ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1146.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO HISTORIC PRESERVATION DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Section 1146.03 of the Painesville Code of 1998 is hereby amended to read as follows:

1146.03 ESTABLISHMENT OF DISTRICTS.

(a) Design Review Districts. The Board may, after review of the districts of the City, recommend the establishment of various areas as Design Review Districts. Upon such recommendation, the Board shall also cause to be developed such standards as are necessary to implement the purpose and intent of this chapter. Such amendments shall be adopted in conformance with the requirements of Chapter 1147, shall be delineated on the Zoning Map and designated in Section 1127.05.

(b) Historic Preservation District. There is hereby established a Design Review District, which shall correspond to the boundaries of the Historic Preservation District(s) as shown on the map located in Appendix A ,~~and~~ Appendix B, and Appendix C to this chapter.

The Historic Preservation District(s) are as follows: Appendix A: Properties fronting on Bank Street from State Street to Walnut Street, including 402 and 410 Bank Street.

Appendix B: Properties fronting on both sides of Mentor Avenue beginning with and including 368 Mentor Avenue (Permanent Parcel # 15-C-017-0-00-026-0) on the north side of Mentor Avenue and beginning with and including 343 Mentor Avenue (Permanent Parcel # 15-C-004-0-00-008-0) on the south side of Mentor Avenue and then proceeding east from its intersection with West Washington Street continuing to the intersection of Mentor Avenue and West Erie Street; then continuing east along and including only the properties fronting on the south side of West Erie Street to the westerly property line of Permanent Parcel # 15-D-002-0-00-048-0 (Arby's); then south along the westerly property line of said parcel to its southerly property line; then proceeding east along the southerly boundary line of Permanent Parcel # 15-D-002-0-00-048-0 and continuing along the southerly property line of Permanent Parcel # 15-D-002-0-00-052-0 to its intersection with Richmond Street; thence proceeding south along Richmond/Liberty Street from the southerly property line of said parcel and including only those properties on the west side of Richmond/Liberty Street to its intersection with the northerly property line of Permanent Parcel # 15-C-002-0-00-001-0 (56 Liberty Street); then proceeding west along the northerly property line of 56 Liberty Street to its intersection with the westerly property line of said parcel: thence south along the westerly property line of said parcel to its intersection with West Washington Street; then proceeding east along West Washington Street until it meets the westerly property line of 110 Liberty Street (Permanent Parcel # 15-C-005-0-00-044-0); thence south along the westerly property line of 110 Liberty Street to its intersection with the northerly property line of 124 Liberty Street (Permanent Parcel # 15-D-005-0-00-043-0), then proceeding west along the northerly property line of 124 Liberty Street and continuing along the southerly property lines of 10, 19, 25, 33, 41, 49, 55, and 61 West Washington Street to the westerly property line of 61 West Washington (Permanent Parcel # 15-C-005-0-00-051-0); thence proceeding north along the westerly property line of said parcel to its intersection with West Washington Street; thence continuing west along West Washington Street and including only those properties fronting on the north side of West Washington Street until it intersects with the westerly property line of 240 West Washington Street; then proceeding north along the westerly side line of said parcel to same parcel's northerly boundary; then proceeding west across the Lake MetroParks Bike Path right-of-way and continuing along the northerly property lines of the properties fronting on West Washington (260, 268, 274, 282, 292, 298 and 308 West Washington Street) until it intersects with the westerly property line of 308 West Washington Street (Permanent Parcel # 15-C-004-0-00-012-0); thence south along the westerly property line of said parcel until it intersects with West Washington Street; then proceeding west along West Washington Street to

the westerly property line of 343 Mentor Avenue; then continuing north along the westerly property line of said parcel to its intersection with Mentor Avenue; then continuing north across Mentor Avenue to the northerly right-of-way sideline of Mentor Avenue; then proceeding west along the northerly sideline of Mentor Avenue to its intersection with the westerly property line of 368 Mentor Avenue (Permanent Parcel # 15-C-017-0-00-026-0) and the place of beginning.

Appendix C: Property fronting on Railroad Street from South State Street to Elm Street, including Permanent Parcel Numbers 15-A-005-0-00-045-0 and 15-A-004-0-00-041-0.

(c) The Historic Preservation District boundaries are shown on the Zoning Map and include all properties within such boundaries.

SECTION II. That this Ordinance is passed and adopted for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately upon its passage.

PASSED:

EFFECTIVE DATE:

Paul W. Hach, II
President of Council

ATTEST:

Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1125.04 OF THE PAINESVILLE CODE OF 1998, RELATING TO THE DEFINITION OF DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Section 1125.04 of the Painesville Code of 1998 is hereby amended to read as follows:

1125.04 DEFINITIONS.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed or arranged to be used or occupied.

The word lot includes the words plot or parcel.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(1) Accessory use or Accessory building - a use or building customarily incidental and subordinate to and located on the same lot as the main use or building. Accessory buildings shall be of less height and area than the main building.

(2) Administrator - the Community Development Director or the authorized representative thereof.

(3) Adult family home - A dwelling unit, as defined in and regulated by the Ohio Revised Code, which is shared by three to five unrelated individuals, exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single housekeeping unit, provided that authorized supervisory personnel are present on the premises. An adult family home shall not include nursing homes, assisted living facilities, adult group homes or homes for persons who are addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

(4) Agriculture - the use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce provided, however, that the operation of such accessory uses shall be secondary to that of the normal agricultural activities. Lot area shall not be less than five (5) acres.

(5) Adult group home - A dwelling unit, as defined in and regulated by the Ohio Revised Code, which is shared by six to sixteen unrelated individuals, exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single housekeeping unit, provided that authorized supervisory personnel are present on the premises. An adult group home shall not include nursing homes, assisted living facilities, adult family homes, or homes for persons who are addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

(6) Apartment - a room or suite of rooms intended or designed or used as a residence which includes cooking, bathing and toilet facilities.

(7) Automobile Wrecking - The dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

(8) Awning/Canopy - any structure made of cloth or metal with a metal frame attached to a building which is designed to protect an area from the elements of weather.

(9) Assisted Living Facility - The exclusive use of a facility for persons in need of some protective oversight or assistance due to functional limitations which provides a residential living environment by congregate meals, housekeeping and other supportive services.

(10) Basement - a space with all or part below the ground and having at least 50% of its height below the average grade of the adjoining ground.

(11) Bed and Breakfast -A private residence containing guest rooms for hire, for lodging by prearrangement and not a hotel, boarding or lodging house as defined by this Zoning Code.

(12) Board - the Board of Zoning Appeals.

(13) Boarding or Lodging house - a building other than a hotel or bed and breakfast where for compensation and by prearrangement, meals, or lodging and meals are provided for three or more persons.

(14) Building - any structure having a roof, supported by column or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

(15) Building, Height - the vertical distance from the grade to the highest point of the coping on a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

(16) Building, line - see setback line

(17) Building, Main - a building in which is conducted the principal use of the lot on which it is situated.

(18) Cemetery - land used or intended to be used for the burial of human dead and dedicated to cemetery purpose, including columbariums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

(19) Certificate of Compliance - the document issued by the Administrator authorizing buildings, structures or uses consistent with the terms of this Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

(20) Clinic - a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

(21) College/University - an educational institution, certified by the State of Ohio that offers courses toward a degree beyond the level of high school, which is located on lots of not less than five (5) acres in area.

(22) Conditional use - a use that may be permitted in a district after review and approval by the Planning Commission.

(23) Condominium - a structure or group of structures containing multiple units in which single units are held under individual ownership whereas common service areas and open space are held jointly and equally.

(24) Corner lot - see lot.

(25) Council or City Council - the City Council of the City of Painesville.

(26) Day care facility, commercial - A facility other than a dwelling in which care, protection and supervision are provided with or without compensation for adults or children on a regular basis and in accordance with applicable state laws pertaining to licensing and regulation. Incidental facilities for the preparation and consumption of meals, rest and recreation may also be provided.

