



City of Mentor-on-the-Lake

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AGENDA REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE JANUARY 28TH, 2025 7:00 p.m.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

At Large: MICHELLE MOORE, Vice President
Ward 4: DESIREA THOMPSON
Ward 2: SKIP GRAY
At Large: KEVIN BITTNER
Ward 1: JEANNIE WONG
At Large: JIM LUNDER
Ward 3: ROB JOHNSON, President

APPROVAL OF MINUTES: Regular Meeting- January 14th, 2025

CORRESPONDENCE:

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director - Mr. Eva

Administrative Director – Ms. Martin

Law Director- Mr. Dynes

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks and Recreation Board

Thursday, January 16th, 2025 at 6:30 P.M.

OPEN TO THE PUBLIC TO SPEAK:

LEGISLATION BEFORE COUNCIL:

ORDINANCE NO. 2024-O-20 (SECOND READING) (REFERRED TO ORDINANCE COMMITTEE)
AN ORDINANCE AMENDING THE ZONING CODE BY CREATING NEW CHAPTER 1270 OF THE CODIFIED ORDINANCES FOR THE REGULATION OF SHORT-TERM RENTALS IN THE CITY AND DECLARING AN EMERGENCY

ORDINANCE NO. 2024-O-22 (SECOND READING) (REFERRED TO ORDINANCE COMMITTEE)
AN ORDINANCE AMENDING CODIFIED ORDINANCES 452.01, 452.17 AND 452.99 AND REPEALING ORDINANCES 452.02 AND 452.03 RELATING TO PARKING ON THE STREETS

ORDINANCE NO. 2024-O-28 (REFERRED TO ORDINANCE COMMITTEE)
AN ORDINANCE AMENDING SECTION 250.05, VACATIONS, OF THE CODIFIED ORDINANCES, OF THE CITY OF MENTOR-ON-THE-LAKE AND DECLARING AN EMERGENCY

ORDINANCE NO. 2025-O-01 (REFERRED TO PLANNING AND ZONING COMMISSION)
AN ORDINANCE AMENDING CODIFIED ORDINANCES 1240.02, 1258.02. AND CREATING NEW SECTION 1258.021 IN ORDER TO REGULATE CANNABIS DISPENSARIES IN THE CITY

ORDINANCE NO. 2025-O-02 (SECOND READING) (AMENDED)
AN ORDINANCE ENACTING CHAPTER 882 – CANNABIS / MARIJUANA LICENSURE

RESOLUTION NO. 2025-R-07
A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO PERFORM ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT(S) FUNDS

OLD BUSINESS: Council Rules

NEW BUSINESS:

OPEN TO THE PUBLIC TO SPEAK:

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Zoning Committee
Envision Steering Meeting

Tuesday, February 4th, 2025 at 6:30 P.M.
Thursday, February 20th, 2025 at 7:00 P.M.

ADJOURNMENT:

The next **REGULAR AGENDA MEETING** will be held on
Thursday, February 6th, 2025, at 6:00 P.M.

The next **REGULAR MEETING OF COUNCIL** will be held on
Tuesday, February 11th, 2025, at 7:00 P.M.

ORDINANCE NO. 2024-O-20

AN ORDINANCE AMENDING THE ZONING CODE BY CREATING NEW CHAPTER 1270 OF THE CODIFIED ORDINANCES FOR THE REGULATION OF SHORT TERM RENTALS IN THE CITY AND DECLARING AN EMERGENCY

WHEREAS, over the last several years there have been short term rental locations in the City and at times these locations have caused concerns or issues for the neighbors of these locations;

WHEREAS, as a result of this relatively new business type or use for renting out residential homes to others for a short duration, Council has decided that it is necessary to regulate these businesses or uses with this Short Term Rental Ordinance; and

WHEREAS, the Ordinance Committee of Council has extensively studied and researched regulations for this type of use and the Ordinance Committee has recommended that this Ordinance be passed by Council in order to protect the City's neighborhoods and its residents.

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 the City Zoning Code is amended by creating new **Chapter 1270 – Short Term Rentals** and that this Council hereby adopts new Chapter 1270 so that it reads as follows:

CHAPTER 1270 SHORT-TERM RENTALS

- 1270.01 Definitions.
- 1270.02 Conditional Use Permit Required.
- 1270.03 General Property Requirements.
- 1270.04 Application for Conditional Use Permit for Short-Term Rental.
- 1270.05 Issuance of Conditional Use Permit for Short-Term Rental.
- 1270.06 Short-Term Rental Requirements.
- 1270.07 Revocation or Suspension of Short-Term Rental Permit.
- 1270.08 Procedures Upon Revocation or Suspension of Short-Term Rental Permit.
- 1270.09 Emergency Revocation or Suspension of Short-Term Rental Permit.
- 1270.10 Appeal Procedure and Stay Order.
- 1270.11 Judicial Review.
- 1270.12 Authority to Conduct Inspections.
- 1270.13 Transfer of Conditional Use Permit for Short-Term Rental Not Permitted.

- 1270.14 Discrimination Prohibited.
- 1270.15 Display of Short-Term Rental Permit.
- 1270.16 Severability.
- 1270.17 Penalties.

1270.01 Definitions.

- (a) “Applicant” means the owner or permanent occupant who submits an application for a conditional use permit or a renewal to the City, as required by 1270.02(a).
- (b) “Applicant’s Dwelling” means any and all dwellings intended to be used as a short-term rental(s) for which the applicant has submitted an application, as required by 1270.02(a).
- (c) “Booking Service” means any mechanism that provides for or facilitates a transaction between a short-term rental host and a potential short-term rental guest for the purpose of reserving or renting a guestroom for a fee, and for which a hosting platform collects or receives, directly or indirectly, any compensation in connection with the reservation. Such compensation may be remitted to the short-term rental host or the hosting platform.
- (d) “Calls for Service” means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls result in a representative being dispatched or directed to the short-term rental and which:
 - (1) allege the evidence of criminal activity;
 - (2) result in an arrest, charge or citation;
 - (3) find an imminent threat to safety of person(s) or property; or
 - (4) allege a sanitation, refuse, noise, or any other issue at a short-term rental property in violation of the Mentor-on-the-Lake Codified Ordinances.
- (e) “Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- ((f) “Hosting Platform” means an entity that participates in the short-term rental business/industry by providing for or facilitating a booking service through a website/application whereby a short-term rental host may offer, list, advertise, or market a short-term rental to a potential short-term guest.
- (g) “Owner” means the owner(s) of record as shown on the current tax list of the county auditor or a mortgagee(s) in possession. If an Owner is a business entity, such as a corporation, limited liability company, firm, partnership, association, organization and any other group acting as a unit, such business entity shall include its duly authorized agent.

(h) “Permanent Occupant” means a person who resides in a dwelling more than 51% of the time during a calendar year and such dwelling in which the person resides shall be referred to as the primary residence.

(i) “Person” means every natural person, corporation, limited liability company, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or any other commercial or non-commercial entity or organization.

(j) “Primary Residence” means a dwelling which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver’s license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

(k) “Property Manager” means any person charged with or responsible for a supervisory or caretaking position for the short-term rental.

(l) “Short-Term Rental Guest” means a person who reserves a guestroom, wholly or partly, from a short-term rental host for any form of consideration, for less than thirty (30) consecutive days.

(m) “Short-Term Rental Host” means the owner or permanent occupant who offers, lists, markets, or advertises a short-term rental on a hosting platform and receives a fee as compensation.

(n) “Short-Term Rental” means any dwelling with five guestrooms or less that is reserved/rented wholly or partly for any form of consideration for less than thirty (30) consecutive days by a short-term rental guest.

1270.02 Conditional Use Permit Required.

(a) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the City a short-term rental without first obtaining a conditional use permit and maintaining the permit in good standing, in accordance with this Chapter.

(b) It shall be prima facie evidence of a violation of 1270.02(a) for any person to engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, for any premises in the City, the offering, listing, advertisement or marketing of a short-term rental on any website, application, digital or paper medium for the purpose of offering to reserve or rent the short-term rental without first having obtained a conditional use permit, maintained in good standing, in accordance with this Chapter.

