

ORDINANCE NO: 2020-111 (AMENDED)
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING CHAPTER 1383 OF THE
CODIFIED ORDINANCES OF THE CITY WITH REGARD
TO THE RIGHT TO ENTER BUILDINGS**

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

SECTION 1. 1383.03 INSPECTION OF RENTAL PROPERTY. Whereas, Council has previously adopted Ordinance No. 2019-61 thereby enacting Chapter 757.04 of the Codified Ordinances, "Inspection of Rental Property".

SECTION 2. Whereas, Section 1383.03 of the Codified Ordinances of the City is no longer necessary and is hereby repealed and is of no further force and effect.

SECTION 3. 1383.99 PENALTY; EQUITABLE REMEDIES. Section 1383.99 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

SECTION 1383.99 PENALTY; EQUITABLE REMEDIES.

(a) UNLESS OTHERWISE SPECIFICALLY PROVIDED, Whoever violates any of the provisions of this Code or any rules or regulations promulgated hereunder, fails to comply therewith or with any written notice or written order issued hereunder, refuses to permit entry by the Building Commissioner or other department heads or their representatives at a reasonable hour, or interferes with, constructs or hinders such Building Commissioner, other department heads or their representatives while attempting to make such inspection, PER THE REQUIREMENTS AND COMPLIANCE OF SECTION 757.04 OF THE CODIFIED ORDINANCES, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, if an individual, and shall be fined not more than five thousand dollars (\$5,000), if an organization, subject to the provisions of Sections 606.08 and 606.09 of the General Offenses Code, for each offense. THE BUILDING COMMISSIONER SHALL HAVE THE DISCRETION TO REVOKE THE OCCUPACY PERMIT FOR ANY VIOLATION OF THIS ORDINANCE. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Adopting Ordinance)

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

SECTION 4. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1383 of the Codified Ordinances shall remain in full force and effect.

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

SECTION 6. This Ordinance shall take effect at the earliest time allowed by law.

PASSED: January 4, 2021

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on January 14, 2021 and January 21, 2021.

Clerk of Council

First Reading: December 7, 2020

Second Reading: January 4, 2021

Third Reading: Suspended

Passed 1-4-2021