(27) District - a portion of the city for which zoning regulations govern the use of buildings and premises.

(28) District, Commercial - the term "commercial district" shall include those zoning districts designated as Business/Residential district, General Business district, ~~and~~ Central Business district, and Downtown Development District.

(29) District, Industrial - the term "industrial district" shall include those zoning districts designated as Light Industrial district and Industrial district.

(30) District, Residential - the term "residential district" shall include those zoning districts designated as Special district, Single Family Residential district and Multi-family Residential district.

(31) Dormitories and student housing - a building serving as residential quarters for students of a college, university, monastery or boarding school but not including hotels, motels, boarding houses, bed and breakfast, tent, trailer or cabin.

(32~~1~~) Dwelling - a building or portion of a building designed or used for living or sleeping purposes and designed for residential occupancy but not including hotels, motels, boarding houses, bed and breakfast, tent, trailer or cabin.

(33~~2~~) Dwelling, duplex - a building consisting of two dwelling units.

(34~~3~~) Dwelling, multi-family - a building consisting of three or more dwelling units.

(35~~4~~) Dwelling, single family - a building consisting of one dwelling unit.

(36~~5~~) Drive -through commercial use - An establishment that by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

(37~~6~~) Dwelling unit(s) - one or more rooms intended to be occupied by and providing facilities for one family including rooms and/or facilities for bathing and toilet and only one kitchen or kitchenette.

(38~~7~~) Family - is one of the following:

A. One to four persons occupying a dwelling unit; or

B. Five or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family;

1. It shall be presumptive evidence that five or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.

2. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

a. The group is one which, in theory, size, appearance, structure and function resembles a traditional family unit;

b. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;

c. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;

d. The group is permanent and stable. Evidence of such permanency and stability may include:

i. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;

ii. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes:

iii. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;

iv. There is common ownership of furniture and appliances among the members of the household;

v. The group is not transient or temporary in nature;

vi. The group shares common entrances and exits; and

vii. There is only one set of utility connections to the dwelling unit.

e. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

(39~~8~~) Financial institution - An establishment, usually a corporation, chartered by a state or federal government, whose principal business is to provide for the everyday financial transactions of businesses and individuals, which includes most or all of the following: receives demand deposits and timed deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; certifies depositor's checks; and issues drafts and cashier's checks.

(40~~39~~) Flood Plain - the land, including the flood fringe and floodway, subject to inundation by water from any source.

(41~~0~~) Floor area - the sum of the areas of several floors of a building measured from outside wall to outside wall. In residential structures it shall not include porches, decks, garages or carports.

(42~~1~~) Frontage - the portion of the property which abuts one side of a street.

(43~~2~~) Funeral Homes - A building or part thereof used for human funeral service, provided such building is located on a State or Federal highway. Such facility shall not display gravestones or markers for sale.

(44~~3~~) Garage, Parking - a structure which may have multiple levels above, below, at grade or a combination thereof constructed for the purpose of parking motor vehicles for the general public, clients or employees whether or not charges are made for individuals parking therein.

(45~~4~~) Garage, private - an accessory building or portion of a main building used for the storage of motor vehicles as an accessory use.

(46~~5~~) Grade, building - the first floor elevation which shall not be less than one-fourth of an inch per foot rise for each foot from the reference grade to the first floor of the building.

(47~~6~~) Grade, reference - the center line street elevation opposite the midpoint of the building site frontage.

(48~~7~~) Home occupation - an occupation conducted in a dwelling provided that:

A. No person other than family members of the family residing on the premises shall be engaged in such occupation;

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation;

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building;

D. No home occupation shall be conducted in any accessory building;

E. No sales, not clearly incidental to the home occupation being conducted by the resident family are permitted;

F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in residential neighborhoods and, any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard; and

G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the voltage off the premises.

(49~~8~~) Hospital - an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patients services, etc.

(50~~49~~) Hotel - a building offering transient lodging accommodation for compensation to the general public and may provide additional services such as restaurants, meeting rooms or central services.

(51~~0~~) Inn - an architecturally and/or historically significant structure, which may be owner-occupied, containing up to 20 guest rooms for hire with associated services and amenities, for lodging by prearrangement and not a bed & breakfast, hotel, boarding or lodging house as defined by the Zoning Code.

(52~~1~~) Institution - an organization having a social, educational or religious purpose usually not for profit and designed for public use.

(53~~2~~) Kennel - a lot or premises on which four or more domesticated animals of the same type, more than four months of age are housed, groomed, bred, boarded, trained, sold or which offers provisions for minor medical treatment.

(54~~3~~) Loading space, Off-street - space designed for bulk pick-up and deliveries, scaled to delivery vehicles and expected to be available even when off-street parking spaces are filled. Loading spaces shall not count toward the required off-street parking spaces.

(55~~4~~) Lot - a land parcel with frontage on an approved street and is occupied or intended to be occupied by main buildings or uses and accessory buildings or uses as permitted by this ordinance.

(56~~5~~) Lot area - the total horizontal area within the lot lines of a lot exclusive of right-of-way of any public or private street.

(57~~6~~) Lot, corner - a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

(58~~7~~) Lot coverage - that area of a lot which is covered by the footprint of a building, structure or pavement including access drives, parking lots and sidewalks. Percentage of lot coverage shall be determined by dividing the total square footage of coverage by the gross lot area.

(59~~8~~) Lot depth - the mean horizontal distance between the front and the rear lot lines.

(60~~59~~) Lot, frontage - the portion of the lot abutting the street.

(61~~0~~) Lot, interior - a lot other than a corner lot.

(62~~1~~) Lot of record - a lot which is duly recorded among the land records of the Lake County Recorder's Office.

(63~~2~~) Lot width - the width between the side lot lines measured at the front setback line.

(64~~3~~) Non-conforming use - a building, structure, premises or use legally existing prior to the adoption of this ordinance that does not conform to the current regulations of the district in which it is currently located.

(65~~4~~) Nursing home - An establishment for the care or assisted living of the aged or infirm. Such home may provide facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative or preventive in nature, but does not contain equipment for surgical care or the treatment of disease or injury. A nursing home shall not include assisted living facilities, adult family homes, or adult group homes.

(66~~5~~) Office, general or professional - An establishment providing executive, management, administrative or professional services, but not including medical offices or any retail sales activities.

(67~~6~~) Office, medical - An establishment providing consultation, examination and treatment to human patients on an outpatient basis by one or more physicians, dentists, psychologists, optometrists, therapists or other medical personnel and where patients are not lodged overnight.

(68~~7~~) Parking lot - An area designed and designated for the temporary storage of motor vehicles.

(69~~8~~) Personal services - Establishments that provide services directly to customers at the site of business. Personal service establishments shall include but not be limited to, travel agencies, dry cleaning and laundry drop-off and pick-up stations, coin operated laundries, tailors, hair stylists, health, fitness and other self-improvement facilities, photography studios, handicraft or hobby instruction, driving schools, photocopying services, postal substations, package delivery drop-off and pick-up stations, or shoe repair.

(70~~69~~) Place of worship - A special purpose building for the primary use of conducting on a regular basis formal religious services by a religious congregation.

(71~~0~~) Planning Commission or Commission - the City Planning Commission of the City of Painesville.

(72~~1~~) Public use - Any facility, use or structure owned and/or operated by a Local, County, State or Federal government or any agencies thereof.

(73~~2~~) Recreational facilities - public or private facilities that are designed for the enjoyment and amusement of those persons using the facility.

(74~~3~~) Recreational facilities, commercial/organizational – a facility operated either for profit by the owner, lessee or licensee; or operated by a not-for-profit organization established for such purpose. Such facilities shall include, but not be limited to: fitness centers, gyms, schools for the martial arts, gymnastic schools, indoor softball/baseball practice facilities, golf practice facilities and other such similar facilities.

