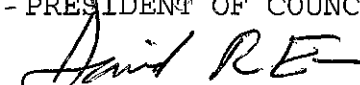
(b)    The City by the enforcement of this chapter does not thereby insure, warrant or guarantee that the notice of violations contains all of the violations of the Mentor-on-the-Lake Codified Ordinances, State or Federal law.  
(Ord. 2010-0-10.    Passed 9-14-10.)

**1466.99 PENALTY.**

Any person who violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00), or imprisoned not more than thirty days, or both. Every day that a violation continues shall constitute a separate and distinct offense. Unpaid fines shall be an assessment on the property enforceable in the same manner as assessments for delinquent property taxes.

Section 3. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which 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.

WHEREFORE, this Ordinance shall be in full force and effect as provided in law upon its passage by Council and approval by the Mayor.

  
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DESIREA THOMPSON *Jim Lunder*  
Vice - PRESIDENT OF COUNCIL  
  
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DAVID R. EVA  
MAYOR  
Dated: 4/27/2021

ADOPTED: April 27, 2021

ATTEST: Joyce M. Asay  
Clerk of Council