1270.03 General Property Requirements.

- (a) A conditional use permit for a short-term rental may only be issued for a residential structure on a parcel of record in the City of Mentor-on-the-Lake that is Zoned Residential, Single-Family or Multifamily District.
- (b) Only the principal residential structure on the property may be used for short-term rental. No accessory structure, temporary structure, vehicle, or accessory living quarters (unless the accessory living quarters is attached to the principal residential structure) may be used as a short-term rental.
- (c) Guestrooms may only be offered and used in rooms specifically designed as bedrooms and for which a means of emergency secondary egress exists which is at all times free of any obstructions or impediments to use as a secondary emergency egress from the guestroom.
- (d) The principal residential structure shall be both a lawful conforming use and structure. The use of a lawful non-conforming use/structure as a short-term rental shall constitute an unlawful expansion of the non-conforming use/structure in violation of 1270.06(c) and is prohibited.
- (e) The Administrator is authorized to summarily reject for filing any application submitted pursuant to this Chapter when the property applied for does not comply with any of the requirements of 1270.03 or 1270.04.

1270.04 Application for Conditional Use Permit for Short-Term Rental.

- (a) An application for a conditional use permit for a short-term rental shall be filed with the Administrator upon approved forms provided by the Administrator, together with the fees and costs as required by 1242.10.
- (b) The application shall contain the following information:
 - (1) Identify the property on which the short-term rental will be established and its ownership by: (i) street address, (ii) permanent parcel number, (iii) the full names of all owners as they appear on the current recorded deed, (iv) the current mailing address of all owners, (v) current telephone numbers of all owners, (vi) current email addresses of all owners, (vii) provide a copy of the current recorded deed, (v) and, as applicable, the current recorded mortgage(s), lease(s), land contract, management agreement, easements, and licenses.
 - (2) Further, the application will identify all properties located within 200 feet from the boundary lines of the property on which the short-term rental will be established by: (i) street address and (ii) the full names of owners as they appear on current recorded deeds.
 - (3) Any pending litigation related to the property shall be identified with particularity.

- (4) If the applicant is different from the record owner(s), the name of the applicant, mailing address, telephone number, and email address. If the applicant is not a natural person, the applicant shall provide the name of the entity set forth exactly as shown on its registration with the Ohio Secretary of State, mailing address, address of its principal place of business, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number.
- (5) The short-term rental applicant shall provide one form of proof of identity and two pieces of evidence that the applicant's dwelling is the short-term rental applicant's primary residence, and/or the short-term rental applicant is the owner of the dwelling and/or the applicant is the permanent occupant.
- (6) If a land contract, lease agreement, management agreement, or any other agreement separates the owner(s) from control over the property, the applicant shall include a statement supported by documentation that explicitly provides consent for a dwelling to be used as a short-term rental. The absence of such a clause of consent, or, where there is evidence of a prohibition for short-term rental use, shall be grounds for the denial of a short-term rental conditional use permit.
- (7) Name of the short-term rental host, mailing address, telephone number, and email address.
- (8) A floor plan for the residential structure which shall identify all guestrooms to be offered, listed, advertised, or marketed in the short-term rental.
- (9) Plans for a fire emergency as required by 1270.06.
- (10) The names of all hosting platforms on which the applicant has been (or will be in the future) registered to offer, list, advertise, or market a short-term rental, and documentation confirming hosting platform registration(s).
- (11) An application for short-term rental conditional use permit shall be notarized and the applicant shall affirm that he/she and the dwelling are in compliance with all applicable local, state, and federal laws and regulations.
- (12) At the time of application for a New or Renewal Short-term Rental conditional use, all of the following persons are required to provide the following:
 - a. The 24-hour local emergency contact person for the property;
 - b. The short-term rental property manager(s), if applicable;
 - c. If the applicant is a domestic business entity other than a general partnership, then the applicant must provide a copy of the entity's articles of incorporation, articles of organization,

statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Ohio Secretary of State;

d. If the applicant is a foreign business entity other than a foreign general partnership, then the applicant must provide a copy of the foreign business entity's license, registration, or qualification filed with the Ohio Secretary of State authorizing it to do business in Ohio;

e. For all business entity applicants, the name of an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual to whom all legal notices from the City are to be directed, together with their mailing address, telephone number, and email address.

1270.05 Issuance of Conditional Use Permit for Short-Term Rental.

(a) The Planning and Zoning Commission shall reject any application for a conditional use permit for a short-term rental when the application is not fully compliant with any requirements of this Chapter.

(b) In addition to the requirements of this Chapter, the Planning and Zoning Commission shall review the application in accordance with the general requirements applicable to conditional use permits set forth in 1242.03 and may impose additional conditions based upon specific and unique aspects of the property that is the subject of the application when needed to maintain the property's residential character and customary residential use(s), except, the Planning and Zoning Commission shall not have the authority to permit any conditions which are in conflict with the requirements of this Chapter.

(c) A short-term rental applicant who has not held a valid conditional use permit for the property during the preceding 12 months may submit an application to the Administrator for a New Short-term Rental conditional use permit. If the application is approved by the Planning and Zoning Commission and a New Short-term Rental conditional use permit is issued, the permit shall take effect on the date of issuance and shall expire one (1) calendar year from the date of issuance. If the permit is issued in conjunction with and contingent upon an explicit and consensual term lease agreement, the New Short-term Rental conditional use permit shall take effect on the date of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of one (1) calendar year from the date of issuance, whichever occurs first. Proof of a lease agreement indicating the leasehold term length shall be required where applicable. In order to continue operating as a short-term rental following expiry of a New Short-term Rental conditional use permit, an application for a Renewal Short-term Rental conditional use permit must be submitted and such permit approved and issued as in 1270.05 (d). The short-term rental may not continue to operate in the absence of a valid short-term rental conditional use permit, per 1270.02.

(d) A short-term rental applicant who currently holds a valid New or Renewal Short-term Rental conditional use permit for a property may submit an application for a Renewal Short-term

Rental conditional use permit prior to the permit expiration date. If approved, a Renewal Short-term Rental conditional use permit shall take effect upon the expiration of the previous permit. A Renewal Short-term Rental conditional use permit shall expire three (3) calendar years from the effective date. If the permit is renewed in conjunction with and contingent upon an explicit and consensual term lease agreement, the renewal permit shall take effect upon the expiration of the previous permit and shall expire upon the last day of the applicant's leasehold term or at the end of three (3) calendar years from the effective date, whichever occurs first. Proof of a lease agreement indicating the forthcoming leasehold term length, shall be required were applicable. In order to continue operating as a short-term rental following expiry of a Renewal Short-term Rental conditional use permit, an application for another Renewal Short-term Rental conditional use permit must be submitted and such permit approved and issued as described in this Section. The short-term rental may not continue to operate in the absence of a valid short-term rental conditional use permit, per 1270.02. All multi-year permitted properties remain subject to annual rental unit inspections carried out by the City during the multi-year permit period in order for the permit to remain in good standing.

(e) Should a New or Renewal Short-term Rental conditional use permit lapse in validity for more than 12 months, the applicant will only be eligible to submit application for a New Short-term Rental conditional use permit, valid for one (1) calendar year, as in 1270.05 (c).

(f) The applicant shall notify the Administrator of any change in information contained in the permit application within ten (10) calendar days of the change on a form provided by the Administrator.

(g) Any transfer in ownership of a dwelling shall void any New or Renewal Short-term Rental conditional use permit held in that owner's name and in connection with the specific dwelling's property address. Such aforementioned transfers of ownership shall require submission of an application in consideration of and for the issuance of a New Short-term Rental conditional use permit, valid for one (1) year as described in 1270.05 (c), and as under 1242.03(g).