(75~~4~~) Recreational facilities, noncommercial - a recreational facility that is operated by a government entity for which a fee may or may not be charged.

(76~~5~~) Recreational vehicle - a vehicle or portable structure designed and constructed to be used for travel, recreational or vacation uses, including but not limited to the following:

A. Travel trailer - a vehicular portable structure built on a chassis as a non-self propelled vehicle including tent-type fold-out trailer and designed to be used as a temporary dwelling;

B. Pick-up camper - a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling;

C. Motorized home - portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. Watercraft - includes boats, floats, rafts, wet bike, jet ski, and the normal equipment to transport same.

E. Recreational trailers - any form of device, equipment or machinery on wheels, or a single wheel that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting materials or equipment used for recreation.

(77~~6~~) Right-of-way - a strip of land dedicated for use as a public way.

(78~~7~~) Roadside stand - a temporary structure designed or used for the display or sale of agricultural products grown on the site.

(79~~8~~) Service Station - a premises where gasoline and other petroleum products are sold and/or light maintenance and minor repairs are conducted but not including engine overhauls, body work and painting. This facility may also include facilities for other retail sales.

(80~~79~~) Setback - the minimum horizontal distance by which any building or structure will be separated from a lot line.

(81~~0~~) Sign - an identification, description, illustration or device which is affixed to or integrated into a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

(82~~1~~) Sign, area of - the total area of space to be used for advertising purposes, including spaces between open-type letters and figures, including decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area.

(83~~2~~) Story - that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

(84~~3~~) Street - see thoroughfare

(85~~4~~) Structure - anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Among other things, the term includes buildings, mobile homes, walls, fences, signs, backstops for tennis courts, swimming pools, tanks and towers.

(86~~5~~) Thoroughfare - shall be as defined in Section 1105.04 of the Codified Ordinances of the City of Painesville.

(87~~6~~) Trailer - a vehicular portable structure built on a chassis as a non-self propelled vehicle.

(88~~7~~) Transitional retail - Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, antiques, clothing, collector coins/cards, notions, books, flowers, or jewelry.

(89~~8~~) Usable Open Space - that portion of the property designed to be for the common use and enjoyment of residents of a development. Usable open space shall be accessible to all residents without the infringement on areas under private ownership or private use. It shall include but not be limited to recreation areas, playgrounds, or wooded areas. Usable open space shall not be located within the front setback.

(90~~89~~) Use, main - the principal activity on a property.

(91~~0~~) Variance - a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary hardship and/or a practical difficulty.

(92~~1~~) Warehouse - a building used primarily for the storage of goods and materials.

(93~~2~~) Wholesale - the sale of commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments for resale, use in the fabrication of a product, or use by a business service.

(94~~3~~) Yard - the space between a building and the lot line which is unoccupied and unobstructed by any portion of the structure from the ground upward, except as permitted herein.

(95~~4~~) Zoning Ordinance or Ordinance - the Zoning Ordinance of the City of Painesville as codified in Part Eleven - Planning and Zoning Code, Titles Three to Seven.

(96~~5~~) Zoning Permit - see certificate of compliance.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately.

PASSED:

EFFECTIVE DATE:

_____

Paul W. Hach, II
President of Council

ATTEST:

_____

Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 1127.01, 1127.05 AND 1127.06 OF THE PAINESVILLE CODE OF 1998, RELATING TO THE CREATION OF A DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Sections 1127.01, 1127.05 and 1127.06 of the Painesville Code of 1998 are hereby amended to read as follows:

1127.01 CLASSIFICATION OF DISTRICTS.

In order to carry out the provisions of this ordinance the City of Painesville is divided into the following districts:

S-1 SPECIAL DISTRICT
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
R-2 MULTI-FAMILY RESIDENTIAL DISTRICT
B-1 BUSINESS/RESIDENTIAL DISTRICT
B-2 GENERAL BUSINESS DISTRICT
B-3 CENTRAL BUSINESS DISTRICT
DD DOWNTOWN DEVELOPMENT DISTRICT
OP OFFICE PARK DISTRICT
M-1 LIGHT INDUSTRIAL DISTRICT
M-2 INDUSTRIAL DISTRICT

Land may also be classified into the following special districts:

FP FLOOD PLAIN DISTRICT
DR DESIGN REVIEW DISTRICT

1127.02 CLASSIFICATION OF MAPS.

The boundaries of the districts are shown upon the map dated January 4, 1993 which is made part of this Zoning Ordinance, and designated as the District Map. The setback requirements of the various Districts are shown upon the map which is made a part of this Ordinance and designated as the Setback Map. This District Map and the Setback Map, together with all the notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if such maps and all the notations, references and other information shown there were all fully set forth or described therein, the original of which District and Setback Maps are properly attested and are on file with the Department of Community Development.

1127.03 DISTRICT BOUNDARIES.

(a) The District boundary lines on such map are intended to follow either streets or alleys or lot lines; and where the Districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the Map. In the case of unsubdivided property the District boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

(b) Where the boundary of a District follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad.

(c) All territory which may, hereinafter be annexed to the City shall be in conformity with the existing zoning regulations of the surrounding City property until otherwise changed by ordinance, following the procedures set forth in this ordinance.

(d) Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(e) All areas within the corporate limits of the City which are under water and shown as included within a District shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more Districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

1127.04 COMPLIANCE.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance, shall meet at least the minimum requirements established by this ordinance except as provided herein.

1127.05 SCHEDULE OF DISTRICT REGULATIONS.

District regulations for individual districts shall be as set forth in the Schedule of District Regulations, which shall be a part of this ordinance, and in Chapter 1131 of this ordinance entitled Supplemental Regulations.

Schedule of District Regulations.

S-1 SPECIAL DISTRICT

PURPOSE: To preserve environmentally sensitive areas, to maintain open space and to encourage the preservation of undeveloped areas.

PERMITTED USES:

Single family residential
Agricultural uses
Hospitals
Places of worship
Schools, public and private
Colleges/University
Funeral homes
Cemetery

CONDITIONAL USES:

Golf Courses
Roadside stands
Noncommercial recreational uses
Public Use

R-1 SINGLE FAMILY RESIDENTIAL

PURPOSE: To provide areas that will provide locations for single family development. Certain other uses shall be permitted that are compatible and supportive to the single family character.

PERMITTED USES:

All uses listed as permitted uses in S-1

CONDITIONAL USES:

Bed and Breakfast
Non-commercial recreational uses
Public Use

R-2 MULTI-FAMILY RESIDENTIAL

PURPOSE: To provide areas for the location and development of greater density residential development. Such districts are intended to be located where transportation facilities and convenience goods are readily available and are adequate to meet the increased demand.

PERMITTED USES:

Single family residential
Duplexes
Multifamily residential subject to requirements of section 1131.05
Places of worship
Schools, public and private
Recreational facilities
Elderly Housing

CONDITIONAL USES:

Bed and Breakfast
Commercial Parking lot
Day care or nursery school
Hospitals
Nursing Homes
Golf Courses
Public Use
Adult Group Homes for the Elderly
Inn

B-1 BUSINESS/RESIDENTIAL

PURPOSE: The purpose of this district is to provide a transition from residential to the commercial areas, and to prohibit those automobile related businesses and uses, including drive- through commercial uses, that tend to make pedestrian circulation difficult or unsafe. Although the district may allow residential uses, it is not intended to offer a residential environment protected from the effects of usual and customary business activity. The permitted and conditional uses are those which will have a minimal impact on the adjacent residential property but will provide support activities to those adjacent areas.

