

**CITY OF NORTH OLMSTED
ORDINANCE NO. 2017 - 69**

BY: Councilman Rahm

AN ORDINANCE SUSPENDING FOR SIX (6) MONTHS ENFORCEMENT OF SECTION 1363.302.8 OF CHAPTER 1363 OF THE REAL PROPERTY MAINTENANCE CODE ENTITLED "SIDEWALKS, PARKING AREAS AND DRIVEWAYS" PENDING LEGISLATIVE REVIEW FOR REVISED STANDARDS, PROCEDURE AND PROTOCOLS, AND DECLARING AN EMERGENCY.

WHEREAS, the Real Property Maintenance Code provides standards for the maintenance of premises, including considerations for health, safety and general welfare of property owners; and

WHEREAS, the 2017 property maintenance enforcement effort in North Olmsted Council Ward II has identified dozens, if not hundreds, of properties in need of driveway repairs / replacement; and

WHEREAS, on September 5, 2017 at the North Olmsted City Council meeting, James Snyder, 23049 Summerland Avenue, spoke to City Council on behalf of himself and many others and described the economic and emotional hardships imposed by orders to implement significant, costly driveway repairs in short periods of time; and

WHEREAS, it is the desire of Council to suspend for six (6) months future enforcement of Section 1363.302.8 of the Codified Ordinances of the City of North Olmsted to provide for additional time to study the issues raised by Mr. Snyder and others.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH OLMSTED, CUYAHOGA COUNTY, AND STATE OF OHIO:

SECTION 1: That Section 1363.302.8 of Chapter 1363 of the Real Property Maintenance Code, be and the same is hereby suspended from enforcement and held in abeyance for a period of six (6) months from the effective date of this Ordinance unless this Ordinance be repealed. This suspension applies to all future, active or pending citations, but shall not apply to Complaints currently on file with the Clerk of Court of the Rocky River Municipal Court or the North Olmsted Mayor's Court, given the independence of the judicial branch in relation to legislative power.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and further for the reason that it is necessary that this Ordinance go into effect immediately in order to study this matter further in the absence of new enforcement measures with significant hardships; and

further provided it receives the affirmative vote of two-thirds of all members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: October 3, 2017

First Reading: 10-3-17
Second Reading: Suspended
Third Reading: Suspended
Committee: _____

ATTEST:



CHARLES MASSAROLO II
Clerk of Council



NICOLE DAILEY JONES
President of Council

APPROVED: 10-3-17

APPROVED AS TO LEGAL FORM:



MAYOR KEVIN M. KENNEDY

/s/ Michael R. Gareau, Jr.
MICHAEL R. GAREAU, JR.
Director of Law