(h) If approved as a short-term rental by the Planning and Zoning Commission, a dwelling shall be assigned an individual permit number that the applicant shall list with the dwelling's short-term rental listing on any hosting platform. Only a valid permit which has been assigned to the dwelling being offered, listed, advertised, or marketed as a short-term rental shall be listed on a hosting platform. Upon a valid permit's expiration, no person or entity shall offer, list, advertise, or market a dwelling in violation of this Chapter.

(i) The Planning and Zoning Commission shall have the authority to deny a New or a Renewal Short-term Rental conditional use permit if any of the information required under this section is reasonably determined to be insufficient.

1270.06 Short-Term Rental Requirements.

- (a) A valid and current New or Renewal Short-term Rental conditional use permit shall be required for each dwelling approved for use as a short-term rental.
- (b) A short-term rental host shall be either an owner or a permanent occupant.
- (c) A short-term rental host shall provide written notice to a short-term rental guest of any known, non-obvious, or concealed condition, whether human-made or artificial, which may present a danger to the short-term rental guest, and shall designate a local 24-hour emergency contact person for the short-term rental.
- (d) A short-term rental host shall provide written notice to a short-term rental guest of any surveillance equipment, whether obvious or concealed, including but not limited to digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of watching, listening, or recording.
- (e) A short-term rental host shall comply with the City of Mentor-on-the-Lake municipal excise (lodging) taxes as required by Chapter 895 of the Codified Ordinances.
- (f) No person shall offer, list, advertise or market a dwelling with five guestrooms or less, located within the City, on an entity's website, for which such entity is compensated for facilitating or providing for a mechanism for a transaction, to rent or reserve the dwelling, in whole or in part, for less than thirty (30) days, to another person, without registering, listing, or accompanying a valid permit number, issued in accordance with this Chapter and associated with the dwelling.
- (g) No entity, via the entity's website, shall provide for or facilitate a mechanism for a transaction between an owner or permanent occupant and another person to rent or reserve, in whole or in part, a dwelling with five guestrooms or less, located within the City of Mentor-on-the-Lake, unless the owner or permanent occupant has registered or otherwise provided to the entity a valid permit number, issued in accordance with this Chapter and associated with the dwelling.
- (h) Records required.
- (1) A short-term rental host who engages in, conducts, or carries on a short-term rental, and a hosting platform that provides for or facilitates a booking service, shall maintain and provide, when requested, records documenting the following information:
 - a. The short-term rental physical address;
 - b. The name of the person or entity who registered the short-term rental on the hosting platform or who listed the short-term rental on the hosting platform; and

c. For each short-term rental guest, the dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental guest.

(2) A hosting platform and a short-term rental host shall retain records for a period of at least four (4) years.

(3) In order to determine whether an applicant, short-term rental host or hosting platform is in compliance with the requirements of this Chapter, the Administrator may request that any records relevant to or of assistance in a compliance investigation, be provided for inspection. If such a request is denied, the Administrator may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

(i) The property shall be covered at all times by a policy(ies) of commercial general liability insurance, which shall include broad form property damage liability and extended bodily injury coverage, in an amount not less than One Million Dollars (\$1,000,000.00) written on a combined single limit per occurrence basis for property damage, personal injury, and bodily injury or death of one or more person. A current certificate of insurance showing the required coverage shall be provided to the City.

(j) Guestrooms shall be equipped with working smoke detectors and carbon monoxide detectors. Fire extinguishers properly rated shall be located and readily accessible in all cooking and other locations where activities involving flammable materials may occur. Guestrooms shall be equipped with apparatus necessary to escape fire via their secondary points of egress, such as emergency escape ladders, when necessary to make use of the secondary points of egress. Short-term rental guests shall be provided with an emergency contact phone number(s) for the short-term rental host and any property manager.

(k) Nothing in this section shall be construed as permitting any person or entity to obtain a permit or offer, list, advertise, or market a short-term rental where prohibited by any other provision of law, or where it is contrary to the terms of any private contract, agreement, or restrictions related to the property.

1270.07 Revocation or Suspension.

(a) The Administrator (hereafter defined as the Mayor or his/her designee) shall revoke or suspend a conditional use permit if any of the following are shown to have occurred at or in relation to the short-term rental address:

(1) The applicant made a material misrepresentation of fact on the application or submitted fraudulent, counterfeit, or false documentation;

- (2) Any applicant, owner, manager, or short-term rental host is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the O.R.C. Chapters 2925 or 3719, on the premises of the short-term rental;
- (3) The property on which the short-term rental is located has unpaid real property taxes, except for taxes that are a lien on the property but not yet due and payable;
- (4) The owner or short-term rental host is not in good standing with the Division of Taxation Central Collection Agency (CCA);
- (5) The owner or short-term rental host is in violation of Chapter 895 Lodging Tax of the Codified Ordinances;
- (6) The short-term rental has outstanding orders from the Mentor-on-the-Lake Fire Department or State Fire Marshall that have not been corrected;
- (7) Confirmed felony drug-related activity occurs on the premises;
- (8) Confirmed prostitution-related activity or evidence of human trafficking on the premises;
- (9) Gang-related activity as defined in O.R.C. 2923.41;
- (10) Repeated offenses of violence as defined in O.R.C. 2901.01;
- (11) The short-term rental has three (3) or more calls for service during a consecutive twelve months;
- (12) An applicant, owner, manager, or short-term rental host has hindered or prevented any inspection of the short-term rental as authorized by 1270.02;
- (13) The short-term rental has a history of repeated conduct that endangers neighborhood safety or diminishes residents' quality of life, including violations of Chapters 648 (Peace Disturbances and 452 (Parking) of these Codified Ordinances;
- (14) The owner or the short-term rental host has been found guilty of maintaining a public nuisance under 606.31 or O.R.C. 3767 by a court of competent jurisdiction;
- (15) The premises has been declared a public nuisance under R.C. Chapter 3767 by a court of competent jurisdiction;
- (16) The owner or the short-term rental host has not abated the public nuisance or complied with a notice of violations under O.R.C. 3767;
- (17) A violation of any provision of this Chapter or condition imposed on the permit pursuant to 1270.05(b) has not been corrected within the time period specified by the Administration after Notice issued to the owner or short-term rental host.

(b) A Mentor-on-the-Lake citizen or official may seek revocation of the conditional use permit by filing a Complaint with the Administrator who shall then determine if there are sufficient facts to suspend or revoke the permit. If the Administrator determines that there are sufficient facts, then the Administrator shall then revoke or suspend the permit and any such revocation shall be subject to the procedures in Section 1270.08, 1242.09 & 1242.10 of this Chapter

(c) Evidence of conduct under Division (a) of this section need only be that of de facto violation of law, evidence of conviction is not a prerequisite unless specifically indicated.

1270.08 Procedures Upon Revocation or Suspension of Permit.

(a) Prior to any action of suspension or revocation under 1270.07, the Administrator shall submit a Notice of Suspension or Notice of Revocation (collectively sometimes referred to as "Notice of Violation") to the applicant.

(b) The Notice of Suspension or Notice of Revocation shall be provided at least seven (7) calendar days before the date it shall be effective, unless it is an emergency order as provided by 1270.09.

(c) The Notice shall list the grounds for which the permit is being revoked or suspended.

(d) The Administrator shall serve the Notice by (i) personally serving the applicant; or, via electronic delivery of the Notice to the email address provided for the applicant on their application, and by (ii) posting the Notice in a conspicuous place on the property of the short-term rental. Failure of personal or electronic delivery for causes the fault of the applicant shall not invalidate service.

1270.09 Emergency Revocation or Suspension of Short-Term Rental Permit.

(a) Whenever the Administrator determines that an emergency exists which requires immediate action of a revocation or suspension of a short-term rental conditional use permit to protect the public health and safety, the Administrator shall issue a written order to the applicant, reciting the existence of such an emergency and requiring such action as the Administration deems necessary be taken to meet the emergency

(b) Notwithstanding other provision of this Chapter, such order shall be effective immediately and shall be complied with immediately.