PERMITTED USES:

Professional offices, general or medical, with no more than 3,000 square feet of gross ground floor area

Personal services

Financial institutions

Funeral homes

Places of worship

CONDITIONAL USES:

Residential uses as permitted in R-2 District

Transitional retail with no more than 2,000 square feet of gross ground floor area

Professional offices, general or medical, with more than 3,000 square feet of gross ground floor area

Day care facilities, commercial

Adult family homes

Adult group homes

Nursing homes

Assisted living facilities

Bed and Breakfast

Similar uses as determined by the Planning Commission

Public use

B-2 GENERAL BUSINESS

PURPOSE: The purpose of this district is to provide areas for commercial, service and business uses in a manner adequately served by transportation and utilities and to have minimal impact on other districts.

PERMITTED USES:

Retail stores

Auto repair, not including body work

Service Station

Offices

Hospitals

Restaurants, private clubs and bars

Drive-in and drive-thru restaurants

Financial institutions

Dry cleaners

Barber and beauty salon

Printing and publishing

Contractor shops without storage yards

Day care centers

Game rooms and pool halls

Wholesale and warehousing

Radio, television and cable transmission or receiving studio and associated appurtenances

Animal hospitals, veterinary clinics without outdoor runs.

CONDITIONAL USES:

Residential use when accessory to a permitted commercial use

Commercial recreational uses

Car wash

Public Use

Similar uses as approved by the Planning Commission

B-3 CENTRAL BUSINESS DISTRICT

PURPOSE: To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural and recreational activities as a focal point of the community.

PERMITTED USES:

Retail stores

Offices, subject to the requirements of Section 1133.04

Hospitals and nursing homes

Restaurants
Theaters
Bars and Night clubs
Motels and Hotels
Dry cleaners and laundry
Barber and beauty shops and similar personal services
Printing and publishing
Bakery

CONDITIONAL USES:

Residential uses when accessory to a permitted commercial use
Public Use
Similar uses as approved by the Planning Commission
Parking lots

DD DOWNTOWN DEVELOPMENT DISTRICT

PURPOSE: To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural and recreational activities as a focal point of the community in accordance with the Downtown Master Plan and to encourage flexible zoning guidelines and site design criteria.

PERMITTED USES:

Retail stores
Restaurants
Offices, subject to the requirements of Section 1133.04
Theaters
Bars and Night clubs
Motels and Hotels
Barber and beauty shops and similar personal services
Bakery
Day care centers
Financial institutions
Personal services
Printing and publishing
Professional offices, general or medical
Residential uses as permitted in B-2 District
Dormitories and Student Housing

CONDITIONAL USES:

Similar uses as determined by the Planning Commission
Public use

OFFICE PARK DISTRICT

PURPOSE: To promote accessible and visible office parks in a campus-like setting where offices are clustered with minimal intrusion from non-office uses.

PERMITTED USES:

Offices
Restaurants when located within a building occupied by other permitted uses.
Fitness Center
Health Club

CONDITIONAL USES:

Laboratories or research facilities
Commercial Recreational uses
Public Use
Similar uses

M-1 LIGHT INDUSTRIAL

PURPOSE: To provide locations for activities generally understood to be manufacturing activities in a manner conducive to the creation of new job opportunities, minimization of impacts on other districts, and providing access to materials and adequate transportation facilities.

PERMITTED USES:

Uses which involve the transformation of materials to create a finished product.
Assembly uses
Auto repair and body work
Contractors shops
Packaging facilities
Offices

Wholesale
Warehousing and storage
Testing and research
Animal boarding and kennels
Truck terminal facilities

CONDITIONAL USES:

Public Use
Commercial/Organizational recreation uses
Similar uses as approved by the Planning Commission

M-2 HEAVY MANUFACTURING

PURPOSE: To provide locations for uses that may have a significant impact on the surrounding uses of property and may require special performance standards in addition to those generally applicable in the M-1 district.

PERMITTED USES:

Uses listed as permitted uses in the M-1 district

CONDITIONAL USES:

Public Use
Commercial/Organizational recreation uses
Manufacturing uses which involve potentially hazardous, explosive or flammable materials
Similar uses as approved by the Planning Commission.

SPECIAL DISTRICTS

FP FLOOD PLAIN DISTRICT

PURPOSE: To establish certain districts along water courses that as a result of a severe storm may be inundated by flood waters. To restrict the uses in these areas so as to preserve life and protect property and prevent or minimize damage. It is the intent of this district to regulate development in the areas designated as the 100 year flood plain as designated by the Floodway maps.

DESIGNATION OF FLOODPLAIN DISTRICT: The floodplain district shall be those areas designated as the 100 year flood way on the flood plain maps developed by the Army Corp of Engineers.

PERMITTED USES: All uses permitted in the district in which the property is located provided that the use meets the flood hazard requirement of the Ordinances of the City. There shall not be permitted any filling or change of grade to effect the floodway, diversion of water, or change in velocity.

DR DESIGN REVIEW DISTRICT

PURPOSE: To establish certain districts where the stabilization of the designated area is necessary to protect property values, stimulate economic activity and preserve and maintain the character of the area. It is the intent of this district to establish standards to maintain the historic character and attractiveness of the district and to promote compatible development of vacant land.

DESIGNATION OF DESIGN REVIEW DISTRICTS:

(a) Downtown Design Review District. There shall hereby be established a Downtown Design Review District as a Special District. The Downtown Design Review District shall include all lots and buildings including public properties and rights of way included in an area delineated on the District Map.

(b) Richmond Street Design Review District. There shall hereby be established a Richmond Street Design Review District, which includes all lots and buildings including public properties fronting on the following streets and rights of way included in an area delineated on the District Map.

PERMITTED USES: All permitted uses in the district in which the property is located provided that the use meets the design review requirements of this section and as set forth in Chapter 1146.

PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

PURPOSE: All planned unit development (PUD) project proposals will be considered on the merits of the particular proposal in the context of the City's Comprehensive Plan, the neighborhood in which the PUD is to be located, the adequacy of public facilities and ease of extending service and the compatibility of the project proposal and immediate surroundings.

PERMITTED USES: All permitted uses in the district in which the property is located provided that the use meets the planned unit development requirements of this section and as set forth in Chapter 1134.

1127.06 ACCESSORY USES.

Accessory uses shall be subordinate to the main use. No accessory use, building or structure shall exceed the main use in height or floor area. Accessory uses shall only be permitted provided they do not alter the character or intent of the zoning district.

(a) The following accessory uses shall be permitted in the S-1, R-1 and R-2 districts;

(1) Accessory uses customarily incidental to a permitted use.

(2) Accessory buildings or structures customarily incidental to a permitted use shall be permitted, provided that only two (2) structures shall be allowed. Accessory buildings or structures shall include detached garages and sheds.

(3) Gardening for personal use.

(4) Private swimming pools subject to Section 1131.01. Private swimming pools shall not be counted toward the number of accessory structures permitted on a parcel. Said aboveground pools cannot exceed 512 square feet in size; in-ground pools cannot exceed 800 square feet in size.

(5) Temporary buildings for use in construction which are removed upon completion or abandonment of the work.

(6) Summer houses and living quarters for temporary guests or servants employed solely on the premises.

(7) Home occupation or a professional office or studio of a resident.

(b) The following accessory uses shall be permitted in the B-1, B-2, B-3, DD and OP districts;

(1) Accessory uses customarily incidental to a permitted use.

(2) Accessory buildings or structures customarily incidental to a permitted use shall be permitted, provided that only two (2) structures shall be allowed. Accessory buildings or structures shall include detached garages and sheds.

(c) The following accessory uses shall be permitted in the M-1 and M-2 Districts:

(1) Accessory uses customarily incidental to a permitted use.

(2) Accessory buildings or structures customarily incidental to a permitted use shall be permitted.

(d) SETBACKS

(1) Accessory structures or buildings in residential districts shall meet the following minimum requirements, except if regulated by Section 1131.05:

Front yard:	Same as main structure
Side yard:	5 feet
Rear yard:	3 feet
Height:	16 feet or the height of the main structure, whichever is less.
Area:	One accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet.

