

ORDINANCE NO. 3-2020 (AS)

By Council Member Seren

An Ordinance updating the references to standing Council Committees in the Codified Ordinances; and declaring an emergency.

WHEREAS, this Council established standing committees of Council by passage of Resolution No. 001-2020; and

WHEREAS, certain sections of the Cleveland Heights Codified Ordinance require updating to reference the revised Council committees as set forth herein.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Section 145.01, "Composition, Term and Vacancy," of Chapter 145, *Commission on Aging*, of the Administrative Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

145.01 COMPOSITION, TERM AND VACANCY.

(a) The Commission on Aging shall consist of thirteen members. Permanent nonvoting members shall be the City Manager or his/her designated representative, and the Chairperson of the Council ~~Recreation, Community & External Relations~~ Community Relations and Recreation Committee or a designated member of that Committee. All other members of the Commission shall be voting members and shall be appointed by Council. Nine members shall be City residents, at least seven of whom shall be sixty years of age or older. The remaining two members need not be City residents; however, at least one of the nonresident members shall have an expertise in some aspect of gerontology. Except in the case of mid-term vacancies, or unless otherwise provided by ordinance or resolution, all appointments to the Commission shall be for two year terms. No voting member shall be appointed to serve for more than eight consecutive years.

(b) Upon passage of this section, Council shall appoint two new members to the Commission. Both members shall be City residents age sixty or older. One member shall be appointed for a term ending June 30, 1994, and the other shall be appointed for a term ending June 30, 1995. Subsequent appointments shall be for two year terms as provided in subsection (a) hereof.

SECTION 2. Section 553.02, "Nuisance Abatement Board of Review," of Chapter 553, *Abatement of Nuisance*, of the General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

553.02 NUISANCE ABATEMENT BOARD OF REVIEW.

There is hereby created a Nuisance Abatement Board of Review ("Board"), consisting of the Chairperson of the ~~Housing & Transportation~~Council Public Safety and Health Committee ~~of Council or~~ other member of City Council appointed by the Mayor, and the City Manager or designee, and a member of the City's Community Relations Division appointed by the City Manager. The Board shall have jurisdiction to hear appeals from notices and orders issued pursuant to this Chapter. The presence of two (2) members shall constitute a quorum. Any action of the Board shall require two (2) affirmative votes.

SECTION 3. Section 701.07, "Appeals Board and Procedure," of Chapter 701, *General Provisions*, of the Business Regulation Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

701.07 APPEALS BOARD AND PROCEDURE.

Any person whose application for a license or permit has been denied by any City official so authorized, or whose license or permit has been revoked or suspended by the City Manager may appeal such denial, revocation or suspension to a Board of Appeals consisting of the Director of Law and the Director of Finance or their designated representatives and the Chairperson of the Council ~~Housing and Transportation~~Public Safety and Health Committee or a member of that Committee. The appeal shall be filed with the Board within ten (10) days of notice of the action being appealed. The Board shall act within ten (10) days of the filing of the notice of appeal and the Board's action in any appeal shall be final.

SECTION 4. Section 761.07, "License Revocation; Appeals," of Chapter 761, *Secondhand Dealers*, of the Business Regulation Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

761.07 LICENSE REVOCATION; APPEALS.

(a) The City Manager may at any time revoke or suspend any license granted under the authority of this chapter for failure to comply with the terms of this chapter or any law or ordinance applicable to the business so licensed.

(b) The City Manager shall revoke any license granted under the authority of this chapter if the licensee has been convicted of receiving stolen property.

(c) In case of the refusal to issue or renew a license by the Chief of Police or the revocation or suspension of a license by the City Manager, the applicant or licensee may appeal to a Board consisting of the Chairperson of the Council ~~Safety & Municipal Services~~Public Safety and Health Committee or his/her designee, the Finance Director or his/her designee and the Director of Law or his/her designee. Notice of such appeal shall be in writing, and shall be filed with the Law Director within ten (10) days from the date of the City Manager's action. Within ten (10) days

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after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. No notice of the hearing is required to be provided to adjoining property owners. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, disapprove or modify the action of the City Manager or Chief of Police.

(d) In the absence of conditions posing an imminent threat to health, safety or property, as determined by the Director of Law, or unless a license has been revoked by the City Manager because the licensee has been convicted of receiving stolen property as provided in subsection (b) of this section, a licensee who is lawfully operating but whose license is subject to revocation or suspension, or which the City Manager has refused to renew, may continue operating during the pendency of an appeal under this section.

SECTION 5. Section 1501.15, "Appeals," of Chapter 1501, *Adoption of Fire Code*, of the Fire Prevention Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1501.15 APPEALS.

(a) Whenever the Fire Warden disapproves an application and/or refuses to grant a permit applied for, or when it is claimed that the provisions of this adopted Fire Code do not apply, or that the true intent or meaning of such Code has been misconstrued or wrongly interpreted, or when any person refuses to comply with any order issued to enforce this Code, such person may appeal from the decision of the Fire Warden within ten days from the date the person is notified of such Fire Warden's order or decision. An appeal shall be filed with the Fire Chief and referred to the Fire Appeals Board. Notice of such appeal shall be in writing and shall set forth the ruling or decision from which appeal is taken.

(b) The Fire Appeals Board shall consist of the City Manager and Director of Law, or their designated representatives, and the Chairperson of the Council ~~Safety & Municipal Services~~ Public Safety and Health Committee, or a member of that Committee. Such Board serving in any Fire Code appeal capacity shall hear all interested parties to such appeal and the Board may by majority vote of those present sustain, reverse or modify any decision or order of the Fire Warden.

(c) A quorum to hear any appeal shall consist of not less than two members of the Board.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the immediate need to assign Council Committee

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members to these positions. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: January 21, 2020