(c) The Administrator shall serve the Notice by (i) personally serving the applicant; or via electronic delivery of the Notice to the email address provided for the applicant on their application, and by (ii) posting the Notice in a conspicuous place on the property of the short-term rental. Failure of personal or electronic delivery for causes the fault of the applicant shall not invalidate service.

1270.10 Appeal Procedure and Stay Order.

An applicant aggrieved by an order revoking or suspending a conditional use permit who wishes to appeal such order may appeal such order to the Board of Zoning Appeals and shall do so pursuant to Chapter 1244 of this Code. An appeal shall stay all proceeding in furtherance of the action appealed from, unless the Administrator shall certify to the Board of Zoning Appeals after the Notice of Appeal has been filed that by reason of facts stated in the Notice of Violation a stay would, in his or her opinion cause imminent peril to life or property, in which case proceedings

shall not be stay otherwise than by a restraining order, which may be granted by the BZA or by a court of competent jurisdiction.

1270.11 Judicial Review.

The applicant shall have the right to perfect an appeal as provided in O.R.C. 2506 after final determination of the appeal pursuant to Chapter 1244 of this Code

1270.12 Authority to Conduct Inspections.

(a) Upon display of the proper credentials, the City (including the Administration and its designee(s)) may be permitted to inspect the short-term rental to ensure compliance with this Chapter.

(b) If the request for inspection described in Division (a) of this section is denied, the Administration may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

1270.13 Transfer of Conditional Use Permit Not Permitted.

(a) No conditional use permit issued under this Chapter to operate as a short-term rental shall be transferable or assignable to another person.

(b) No conditional use permit issued under this Chapter to operate as a short-term rental shall be transferable or assignable to another short-term rental.

(c) Any person found to have transferred, assigned, or attempted to transfer or assign, a valid conditional use permit to another person shall be subject to the penalty under 1270.17. Such transfer or assignment shall cause the conditional use permit to be automatically revoked.

1270.14 Discrimination Prohibited.

(a) No person shall decline a potential short-term rental guest based on race, sex, sexual orientation, gender, color, religion, ancestry, national origin, age, disability, familial status, or military status.

(b) No person shall impose any different terms or conditions on a short-term rental guest based on race, sex, sexual orientation, gender, color, religion, ancestry, national origin, age, disability, familial status, or military status.

(c) No person shall post any listing or make any statement that discourages or indicates a preference for or against any potential short-term rental guest on account of race, sex, sexual

orientation, gender, color, religion, ancestry, national origin, age, disability, familial status, or military status.

1270.15 Display Short-Term Rental Permit.

The short-term rental host shall maintain and display the current and valid conditional use permit at the short-term rental in a conspicuous location inside of the premises.

1270.16 Severability.

In the event that any section or provision of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

1270.17 Penalties.

(a) Any person who violates 1270.02 or 1270.05(g) shall be guilty of a misdemeanor of the fourth degree. An offender who has been previously convicted of or pleaded guilty to a violation of 1270.02 or 1270.05(g) is guilty of a misdemeanor of the third degree. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by 606.08 of these Codified Ordinances. In addition, all gross revenue or compensation from a reservation(s) or rental(s) that is obtained in violation of 1270.02 or 1270.05(g) shall be remitted to the City of Mentor-on-the-Lake, subject to local and state laws governing forfeiture.

(b) Any person who violates 1270.06 or 1270.13 shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). An offender who has been previously convicted of or pleaded guilty to a violation of 1270.06 or 1270.13 is guilty of a misdemeanor of the third degree. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by 606.08 of these Codified Ordinances.

(c) Any person who violates 1270.05(e) or 1270.15 shall be guilty of a minor misdemeanor. An offender who has been previously convicted of or pleaded guilty to a violation of 1270.05(e) or 1270.15 is guilty of a misdemeanor of the fourth degree. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by 606.08 of these Codified Ordinances.

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.

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 Mentor on the Lake for the reason that it is necessary to have adequate regulations for these types of businesses and uses. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Mentor-on the-Lake, Ohio.

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

ROBERT JOHNSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR

Dated: _____

ADOPTED: _____

ATTEST: _____
Clerk of Council

ORDINANCE NO. 2024-O-22

**AN ORDINANCE AMENDING CODIFIED
ORDINANCES 452.01, 452.17 AND 452.99 AND REPEALING ORDINANCES
452.02 AND 452.03 RELATING TO PARKING ON THE STREETS**

WHEREAS, Council wishes to amend the parking ordinances that are set forth in Chapter 452 to better regulate parking on the City Streets and to also modify the penalties for parking violations; and

WHEREAS, Council in order to amend the parking ordinances has decided to amend Codified Ordinances 452.01, 452.17 and 452.99 and to repeal Ordinances 452.02 AND 452.03.

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 452.01 is amended and as amended reads as follows:

452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(a) No person shall stop, park or leave any vehicle upon the paved or traveled portion of any street unless a clear and unobstructed lane remains for the free passage of traffic, and such vehicle must be clearly visible from 200 feet in each direction.

(b) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the direction of a police officer or traffic control device, in any of the following places:

1) On a sidewalk, bicycles excepted; or across a sidewalk in such a way that pedestrian traffic is obstructed;

2) In front of, blocking, or partially obstructing a public or private driveway;

- 3) Within an intersection or within 20 feet of an intersection;
- 4) Within 10 feet of a fire hydrant;
- 5) On a crosswalk or within 20 feet of a crosswalk;
- 6) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- 7) Between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- 8) On a street within 75 feet of the driveway entrance to a fire station;
- 9) Alongside or directly opposite (across the roadway) from any street excavation or obstruction, when such standing or parking would obstruct traffic;
- 10) Alongside any vehicle stopped or parked at the edge or curb of a street;
- 11) Upon any bridge;
- 12) At any place where City or other government agency signs prohibit stopping, standing or parking, or where the curbing is painted yellow, or at any place in excess of the maximum time limited by City or other government agency signs;
- 13) At the entrance to any commercial, professional or industrial building or to any apartment or multi-family building where yellow striping is present;
- 14) Within one foot of another parked vehicle;
- 15) On any street facing oncoming traffic, i.e. with the left side of the vehicle alongside the curb;
- 16) On the fire hydrant side of any residential street;

17) On the paved and/or traveled portion of Pinehurst Drive during the days that Lake Elementary School is in session from the hours of 7:00 am to 9:00 am and from 2:00 pm to 4:00 pm;

18) Upon the streets or highways of the City between the hours of 2:00 a.m. to 6:00 a.m.; or

19) Within areas designated as a fire lane as defined and/or required in Section 1610.04 of this Code of Ordinances.

(c) The Police Department may, upon request and application, grant permission to park upon a street, if necessary. Such permission shall not be granted for more than 24 hours and may be revoked at any time for just cause.

(d) The Mayor administratively is hereby granted the authority to determine where no parking or stopping signs shall be placed in order to implement the provisions of section (b) (12) above

(e) The penalty for a violation of this division(s) shall be as set forth in Section 452.99. In addition to the penalties provided for in Section 452.99, any vehicle found in violation of any of the provisions of this division(s) shall be towed.

(f) This section does not apply to the operator of any vehicle which is disabled in such a manner or to such an extent that it is impossible to avoid stopping and temporarily leaving such vehicle.

Section 2. That Codified Ordinance 452.17 is amended and as amended reads as follows:

452.17 PROHIBITED PARKING IN THE FRONT AND SIDE YARD IN RESIDENTIAL DISTRICTS.

(a) Definitions. For the purpose of this section, certain terms and words are hereby defined:

(1) "Driveway" means the principal means of ingress/egress, not exceeding 24 feet in width, into a property from the traveled portion of a road right-of-way, upon which

grass or other ground cover vegetation is not nurtured, provided however, that such driveway shall not occupy over 40% of the total front yard area of the lot.

(2) "Truck" includes flat-bed, stake-body, utility-box, dump and tractor-trailer vehicles.

(3) "Front yard" means the setback area between any portion of a structure and the street line.

(4) "Residential district" means any district in the City zoned primarily for residential purposes on the current adopted District Map, and also, for the purpose of this section, any parcel used for dwelling purposes, irrespective of its zoning classification.