(2) Accessory structures in commercial districts shall meet the following minimum requirements:

Front yard:	Same as main structure in the district
Side yard:	5 feet
Rear yard:	5 feet
Height:	Same as main structure in the district
Area:	One accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet.

(3) Accessory structures in industrial districts shall meet the following minimum requirements:

Front yard:	Same as main structure in the district
Side yard:	5 feet
Rear yard:	5 feet
Height:	Same as main structure in the district.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately.

PASSED:

EFFECTIVE DATE:

_____

Paul W. Hach, II
President of Council

ATTEST:

_____

Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1129.01 OF THE PAINESVILLE CODE OF 1998, RELATING TO HEIGHT, LOT AREA AND MINIMUM FLOOR AREA REQUIREMENTS IN THE DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Section 1129.01 of the Painesville Code of 1998 is hereby amended to read as follows:

1129.01 HEIGHT, LOT AREA AND MINIMUM FLOOR AREA REQUIREMENTS.

In each of the following districts the following minimum requirements shall apply. Minimum floor areas and setbacks shall apply to the main structure.

Minimum District		**Minimum Lot Area and Width**	**Side Yard**	**Rear Yard**	**Maximum Height**	**Floor Area**
S-1		20,000 sq. ft. 100 ft.	15' each side	40 ft.	35 ft.	1,400 sq. ft.
R-1	Single Family	10,000 sq. ft. 75 ft.	10' each side*	35 ft. *	35 ft.	1,100 sq. ft.
R-2	Single Family	7,500 sq. ft. 60 ft.	10 ft.	25 ft.	35 ft.	same as R-1
	Duplex	5,000 sq. ft./unit 80 ft.				900 sq. ft./unit
	Multi-Family	3,300 sq. ft./unit**	**	**	35 ft.	1 Bdrm 850 sq. ft. 2 Bdrm 1,000 sq. ft. 3 Bdrm 1,100 sq. ft.
B-1	Commercial Multi-Family	None Same as R-2**	None*** Same as R-2	10 ft. ***	35 ft.	N/A Same as R-2
B-2		None	None	Same as B-1	45 ft.	N/A
B-3		None	None	None	75 ft.	N/A
DD****	Commercial	None	None	None	75 ft.	
	Single Family	4,400 sq. ft. 40 ft.	5' ea. side	25 ft.	35 ft.	Same as R-1
	Multi-Family	Same as R-2**	Same as R-2			Same as R-2
OP***		1 acre 100 ft.	20	20	75 ft.	N/A
M-1		Sufficient for development 100 ft.	10 ft. each side ***	10 ft. ***	75 ft.	N/A
M-2	1 acre 150 ft.		Same as M-1	Same as M-1	Same as M-1	N/A

* See supplemental residential regulations for additional requirements.
** See supplemental multi-family regulations for additional requirements.
*** See supplemental commercial/industrial regulations for additional requirements.
**** See supplemental downtown development district regulations – special provisions

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately.

PASSED:

EFFECTIVE DATE:

_____

Paul W. Hach, II
President of Council

ATTEST:

_____

Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE ENACTING CHAPTER 1138 OF THE PAINESVILLE CODE OF 1998, RELATING TO SPECIAL PROVISIONS FOR DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Chapter 1138 of the Painesville Code of 1998 is hereby enacted to read as follows:

CHAPTER 1138 SPECIAL PROVISIONS FOR DD DOWNTOWN DEVELOPMENT DISTRICT.

1138.01 Special Provisions for Downtown Development District.

(a) Developments that occur in a Downtown Development District shall be permitted on contiguous parcels of not less than two (2) acres and no more than eight (8) acres.

(b) Residential and/or Commercial Developments within the Downtown Development District that include individual ownership of lots are required to file deed covenants and restrictions with the Lake County Recorder's Office. The deed covenants and restrictions shall ensure that the project is constructed as a unified development project. The applicant shall submit the necessary covenants, restrictions and agreements to the City for review and approval so that the City Planning Commission can make the determination that the project is developed as a unified development project. Such documents upon approval by the City Planning Commission shall be filed with the County Recorder's Office before the start of any construction.

(c) Setbacks. Setbacks for single family and duplex units that abut other residential property shall follow the rear yard setback regulations as set forth in Chapter 1129. Multi-Family developments that abut other residential property shall meet the following requirements:

1) The minimum lot area for a multi-family development shall be 12,000 sq. ft.
2) In areas where multi-family abuts single family zoning districts a buffer shall be maintained between the districts. The buffer shall be landscaped in accordance with an approved landscape plan and/or screened through the use of fencing or walls and shall be maintained as open space.
3) In all multi-family developments there shall be a minimum of 30 % of the lot area exclusive of buildings, paved areas or streets which shall be designated as usable open space for the enjoyment of all the residents. Said open space shall be accessible to all residents.
4) The following minimum design standards shall apply to multi-family developments:
    a) Each private street or access drive shall have a minimum right-of-way width of forty (40) feet for street pavement, utilities and other right-of-way requirements.
    b) All access whether by private street or drive shall have a minimum paved width of 22 feet.
    c) In developments of multiple dwellings the following minimum separations between buildings shall apply:
        10 feet side to side
        40 feet rear to rear
        30 feet side to rear
    d) Front setbacks shall be measured from the edge of pavement or back of curb for private streets. A minimum 7.5 foot front setback shall apply.
    e) The minimum building setback from any property line that does not abut a dedicated street shall be 20 feet. This requirement shall apply to the main building and all accessory buildings or structures.

(d) Parking. Parking shall be required in accordance with the requirements set forth in Chapter 1137. The number of parking spaces required in 1137 may be met with off-site parking within 400-feet of the site if the applicant can demonstrate that such parking provides adequate parking for the site. All buffering and screening requirements in Chapter 1137 shall apply unless waived by the Planning Commission. The City Manager may approve any such parking arrangements. Should a submitted parking plan be denied by the City Manager, the applicant may appeal such denial to the Planning Commission within 30-days.

(e) All buildings in this district are subject to the requirements contained in the Downtown Design Review District Standards, Chapter 1146.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately.

PASSED:

EFFECTIVE DATE:

_____

Paul W. Hach, II
President of Council

ATTEST:

_____

Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODE OF 1998 REZONING TWO (2) PERMANENT PARCELS; 15-B-002-0-00-002 and 15-B-002-0-00-005, BOUND BY LIBERTY STREET, EAST WASHINGTON STREET, EAST SOUTH, AND SOUTH SAINT CLAIR STREETS FROM A B-2 GENERAL BUSINESS DISTRICT and A B-1 BUSINESS/RESIDENTIAL DISTRICT/R-2 MULTI-FAMILY DISTRICT TO A DD DOWNTOWN DEVELOPMENT DISTRICT.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

Section I. That the District Map referred to in Section 1127.02 of the Painesville Code of 1998 is hereby amended to rezone Permanent Parcel Numbers 15-B-002-0-00-002-0 and 15-D-002-0-00-005-0 bounded by Liberty Street, East Washington Street, East South Street, and South Saint Clair Street from B-2 General Business District and B-1 Business/Residential District/R-2 Multi-Family Residential District to a DD Downtown Development District.

Section II. That this ordinance shall be in effect at the earliest possible time permitted by law.