(5) "Setback" means the minimum horizontal distance by which any building or structure will be separated from a lot line or street line.

(6) "Side yard" means the zoning setback area as defined in the Zoning Code along the side of a lot between the building line, as defined in the Zoning Code, and the rear yard, as defined in the Zoning Code, or, in the case of a side street yard, the rear lot line.

(b) Parking Prohibited. No person shall park or leave unattended or suffer to remain parked or left unattended, any vehicle wholly or partly within a front yard, side yard or upon a vacant lot in a residential district, unless such vehicle is wholly within a driveway or on an improved surface.

c) Parking Setbacks for Large Vehicles. No truck, camper, boat, motor home, fifth-wheel vehicle, bus, construction vehicle/equipment or other vehicle connected to a truck, camper, boat, motor home, fifth-wheel vehicle, bus or construction vehicle/equipment shall be parked closer than 20 feet from the edge of the paved portion of the street fronting the lot or street designating the lot number, nor closer than five feet from any side lot line or right-of-way of a cornering street, if the drive fronts such cornering street.

d) Visual Shielding of Large Vehicles. In residential districts, property owners are encouraged to shield or screen

the viewing of large trucks and recreational vehicles from the public roadway or sidewalk and from side neighbors, using privacy fencing or suitable vegetation and landscaping. Any construction vehicles/equipment that are not being used for construction purposes at the property and are parked or remain on property in a residential area for longer than ten (10) consecutive days shall be accompanied by robust visual screening to shield them from view by the public roadway/sidewalk as well as from side neighbors, using privacy fencing or suitable vegetation and landscaping.

e) Other large vehicles prohibited. No truck or other vehicle used to transport items which cause the vehicle to give off noxious odors or fumes, or used to transport garbage or materials which may create a risk to the health, safety or welfare of the community, shall be parked in any residential area of the City.

f) The specifications and requirements contained in Section 452.14 are hereby adopted and incorporated herein for this ordinance and are applicable in the enforcement of this section.

g) No commission or committee of the City shall grant any variance to this section.

h) Penalty. The penalty shall be as is set forth in Section 452.99.

i) Exceptions. The provisions of this section shall not apply to authorized emergency vehicles while in use for emergency purposes; or to construction equipment when such equipment can effectively operate only from within such front yards; or during the time when a snow emergency parking ban is in effect.

Section 3. That Codified Ordinance 452.99 is amended and as amended reads as follows:

452.99 PENALTY.

(a) The penalties for violations of Sections 452.01 (1) through (18), 452.06, 452.08, 452.09, 452.10, and 452.11 shall be as follows:

(1) The first offense: ten dollars (\$10.00) if paid within ten (10) days. If paid after ten (10) days, then twenty-five (\$25.00);

(2) The second offense within 12 months: twenty-five dollars (\$25.00). If paid after ten (10) days, then fifty (\$50.00);

(3) The third and all subsequent offenses within 12 months of the second offense shall be a minor misdemeanor and the penalty therefor shall be as provided in Section 408.01.

(b) Penalties for violations of Section 452.01 (19) and 452.17 shall be as follows:

(1) For the first offense, one hundred dollars (\$100.00). If paid after ten (10) days, then One Hundred Fifty (\$150.00);

(2) For the second offense occurring within 12 months of the first offense, two hundred and fifty dollars (\$250.00). If paid after ten (10) days, then Three Hundred Fifty (\$350.00);

and

(3) For the third and all subsequent offenses occurring within 12 months of the second offense, a minor misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00).

(c) The above fines for a first and second offense shall be waivable as provided for in Section 452.15.

Section 4. That Codified Ordinance 452.02 and 452.03 are repealed.

Section 5. 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 thirty days after its passage by Council and approval by the Mayor.

ROBERT JOHNSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR
Dated: _____

ADOPTED: _____

ATTEST: _____
Clerk of Council

ORDINANCE NO. 2024-O-28

AN ORDINANCE AMENDING SECTION 250.05, VACATIONS, OF THE CODIFIED ORDINANCES, OF THE CITY OF MENTOR-ON-THE-LAKE AND DECLARING AN EMERGENCY

WHEREAS, Council wishes to amend provisions of codified ordinance 250.05 -VACATIONS, to address recruiting new hires and revise vacation scheduling to align with the Ohio Auditor of State's expectations.

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 Section 250.05 shall be amended, and as amended shall read:

250.05 VACATIONS

(a) All full-time employees shall earn vacation according to the schedule set out below based on the employee's anniversary date of service with the City of Mentor-on-the-Lake. Such time may be used as it is earned upon approval of the department head except as set out below in the first year.

<u>Years of Completed Service</u>	<u>Entitlement Maximum Accrual Computation</u>
Less than one year	None
First year through fifth year	3.1 hours for each 80 hours in active pay status
Sixth year through tenth year	4.6 hours for each 80 hours in active pay status
Eleventh year through eighteen year	6.2 hours for each 80 hours in active pay status
Nineteenth year through twenty-fifth year	7.7 hours for each 80 hours in active pay status
More than twenty-five years of service	9.2 hours for each 80 hours in active pay status

(b) Upon successful completion of the first 90 days of service with the City of Mentor-on-the-Lake, the employee shall have earned and will be eligible to use vacation based on the 3.1 hours for each eighty hours in the active pay status.

(c) No vacation leave shall be credited for overtime hours worked. Employees working less than their normally scheduled work hours in a given bi-weekly pay period shall be credited proportionate to the total number of hours of active pay status during the respective pay period.

(d) Vacation hours shall be cumulative without limit. Earned vacation time within the calendar year shall be used in the current calendar year for those employees that have at least 300 hours of accumulated vacation time. Any unused vacation earnings over 300 hours will not carry over to the next calendar year. Upon separation of employment with the City, the employee shall be entitled to compensation at his or her current rate of pay for any earned but unused vacation, but not to exceed 40 hours in excess of his or her current accrued compensation step as defined in subsection (a) hereof.

(e) Vacation preferences shall be given primarily on a first come first serve basis. Only overlapping requests will be based on seniority. A vacation request form must be filled out for all vacation requests and submitted to the Director of Administration. Vacations consisting of 3 or more days in a row must be submitted 45 days in advance. Vacations requests that are 2 days or less must be submitted 48 hours in advance. The Mayor and Director of Administration have the right to make exceptions and accept or deny any requests.

(f) Employment service accumulated at another governmental agency will be credited in computing vacation entitlements, provided that there has not been more than a thirty-day period between employment with the previous governmental agency and employment with the City. At the Mayor's sole judgement upon hiring, new employees from non-governmental agencies may increase their accrual compensation based on previous experience.

(g) Death of any employee shall result in the payment of any accrued vacation time to be paid to the employee's spouse or the employee's estate.

h) A full-time employee with an accrued vacation balance in excess of 300 hours may elect to cash-in up to one week (40 hours) of accrued vacation time once per year. The employee's notice of intent to cash-in vacation hours must be submitted to Finance no later than November 15th of each calendar year. At no time may the redemption of vacation time cause the employee's accrued vacation balance to be less than 300 hours.

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.

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 Mentor on the Lake for the reason that it is necessary to have a formal policy that regulates vacation policies for the City and its employees. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake, Ohio.

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

ROBERT JOHNSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR
Dated: _____

ADOPTED: _____

ATTEST: _____
Clerk of Council

ORDINANCE NO. 2025-O-01

**AN ORDINANCE AMENDING CODIFIED
ORDINANCES 1240.02, 1258.02. AND CREATING NEW SECTION 1258.021
IN ORDER TO REGULATE CANNABIS DISPENSARIES IN THE CITY**

WHEREAS, Council wishes to amend the Zoning Ordinances in order to allow one (1) cannabis dispensary in the City in the Business II Zoning District of the City, provided that such an establishment also obtains a business license from the City.

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 1240.02 is amended to add the following definition for a "Cannabis Dispensary":

"Cannabis Dispensary" means an Adult use dispensary business as that term is defined in Chapter 3780.01 of the Ohio Revised Code. That section currently states: "Adult use dispensary" means a person licensed pursuant to section 3780.15 of the Revised Code, and Chapter 3780 of the Revised Code and any rules promulgated thereunder to sell adult use cannabis as authorized.

Section 2. That Codified Ordinance Section 1258.02 is amended to add the Classification of "Cannabis Dispensary" to Ordinance 1258.02 Permitted Buildings and Uses and as amended that Section now reads as follows:

1258.02 PERMITTED BUILDINGS AND USES

The following buildings and uses are permitted or not permitted or allowed with a conditional use permit in the Business District I and Business District II. Binary Use Structure is defined for the purposes of Chapter 1258 as building comprised of a condominium or an apartment built above a permitted business. ("P" is a permitted use, "NP" is a use that is not permitted, and "C" is a conditional use that is

approved pursuant to the provisions of Ordinance 142.03)

Classification	Use	Business	Business
		I	II
Office			
	Offices (Administrative, Professional, and Business)	P	P
	Sales office in completely enclosed building (no retail)	P	P
	Banks, Financial Institutions	P	P
	Mortuary	P	P
	Dispensaries, Medical Clinics, Urgent Care	P	P
	Research and Testing Laboratories	C	C
Retail/Services			
	Retail in completely enclosed building	P	P
	Automated Teller Machines (ATMs)	C	C
	Personal Services in completely enclosed building	P	P
	Restaurants (no sale of alcoholic beverages)	C	P
	Restaurants (including sale of alcoholic beverages)	C	C
	Dance floor/entertainment in association with permitted use	C	C
	Hotels, Motels, Inns, and Bed and Breakfasts	C	C
	Business Equipment and Supply	P	P
	Pet Shops	P	P
	Veterinary Hospitals, Animal Hospitals and Clinics	C	C
	Animal Boarding and Daycare Facilities	C	C
	Outdoor storage and display associated with a permitted use	C	P
	Drive-in/Drive-thru facility in association with a permitted use	C	P
	Pharmacy and associated convenience goods	P	P
	Small Box Discount Stores as defined in Ordinance 1240.02, provided that not more than two Small Box	NP	C

Discount Stores are allowed in the Business II Zoning District at any given time pursuant to Ordinance 1252.021

Cannabis Dispensary as defined in Ordinance 1240.02, provided that not more than one Cannabis Dispensary is allowed in the Business II Zoning District at any given time pursuant to Ordinance 1252.022

**Automotive
Associated**

Gasoline Station	C	C
Electric Vehicle Charging Stations	C	C
Alternative Automotive Fuel Filling Station	C	C
Car Wash/Car Detailing	C	P
Automobile Service Station	C	C
Car Sales Agency	C	P
Automobile/Truck Rental Agency	C	P
Parking Lot For noncommercial vehicles as principal use	NP	NP
Recreational Vehicles – Trailers, Motor Homes, Mobile Homes Sales or Rentals	NP	C
Motor Vehicle Repair, Autobody, Painting	NP	C

**Entertainment
and Recreation**

Membership Sports/Fitness Club	P	P
Studios for Instruction	P	P
Indoor Commercial Recreation	P	P
Family Fun Center	P	P
Theater	C	P
Assembly Hall, Meeting Place, Party Center	P	P
Sound Studio	NP	C

**Community
Services and**

Facilities			
	Libraries, Museums	P	P
	Places of Worship, Public and Private Schools	P	P
	Public Safety Facility	P	P
	Child Daycare	C	C
	Adult Daycare	C	C
	Nursing Home	C	C
	Vocational, Technical, or Trade School	C	C
	Assisted Living Facilities	C	C
Residential			
	Apartments for the Elderly (ARTARP Only)	P	
	Binary Use (Condominium or apartment above Business Unit)	C	C
Storage			
	Self-Storage Facility	NP	P
	Outdoor Storage of Heavy Equipment	NP	NP

Section 3. That Codified Ordinance Sections 1258.022 is adopted to regulate the number of Cannabis Dispensaries in the City and as adopted reads as follows:

1258.022 NUMBER OF CANNABIS DISPENSARIES PERMITTED IN THE CITY

No more than One (1) "Cannabis Dispensary", as that use or term is defined in Ordinance 1240.02, shall be permitted or allowed in the Business II Zoning District at any given time and Cannabis Dispensaries shall not be allowed in any other zoning district of the City. Any Cannabis Dispensary in the City must follow all State of Ohio laws and rules and regulations in order to operate in the City and the Cannabis Dispensary must received a license from the State of Ohio in order to operate in the City as a Cannabis Dispensary. No other Adult use cannabis operator as that term is defined in Chapter 3780 of the Ohio Revised Code is allowed in the City except a Cannabis Dispensary as is set forth herein.

The Cannabis Dispensary shall obtain a business license from

the City pursuant to the requirements in Chapter 882 of the Codified Ordinances in order to operate in the City.

Section 4. 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 thirty days after its passage by Council and approval by the Mayor.

ROBERT JOHNSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR
Dated: _____

ADOPTED: _____

ATTEST: _____
Clerk of Council

ORDINANCE NO. 2025-O-02 (Amended)

**AN ORDINANCE ENACTING
CHAPTER 882 - CANNABIS / MARIJUANA LICENSURE**

WHEREAS, the City has amended its Zoning Code to allow one Cannabis Dispensary in the City and Council determines that it is necessary that in addition to the Zoning regulations, it is also necessary to regulate the business operations of the establishment by requiring any such business to obtain a license from the City pursuant to this Chapter of the Codified Ordinances.

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 Chapter 882 is enacted and as enacted reads as follows:

CHAPTER 882 - CANNABIS / MARIJUANA LICENSURE

- 882.01 Title, purpose and objectives.
- 882.02 Construction, separability and applicability of chapter.
- 882.03 Definitions.
- 882.04 Marijuana business license required.
- 882.05 Authority of Safety Director.
- 882.06 Nature of licenses.
- 882.07 Procedure for obtaining license.
- 882.08 Denial of marijuana business license.
- 882.09 License expiration, suspension or revocation.
- 882.10 License fees.
- 882.11 Operational requirements for marijuana dispensaries.
- 882.99 Penalty.

882.01 TITLE, PURPOSE AND OBJECTIVES.

(a) Title. This chapter shall be known as Cannabis / Marijuana Licensure.

(b) Purpose. The purpose of this chapter is to establish standards for licensing, regulation and control of cannabis and/or marijuana businesses and adult use consumer cannabis and/or marijuana business, also known as recreational marijuana businesses, and dual use marijuana businesses and the premises upon which they are located and operated for the

cultivation and processing and dispensing of cannabis and/or marijuana as permitted by Ohio law. The objectives of this chapter are to prevent safety and fire hazards, disturbances, odors, disruption, theft of property, and other such nuisances or dangers within the City. The purpose of this Chapter is also to exercise the authority of the City of Mentor on the Lake to allow marijuana businesses in accordance with applicable state law and regulations.

(c) Authority. The City Council hereby declares that this chapter shall be deemed an exercise of the police powers of the City Council of Mentor on the Lake, Ohio, for furtherance and protection of the health, safety, and general welfare of the citizens of Mentor on the Lake.

882.02 CONSTRUCTION, SEPARABILITY AND APPLICABILITY OF CHAPTER.

(a) Construction. This chapter shall be liberally construed and applied to promote its purpose and objectives.

(b) Severability. If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and neither the remainder of this chapter nor the application of such provision to other persons or circumstances shall be affected thereby.

(c) Except as otherwise specifically provided herein, this Chapter incorporates the requirements and procedures set forth in the state law and regulations for Ohio and adult use cannabis businesses, as the case may be. In the event of any conflict between the provisions of this chapter and the provisions of any other applicable state or local law or regulation, the more restrictive provision shall control. Medical Marijuana is separately licensed under Chapter 880 of the Codified Ordinances.