PASSED:

EFFECTIVE:

Paul W. Hach, II
President of Council

ATTEST:

Tara Diehl
Clerk of Council

RESOLUTION NO.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF LEXINGTON AVENUE, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manger be and he is hereby authorized and directed to advertise for bids and enter into a contract, including any and all ensuing change orders, with the lowest and best bidder for the Reconstruction of Lexington Avenue, in accordance with specifications on file in the office of the City Manager, for the Engineering Department.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to repave various streets within the City in order to improve safety and decrease the costs of maintenance and repair along with associated labor costs and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

_____
Paul W. Hach II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION NO.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF WALNUT STREET, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manger be and he is hereby authorized and directed to advertise for bids and enter into a contract, including any and all ensuing change orders, with the lowest and best bidder for the Reconstruction of Walnut Street, in accordance with specifications on file in the office of the City Manager, for the Engineering Department.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to repave various streets within the City in order to improve safety and decrease the costs of maintenance and repair along with associated labor costs and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

_____
Paul W. Hach II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE, and DECLARING AN EMERGENCY.

Whereas, Section 5513.01B of the Ohio Revised Code provides the opportunity for counties, townships, municipal corporations, port authorities, regional transit authorities, state colleges/universities and county transit boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies, or other articles; and,

WHEREAS, the Ohio Department of Transportation is inviting political subdivisions who have expressed an interest in the Department's Salt Contract to participate in the 2015-16 Winter season; and,

WHEREAS, the City agrees to be bound by the terms of the participation Agreement with the Ohio Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO, NOT LESS THAN TWO-THIRDS MEMBERS THEREOF CONCURRING:

SECTION I. That the City Manager is hereby authorized and directed to complete the attached Participation Agreement with the Ohio Department of Transportation for the purchase of Sodium Chloride (rock salt) for the 2015-2016 Winter season.

SECTION II. That this Resolution is passed as an emergency measure necessary for the protection and preservation of the peace, health, safety, and general welfare of the citizens of the City of Painesville, Ohio, the emergency being the Ohio Department of Transportation's requirement that the completed Participation Agreement submitted on a timely basis, and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED: _____

_____
Paul W. Hach, II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION NO.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER(S), TO INCLUDE ANY AND ALL ENSUING CHANGE ORDERS, FOR THE PURCHASE AND INSTALLATION OF ALL NECESSARY EQUIPMENT TO REPLACE THE EXISTING 138 KV CIRCUIT BREAKERS AT THE RICHMOND ROAD SUBSTATION, FOR IMPROVEMENTS TO THE CITY OF PAINESVILLE MUNICIPAL ELECTRIC SYSTEM.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, COUNTY OF LAKE AND STATE OF OHIO:

SECTION I: That The City Manager be, and he is hereby authorized and directed to advertise for bids and to enter into a contract with the lowest and best bidders(s), to include any and all ensuing change orders, for the purchase and installation of all necessary equipment to replace the existing 138 kv circuit breakers for improvements to the City of Painesville Municipal Electric System, in accordance with specifications on file in the Office of the City Manager.

PASSED:

_____
Paul W. Hach II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION NO. 10-15

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY FOR FUNDING FOR INFRASTRUCTURE IMPROVEMENTS OF NORTH STATE STREET, AND DECLARING AN EMERGENCY.

WHEREAS, there are funds available through the Northeast Ohio Areawide Coordinating Agency for infrastructure improvements within municipalities; and

WHEREAS, acquisition of said funds is based upon the submission of project applications being submitted to the Northeast Ohio Areawide Coordinating Agency; and

WHEREAS, the City of Painesville is in need of funding the infrastructure improvements within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION 1. That the City Manager be and he is hereby authorized and directed to submit an application and enter into an agreement with the Northeast Ohio Areawide Coordinating Agency for the Surface Transportation Program Funding for the Improvement of North State Street.

SECTION 2. That the City Manager is hereby authorized to execute such forms and contracts as may be required to properly secure said funding.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that 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 4. That this Resolution is hereby declared to be and is passed as an emergency measure for the immediate preservation of the public peace, health and/or safety and for the welfare of the citizens of the City of Painesville, the emergency being that the immediate passage is necessary so as to meet filing deadlines, and therefore, this resolution shall be effective immediately upon its passage by the City Council.

PASSED: April 6, 2015

_____
Paul W. Hach II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION NO. 11-15

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE FROM LAKE COUNTY FY'15 COMMUNITY BLOCK GRANT PROGRAM TO IMPROVE THE HOUSING STOCK BY ASSISTING RESIDENTS REPLACE DILAPIDATED OR LEAKING ROOFS IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY

WHEREAS, the Lake County Federal Grants Office administers financial assistance to improve a community's housing stock and for the purpose of addressing urgent community development needs through the Federal Community Development Block Grant Program; and

WHEREAS, Lake County's Federal Grant Office is accepting applications for the FY'15 Community Development Block Grant Program until May 18, 2015; and

WHEREAS, the City of Painesville wishes to submit an application for funding through the FY'2015 Community Development Block Grant Program in order to address an identified need that is impacting the housing stock in Painesville – dilapidated roofs; and

WHEREAS, funding through the FY'2015 Community Development Block Grant Program will enable the City of Painesville to offer a roof replacement program to assist needy residents replace their roofs while improving the housing stock and relieving the financial stress on the homeowner; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Painesville, Lake County, Ohio:

SECTION I: That the City Council hereby authorizes and directs the City Manager to execute and file an application with the Lake County Federal Grant Office and to provide all information and necessary documentation required to become eligible for possible funding assistance.

SECTION II: That the City Council hereby authorizes the City Manager to accept the FY' 2015 Community Development Block Grant funding awarded by the Lake County Board of County Commissioners.

SECTION III: That this Resolution is declared to be an emergency measure necessary for the immediate protection and preservation of the public peace, health, safety and general welfare of the inhabitants of the City of Painesville, and for the further need to submit the application by May 18, 2015 deadline; and therefore, this Resolution shall be effective immediately upon its passage.

PASSED: April 6, 2015

_____
Paul W. Hach, II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION NO. ____ -15

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE FROM LAKE COUNTY FY'15 COMMUNITY BLOCK GRANT PROGRAM TO ENHANCE ECONOMIC DEVELOPMENT WITHIN DOWNTOWN PAINESVILLE, AND DECLARING AN EMERGENCY

WHEREAS, the Lake County Federal Grants Office administers financial assistance to enhance economic development and for the purpose of addressing urgent community development needs through the Federal Community Development Block Grant Program; and

WHEREAS, Lake County's Federal Grant Office is accepting applications for FY'15 Community Development Block Grant Program until May 18, 2015; and

WHEREAS, the City of Painesville wishes to submit an application for funding through the FY'2015 Community Development Block Grant Program in order to authorize the City Economic Development Office to make application for funds for storefront improvements and work cooperatively with the Downtown Painesville Organization to offer a Storefront Improvement Program; and

WHEREAS, the City will utilize these funds to assist local businesses within the downtown business district to make improvements to their buildings and further the objectives identified in the Economic Development Plan and the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Painesville, Lake County, Ohio:

SECTION I: That the City Council hereby authorizes and directs the City Manager to execute and file an application with the Lake County Federal Grant Office and to provide all information and necessary documentation required to become eligible for possible funding assistance.

SECTION II: That the City Council hereby authorizes the City Manager to accept the FY' 2015 Community Development Block Grant funding awarded by the Lake County Board of County Commissioners.

SECTION III: That this Resolution is declared to be an emergency measure necessary for the immediate protection and preservation of the public peace, health, safety and general welfare of the inhabitants of the City of Painesville, and for the further need to submit the application by May 18, 2015 deadline; and therefore, this Resolution shall be effective immediately upon its passage.

PASSED:

_____
Paul W. Hach, II
President of Council

ATTEST:

_____
Tara Diehl
Clerk of Council

RESOLUTION NO. 12-15

RESOLUTION RECOGNIZING THE RESPONSIBILITY OF THE CITY OF PAINESVILLE TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND DECLARING AN EMERGENCY

WHEREAS, the effort to create equal housing opportunities for all people is encouraged at every level of government; and

WHEREAS, it is an important goal of our government to eliminate housing discrimination and assure the rights of every citizen to buy, rent, and sell housing, without regard to race, color, sex, religion, familial status, national origin or disability; and

WHEREAS, Title VIII of the Civil Rights Act and Presidential Executive Order 12892 describes the obligation to Affirmatively Further Fair Housing (AFFH); and

WHEREAS, it is a goal of City of Painesville to accord residents with an enhanced quality of life through the development of opportunities in housing, employment, education and services by the implementation of plans that assure all people are afforded their rights thus fostering open inclusive communities; and

WHEREAS, as an applicant or potential recipient of federal funds this governmental entity City of Painesville agrees that it will take specified actions to Affirmatively Further Fair Housing (AFFH) and confidently asserts that that all policies and practices adopted and in place are in conformance with applicable fair housing law and that prior to May 18, 2018 any outstanding civil rights matters are resolved per HUD Docket No. FR-5800-N-01 Section III-C.2b ELIGIBILITY INFORMATION-Threshold Requirements; and

NOW, THEREFORE BE IT FURTHER RESOLVED by the City Council of the City of Painesville, Lake County, Ohio;

SECTION I: That the City Council recognizes the broad duty to Affirmatively Further Fair Housing and directs the City Manager to ensure that the policies and practices adopted and in place are in compliant with applicable fair housing laws.

SECTION II: That this Resolution is declared to be an emergency measure necessary for the immediate protection and preservation of the public peace, health, safety and general welfare of the inhabitants of the City of Painesville, and for the further need to submit this Resolution with the FY'15 Community Development Block Grant Application due May 18, 2015.

PASSED: April 6, 2015

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1303.03 AND 1303.04 OF THE PAINESVILLE CODE OF 1998, RELATING TO PERMITS AND FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Sections 1303.03 and 1303.04 of the Painesville Code of 1998 are hereby amended to read as follows:

1303.03 EXPIRATION OF PERMITS.

Any permit issued shall become invalid unless the work authorized by it shall have been commenced within 12 months after its issuance or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced; provided that for cause, one extension shall be granted for an additional 12-month period if requested by the owner in writing at least ten days in advance of the expiration of the approval and upon payment of a fee of ~~not to exceed~~ one hundred dollars ($100.00). If, in the course of construction, work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if requested by the owner in writing at least ten days in advance of the expiration of the approval and upon payment of a fee for each extension of ~~no more than~~ one hundred dollars ($100.00).

1303.04 WORK STARTED WITHOUT A PERMIT.

Where work, for which a permit is required by the City Building Code, is started prior to obtaining such permit, in addition to a one hundred dollar ($100.00) penalty, the fees required by the permit shall be doubled on the first offense; tripled on the second offense; quadrupled on the third offense. The payment of such penalty and doubled; tripled; quadruple fee shall not relieve any person from fully complying with the requirements of the law of the State or ordinances of this Municipality.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the building code as it relates to permits and fees; and therefore, this Ordinance shall become effective immediately.

PASSED:

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1305.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO ELECTRICAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1305.03 of the Painesville Code of 1998 is hereby amended to read as follows:

1305.01 DEFINITION OF ELECTRICAL CONTRACTOR.

"Electrical contractor" means a person who contracts with another person, firm or corporation for the performance of electrical work, but does not include:

(a) Those persons who perform maintenance or repair work upon electrical appliances;

(b) Maintenance electricians regularly in the employ of a person, firm or corporation and doing work for and on the premises of the employer in the regular course of employment; or

(c) Heating contractors registered by the City while connecting heating equipment to the main service box.

1305.02 CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in, or work at the business of an electrical contractor in the City, without having first procured from the Building Official a Certificate of Registration permitting such person to perform electrical work as an electrical contractor, except that in no case shall this provision apply to employees of the City in the performance of their regular duties.

Each applicant for an Electrical Certificate of Registration shall provide a copy, and maintain a current Electrical Contractors License issued by the State of Ohio Construction Industry Examining Board.

1305.03 REGISTRATION FEES.

Each electrical contractor shall pay a fee of one hundred dollars ($100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: $150.00 from February 1 to December 31 or $75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1305.04 REVOCATION OF REGISTRATION.

Any Certificate of Registration provided for herein may be revoked at any time for the incompetency, the fraudulent use thereof or a violation of the laws of the State, or the Electrical Code of the City, or any other electrical code incorporated therein by reference, or any Building Code of the City, or any other rule or regulation provided for by the City pertaining to the work of an electrical contractor after full hearing by the Board of Review.

(a) After revocation for any of the causes above, no Certificate of Registration shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original registration.

1305.05 BOARD OF REVIEW.

The Board of Review shall be the same Board of Review and the same procedure shall apply as is set forth in Section 1307.04.

1305.06 BOND AND INSURANCE REQUIRED.

(a) An electrical contractor, before the issuance of a Certificate of Registration, shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty- five thousand dollars ($25,000), stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the electrical contractor will conform to and abide by the Electrical Code of the City and any and all other electrical codes which may be incorporated into the Codified Ordinances by reference, and any and all City Building Codes and such other requirements as the City may make in relation to electrical work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars ($100,000/$300,000) and for property damage in the amount of fifty thousand dollars ($50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered electrical contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars ($50,000) for injury to one person, and one hundred thousand dollars ($100,000) for injury to more than one person, and fifty thousand dollars ($50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1305.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED:

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1306.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO GENERAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1306.03 of the Painesville Code of 1998 is hereby amended to read as follows:

1306.01 DEFINITION.

"General contractor" means any person or entity doing construction work in the City that requires a building permit by the Building or Zoning Code. A general contractor shall not include HVAC, sewer, electrical, fire suppression, and plumbing contractors, which are otherwise regulated by City ordinances. The term "general contractor" excludes a resident or owner of a one, two or three family home that performs their own work. However, if an owner of a one, two or three family home performs their own work, they shall obtain a building permit if required but shall not be required to comply with this chapter. The term shall not include interior and exterior painters and landscapers, unless their work requires a building permit through the City.

The term "subcontractor" means a person or other legal entity that contracts with a general contractor or subcontractor to perform work in the City that requires a permit by the Building or Zoning Code, but does not contract directly with the purchasing person or entity that purchases the services of the general contractor. A subcontractor must register with the City unless otherwise exempted by this chapter. A subcontractor is exempted from registration with the City if they are working directly for a general contractor or subcontractor who is already registered with the City. If a subcontractor contracts directly with a purchasing person, or entity that is not registered with the City, then the subcontractor must register with the City.

1306.02 LICENSE CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in, or work at the business of a general contractor in the City, without having first procured from the Building Official or their authorized representative a Certificate of Registration permitting such person to perform general contracting work, except in no case shall this provision apply to employees of the City in the performance of their regular duties on City property.

1306.03 CERTIFICATE OF REGISTRATION FEE.

Each general contractor shall pay a fee of one hundred dollars ($100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: $150.00 from February 1 to December 31 or $75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1306.04 REVOCATION OF REGISTRATION.

Certificate of Registration provided for herein may be revoked at any time for incompetence, the fraudulent use thereof or a violation of the laws of the State, the International Residential Code, or any Building Code of the City, or any other rule or regulation provided for by the City pertaining to the work of a general contractor after full hearing by the Board of Review.

(a) After revocation for any of the causes above, no Certificate of Registration shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original registration.

1306.05 BOARD OF REVIEW.

The Board of Review shall be the same Board of Review and the same procedure shall apply as is set forth in Section 1307.04.

1306.06 BOND AND INSURANCE REQUIRED.

(a) A general contractor, before the issuance of a Certificate of Registration shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty- five thousand dollars ($25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the general contractor will conform to and abide by the Building Code of the City, and any and other codes which may be incorporated into the Codified Ordinances by reference, and such other requirements as the City may make in relation to general contracting work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars ($100,000/$300,000) and for property damage in the amount of fifty thousand dollars ($50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered general contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars ($50,000) for injury to one person, and one hundred thousand dollars ($100,000) for injury to more than one person, and fifty thousand dollars ($50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1306.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED:

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1307.02 OF THE PAINESVILLE CODE OF 1998, RELATING TO PLUMBING CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1307.02 of the Painesville Code of 1998 is hereby amended to read as follows:

1307.01 CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in, or work at, the business of plumbing in the City, without having first procured from the Building Official, a Certificate of Registration permitting the person to perform such work, except that in no case shall this provision apply to employees of the City in the performance of their regular duties or to contractors performing work on regularly awarded City contracts.