882.03 DEFINITIONS.

Unless otherwise defined herein, the terms in this chapter shall have the same meaning as set forth in R.C. § 3780.01, and any rules promulgated pursuant thereto. The words and phrases which are defined in Chapter 3780 of the Revised Code, shall have the meanings respectively assigned to them in Chapter 3780 of the Revised Code. The following words which are

not defined in Chapter 3780, or which are additionally defined herein, are defined as follows:

(a) "Applicant" means the business entity applying for licensure per this chapter.

(b) "Board of Zoning Appeals" means the City Board of Zoning Appeals.

(c) "License" means a license or registration granted pursuant to this chapter.

(d) "Licensed premises" means the building or portion thereof specified in an application for licensure under this chapter and used for conducting the operation of a cannabis dispensary business. The licensed premises shall be owned or in possession of the licensee.

(e) "Licensee" means the person or persons to whom a license is issued pursuant to this chapter.

(f) "Cannabis" or "marijuana" means marihuana as defined in section 3719.01 of the Revised Code.

(g) "Marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a purpose.

(h) "Cannabis or Marijuana business" means any individual premises upon which any activity to dispense marijuana or marijuana products whether or not such premises have other business purposes of any nature whatsoever.

(i) "Operator" means the person or persons having authority to control the licensed premises of a cannabis or marijuana dispensary business as authorized by the State Licensing Authority.

(j) "Owner" means any person who possesses a pecuniary interest, either directly or indirectly, of twenty-five percent or more in a cannabis or marijuana business.

(k) "Person" means any natural person, firm, partnership, association, corporation or any other form of business organization.

(l) "Safety Director" means the City Safety Director.

(m) "School" means any educational institution, public, private, secular or parochial, which offers instruction of high school grade or lower.

882.04 CANNABIS OR MARIJUANA BUSINESS LICENSE REQUIRED.

No person shall conduct a cannabis or marijuana business in the City without having first obtained a license therefore as provided in this chapter, which license shall be designated as a Cannabis or marijuana dispensary license.

882.05 AUTHORITY OF SAFETY DIRECTOR.

(a) Authority is hereby established and vested in the Safety Director or his/her designee to act as the local licensing authority for cannabis or marijuana businesses, consider the applications for licenses under this chapter, conduct investigations thereon and issue, suspend, revoke, fine, restrict or deny issuance of such licenses based upon the criteria set forth in this chapter.

(b) Nothing in this chapter shall be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a license issued pursuant to this chapter.

(c) The local licensing authority is authorized to issue a cannabis or marijuana business license subject to the provisions and restrictions provided in this chapter.

882.06 NATURE OF LICENSE.

(a) All Licenses. All licenses issued under this chapter shall have the following characteristics:

(1) Each such license shall be an annual license which covers a period from the date of issuance for one year unless earlier suspended or revoked;

(2) Each such license shall vest a personal privilege but not any property rights in the licensee;

(3) Each such license shall be required to be displayed permanently in a conspicuous place upon the premise for which it is issued;

(4) Each such license shall be in the name of the applicant;

(5) Each such license shall be neither assignable nor transferable, either as a person or location; and

(6) Each such license, if lost, destroyed or mutilated, upon application within thirty days thereof may be replaced by a replacement license issued by the Safety Director bearing the word "Replacement" across its face and bearing the same license number as the license which it replaces.

(b) Marijuana Dispensary Licenses. The cannabis marijuana dispensary license shall permit the holders thereof to conduct any activities permitted to a dispensary under state law.

882.07 PROCEDURE FOR OBTAINING LICENSES.

(a) Applications for Licenses. All applications for licenses under this chapter shall be in writing on a form approved by and filed with the Safety Director. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail as to each such person, including general and limited partners, or partnerships, shareholders of corporations and principals of any other type of business entity. In the event that no person owns twenty-five percent or more of marijuana business, such application shall be signed by an authorized representative of the business. Every owner and operator of the business shall be fingerprinted by the Mentor on the Lake Police Department and said persons shall pay for the costs associated with obtaining said fingerprints.

(b) Contents of Applications. The application shall contain the following information:

- (1) For each individual owner:
 - A. True name and all other names used in the past five years;
 - B. Date of birth;
 - C. Permanent home address and all other home addresses used in the past five years;
 - D. Business and home telephone numbers;
 - E. Employment history for the past five years;
 - F. A statement as to whether or not the owner has been convicted of any crime other than traffic offenses and, if convicted, the date and court of conviction, the specific crime convicted of, and the penalty imposed;
 - G. A statement as to whether or not the owner has ever had ownership interest in a cannabis or marijuana business, and, if so, the specific location of the business and the dates of such operation;
 - H. A statement as to whether or not the owner has been denied an application for a cannabis or marijuana business license in any jurisdiction or has had such license suspended or revoked.
- (2) A description of the nature and operation of the main type of business activity to be conducted upon the premises including a description of the products and the services to be provided by the cannabis or marijuana business;
- (3) A description of the nature and operation of any other business to be conducted in conjunction with the

cannabis or marijuana business, and the anticipated percentage of gross revenue to be derived from each respective business;

(4) The address and telephone number of the premises and the business, if different from the premises;

(5) The name under which the business and premises will be operated and verification of trade name filed with the Secretary of State;

(6) A statement as to whether or not the owner will directly operate the cannabis or marijuana business, or whether an operator who is not an owner will operate it, and if the latter, the application shall contain information required by this section supplied in detail as to each such operator;

(7) A floor plan of the premises and the immediate vicinity drawn to scale, showing the square footage, interior dimensions, plans and specifications for the interior of the building, and layout for the business. Layout shall include, but is not limited to restricted access areas, principal uses for each floor area, areas of ingress and egress, and all security cameras;

(8) A map showing any school, church, public library, public playground, or public parks within a radius of 500 feet of the premises;

(9) The name, address and telephone number of the agent of the business upon whom service of process can effectively and validly be made;

(10) A security plan that the business intends to install, employ and operate to meet all requirements of the state law and administrative code provisions including policies and procedures to ensure a secure, safe facility to prevent theft, loss, or diversion and protection of facility personnel;

(11) A delivery and transportation plan detailing the method and explanation of delivery and transportation and shipping services to the location in compliance with the Ohio Cannabis / Marijuana Program, which plan shall include the names and registration numbers of the licensed employees transporting cannabis or marijuana or cannabis or marijuana products and proof of compliance state law requirements;

(12) A copy of the title or lease to the premises and verification that all activities at the proposed licensed premises are permitted under the Mentor on the Lake Planning and Zoning Code;

(13) A copy of the articles of incorporation, if the owner is a corporation;

(14) A copy of the operating agreement, if the owner is a limited liability company;

(15) A copy of the partnership agreement, if the owner is a partnership;

(16) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted;

(17) Statement that the information contained therein is complete, accurate and truthful to the best knowledge of all applicants; and

(18) Any other information which the Safety Director may deem reasonably necessary for the full interest of the public in the application.

(c) Report of the Planning Commission. Upon receipt of an application for a license under this chapter, the Safety Director shall refer the application to the Planning Commission for hearing. The Planning Commission shall make specific findings on their record, and issue a written report to the Safety Director within ten days of the hearing which contains the following information:

(1) Whether the licensed activity will not be materially detrimental to the public welfare, health, safety or morals, or alter the essential character of the locality;

(2) Evidence that the premises and cannabis / marijuana business thereon will create a fire, police or safety hazard;

(3) Whether any owners and operators have any convictions for any felony or for any misdemeanor involving physical violence, gambling activity, controlled substances, minors or any crime involving moral turpitude; and

(4) Whether the location proposed for licensing complies with any and all zoning and land use laws of the City and any and all restrictions on cannabis / marijuana businesses as set forth in this chapter.

(d) Determination Process. The process to issue a marijuana license subsequent to the public hearing and the issuance of the report of the Planning Commission as set forth in this section shall proceed as follows:

(1) Safety Director. The Safety Director shall, within ten days of the receipt of the written report to either issue such license or deny such license. The Safety Director has authority to refuse to issue any license for good cause, subject to judicial review;

(2) Appeal to Board of Zoning Appeals. In the event of the denial of the issuance of a license, the applicant shall be notified of such denial, and the specific reasons therefore,

in writing. Such notice shall be mailed or delivered to the applicant at the address specified in the application. The applicant shall have ten days after receipt of such notice to appeal such denial, by filing a written notice of appeal and the fee associated therewith with the Board of Zoning Appeals. Thereafter, the applicant shall have not less than ten days' notice of the date, time and place of the hearing. The appeal shall be heard by the Board of Zoning Appeals, which, after hearing, shall recommend to City Council whether to confirm or deny the determination made by the Safety Director. The Board of Zoning Appeals shall, at its discretion, recommend to City Council whether to issue a conditional or probationary license;

(3) City Council. After a recommendation by the Board of Zoning Appeals, the Mentor on the Lake City Council shall either adopt or reject the recommendation of the Board of Zoning Appeals;

(4) Appeal to court. The decision of Mentor on the Lake City Council may be appealed to a court of competent jurisdiction pursuant to R.C. Chapter 2506.

(e) License Conditional on Approval of State Licensing Authority. Each marijuana business license shall be approved only conditionally upon approval by the appropriate state licensing authority. Until such time as the appropriate state licensing authority has granted a certificate of occupancy to the marijuana business, the license granted pursuant to this chapter shall be considered a conditional license.

(f) License Renewal. Each marijuana business license must be annually renewed. At the time of renewal, a statement shall be filed with the Safety Director that the information listed on the original application for the license is still complete, accurate and truthful to the best knowledge of all applicants, or a statement shall be filed with the Safety Director listing each and every item of information which has changed since the original application. The Safety Director shall determine whether to accept such statement and issue the license requested, or he or she may determine to enforce the procedure required for an original license. The Local Licensing Authority may deny the renewal of a license for good cause.

882.08 DENIAL OF MARIJUANA BUSINESS LICENSE.

No marijuana business license shall be issued or renewed for any business or premises where any of the following facts or circumstances exist:

(a) The applicant has been found guilty of any offense set forth in R.C. Chapters 2925, 3719, or 4729, the violation of which constitutes a felony or misdemeanor of the first degree.

(b) The applicant has been found guilty of any theft offense set forth under division (K) in R.C. § 2913.01, the violation of which constitutes a felony.

(c) The applicant has been found guilty of any violation for which a penalty was imposed under R.C. § 3715.99.

(d) The applicant has been found guilty of a crime of moral turpitude as defined in R.C. § 4776.10.

(e) A violation of any former law of this state, any existing or former law of another state, any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any of the offenses listed in divisions (a) through (d) of this section.

Any first-degree misdemeanor offense listed in divisions (a) through (e) of this section will not automatically disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed. Notwithstanding anything to the contrary in this section, no misdemeanor offense, including misdemeanors of the first degree, related to marijuana possession, marijuana trafficking, illegal cultivation of marijuana, illegal use or possession of drug paraphernalia or marijuana drug paraphernalia, or other marijuana related crimes shall be considered a disqualifying offense.

(f) The premises do not have adequate security installed, employed and operated to address any and all safety concerns of the Safety Director.

(g) The premises are located within 500 feet of any school, church, public library, public playground, or public park.

(h) The premises or operation thereof would be in violation of any provision of the Building Code, Zoning Code, Fire Code of the City or any other pertinent provisions of local, state or federal law.

(i) The applicant made a false statement or misrepresentation as to a material matter upon the application or in a hearing concerning the license.

(j) The application failed to provide all of the required information.

(k) The applicant has failed to demonstrate compliance with this chapter and all other applicable state and local ordinances and statutes

882.09 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.

(a) Expiration. Any marijuana business license issued under this chapter shall expire upon the transfer or sale of a majority interest in the business, or the discontinuation of the business for a continuous period of thirty days. Any marijuana business license issued under this chapter shall expire upon the transfer or sale of such business.

(b) Suspension and Revocation. All licenses issued under this chapter shall be suspended or revoked upon recommendation of the Board of Zoning Appeals upon its finding of the occurrence of any of the following events:

(1) A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;

(2) Conviction of any licensee for any crime referenced in Section 882.08.

(c) Hearing. The suspension or revocation of any license under this chapter shall not occur without a hearing. The licensee shall be given at least ten days written notice of the intent to suspend or revoke said license, which shall set forth the date, time and place of the hearing and the specific reasons for such suspension or revocation. The licensee shall have the right at that hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for suspension or revocation.

(d) Review by Council. The recommendation of the Board of Zoning Appeals shall be forwarded to City Council who shall either approve or deny the recommendation of the Board of Zoning Appeal pursuant to the provisions of the Codified Ordinances of the City of Mentor on the Lake.

(e) Appeal. The decision of City Council may be appealed to a court of competent jurisdiction under R.C. Chapter 2506.

882.10 LICENSE FEES.

(a) Marijuana Dispensary Business License. Ten thousand dollars (\$10,000) at application and renewal.

(b) Replacement License. The fee for a replacement license shall be twenty-five dollars (\$25.00).

(c) Filed with Application. The license fee referenced shall be filed with the application for license.

(d) Return of Fee. In the event an application is denied under this chapter or by the applicable state licensing authority, one-half of the license fee shall be returned to the applicant.

(e) In the event any license is suspended or revoked under this chapter, no portion of the license fee shall be returned to the owner.

882.11 OPERATIONAL REQUIREMENTS FOR CANNABIS OR MARIJUANA DISPENSARIES.

- (a) Drive-in or drive-through sales shall not be permitted.
- (b) A cannabis or marijuana dispensary must use a commercial-grade filtration system to mitigate the impact of odor at the premises.
- (c) A cannabis or marijuana dispensary shall post, in a visible location at its premises, contact information for local drug abuse treatment centers, and shall make available to customers upon request educational materials regarding the hazards of substance abuse.
- (d) The interior and exterior of a cannabis or marijuana dispensary shall be designed, constructed and maintained in a manner consistent with its purposes as dispensing a substance to address a condition. The interior and exterior shall never be maintained to appear or encourage illicit cannabis or marijuana use and shall otherwise comply with the following regulations:

- (1) There shall be no tinted or darkened windows on the cannabis or marijuana dispensary.
- (2) There shall be no moving, flashing or strobing signage or lighting in the interior or exterior of the cannabis or marijuana facility.
- (3) There shall be no loitering permitted at or near the entrance to the cannabis or marijuana dispensary.
- (4) Only one cannabis or marijuana dispensary shall be allowed as a permitted use within the Business II Zoning District.

(e) The number and location of off-street non-public parking spaces for the premises, which number shall not be less than one space for every 100 square feet of gross floor space.

882.99 PENALTY.

Unless otherwise provided herein, whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed to have been committed each day during or on which a violation occurs or continues.

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 by law upon its passage by Council and approval by the Mayor.

ROBERT JOHNSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR
Dated: _____

ADOPTED: _____
ATTEST: _____
Clerk of Council

RESOLUTION NO. 2025-R-07

**A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR
TO PERFORM ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO
PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT(S)
FUNDS**

WHEREAS, the City of Mentor-on-the-Lake, Ohio is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2025 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City of Mentor-on-the-Lake will be entering into a Grant Agreement with NOPEC, Inc. to receive one or more NEC Grant(s).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MENTOR-ON-THE-LAKE, COUNTY OF LAKE, AND STATE OF OHIO:

SECTION 1. That the Council of the City of Mentor-on-the-Lake finds and determines that it is in the best interest of the City of Mentor-on-the-Lake to accept the NEC Grant(s) for 2025 and authorizes the Administrative Director to accept the NEC Grant(s) funds.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. That this Resolution is hereby declared to be and is passed as an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake;

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

ADOPTED: _____

**ROBERT JOHNSON
PRESIDENT OF COUNCIL**

ATTEST: _____
CLERK OF COUNCIL

DAVID R. EVA **DATE**
MAYOR