(a) Each applicant for a Plumbing Contractors Certificate of Registration shall provide a copy and maintain a current Plumbing Contractors License issued by the State of Ohio Construction Industry Examining Board.

1307.02 CERTIFICATE OF REGISTRATION FEE.

Plumbing contractors shall pay a fee of one hundred dollars ($100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: $150.00 from February 1 to December 31 or $75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1307.03 REVOCATION OF REGISTRATION.

Any Certificate of Registration provided for in this chapter may, at any time, be revoked for the incompetence, the fraudulent use thereof, or a violation of the laws of the State pertaining to the Health Code; or the Plumbing Code of the City or the rules and regulations of the Board of Health after a full hearing by the Board of Review.

(a) After revocation for any of the causes above, no Certificate of Registration shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original Certificate of Registration.

1307.04 BOARD OF REVIEW.

There is hereby operated a Board of Review consisting of the City Engineer, the Superintendent of Electric Power, the Superintendent of Water, the Chief of the Fire Division, and the Superintendent of Water Pollution Control. The City Manager shall serve, ex-officio, as a member of the Board, but shall not be entitled to a vote for decision unless his vote is necessary to break a tie vote. If more than one of the positions is held by the same person, the Board shall not be enlarged to compensate for the same. The Board shall elect a chairman of the Board. A majority of the members shall constitute a quorum for the transaction of business, and it shall require a majority vote of the members to grant, refuse, revoke, or reject any license, application, appeal or request previously granted by or existing or coming before the Board.

1307.05 DUTIES OF THE SECRETARY.

The Board of Examiners shall appoint a secretary and it shall be the duty of the secretary to preserve and keep all records, books, and papers which are required by the Board to be kept by or filed with the Board, and to perform such other duties as may be required by the Board.

1307.06 BOND AND INSURANCE REQUIRED.

(a) A plumbing contractor, before the issuance of a Certificate of Registration, shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty- five thousand dollars ($25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the master plumber will conform to and abide by the Plumbing Code of the City and any and all other codes which may be incorporated into the Codified Ordinances by reference, and such other requirements as the City may make in relation to plumbing and drainage work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars ($100,000/$300,000) and for property damage in the amount of fifty thousand dollars ($50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered plumbing contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars ($50,000) for injury to one person, and one hundred thousand dollars ($100,000) for injury to more than one person, and fifty thousand dollars ($50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1307.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED:

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1308 OF THE PAINESVILLE CODE OF 1998, RELATING TO SEWER BUILDER CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1308 of the Painesville Code of 1998 is hereby amended to read as follows:

1308.01 LICENSE REQUIRED.

(a) No person shall engage in, or work at, the business of sewer building in the City, without having first procured from the Building Official, a license permitting the person to perform such work, except that in no case shall this provision apply to employees of the City in the performance of their regular duties or to contractors performing work on regularly awarded City contracts.

(b) Each applicant for a Sewer Builders License shall provide a copy of a current Sewer Builders License issued by Lake, Geauga, or Cuyahoga County Sanitary Engineers Office or hold a valid Sewer Builders License issued by the City of Painesville prior to the adoption of this section, or successfully complete a written sewer builders exam administered by the City of Painesville.

1308.02 CERTIFICATE OF REGISTRATION FEE.

Sewer builders shall pay a fee of one hundred dollars ($100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: $150.00 from February 1 to December 31 or $75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1308.03 REVOCATION OF LICENSE.

Any license provided for in this chapter may, at any time, be revoked for the incompetence, the fraudulent use thereof, or a violation of the laws of the State pertaining to the Health Code; or the Plumbing Code of the City or the rules and regulations of the Board of Health after a full hearing by the Board of Review.

(a) After revocation for any of the causes above, no license shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new license shall be issued until the applicant has paid the same fee as for the original Certificate of Registration.

1308.04 BOARD OF REVIEW.

There is hereby operated a Board of Review, consisting of the City Engineer, the Superintendent of Electric Power, the Superintendent of Water, the Chief of the Fire Division, and the Superintendent of Water Pollution Control. The City Manager shall serve, ex-officio, as a member of the Board, but shall not be entitled to a vote for decision unless his vote is necessary to break a tie vote. If more than one of the positions is held by the same person, the Board shall not be enlarged to compensate for the same. The Board shall elect a chairman of the Board. A majority of the members shall constitute a quorum for the transaction of business, and it shall require a majority vote of the members to grant, refuse, revoke, or reject any license, application, appeal or request previously granted by or existing or coming before the Board.

1308.05 DUTIES OF THE SECRETARY.

The Board of Review shall appoint a secretary and it shall be the duty of the secretary to preserve and keep all records, books, and papers which are required by the

Board to be kept by or filed with the Board, and to perform such other duties as may be required by the Board.

1308.06 BOND AND INSURANCE REQUIRED.

(a) A sewer builder, before the issuance of a Certificate of Registration, shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty-five thousand dollars ($25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the sewer builder will conform to and abide by the Plumbing Code of the City and any and all other codes which may be incorporated into the Codified Ordinances by reference, and such other requirements as the City may make in relation to drainage work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars ($100,000/$300,000) and for property damage in the amount of fifty thousand dollars ($50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered sewer builder shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars ($50,000) for injury to one person , and one hundred thousand dollars ($100,000) for injury to more than one person, and fifty thousand dollars ($50,000) for property damage in any one accident by reason of acts of negligence by the registered contractor or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosive. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1308.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and; therefore, this Ordinance shall become effective immediately.

PASSED:

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1309 OF THE PAINESVILLE CODE OF 1998, RELATING TO HEATING, VENTILATING AND AIR CONDITIONING CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1309 of the Painesville Code of 1998 is hereby amended to read as follows:

1309.01 DEFINITION.

"Heating, ventilating and air conditioning contractor" means a person who contracts with another person, firm or corporation for the installation of space heating, refrigeration or boiler work, but does not include:

(a) Those persons who perform maintenance or repair work upon heating appliances; or

(b) Maintenance men engaged in heating work regularly in the employ of a person, firm or corporation and while doing such work for and on the premises of the employer in the regular course of employment.

1309.02 CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in or work at the business of a heating, ventilating and air conditioning contractor in the City without having first procured from the Building Official, a Certificate of Registration permitting such person to perform such work as a heating, ventilating and air conditioning contractor, except that in no case shall this provision apply to employees of the City in the performance of their regular duties.

Each applicant for a Heating, Ventilation and Air Conditioning Contractors (HVAC) Certificate of Registration shall provide a copy, and maintain a current HVAC Contractors License issued by the State of Ohio Construction Industry Examining Board.

1309.03 CERTIFICATE OF REGISTRATION FEE.

Each heating, ventilating and air conditioning contractor shall pay a fee of one hundred dollars ($100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: $150.00 from February 1 to December 31 or $75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1309.04 REVOCATION OF CERTIFICATE OF REGISTRATION.

(a) Any Certificate of Registration provided for herein may be revoked at any time for the incompetency, the fraudulent use thereof or a violation of the laws of the State or any building code of the City or any other rule or regulation provided for by the City pertaining to the work of a heating, ventilating and air conditioning contractor, after full hearing by the Board of Review.

(b) After revocation for any of the causes above, no Certificate of Registration shall be issued to such party for at least three months after the revocation. In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original Certificate of Registration.

1309.05 BOARD OF REVIEW.

The Board of Review, shall be the same Board of Review and the same procedure shall apply as is set forth in Section 1307.04.

1309.06 BOND AND INSURANCE REQUIRED.

(a) A heating, ventilating and air conditioning contractor, before the issuance of a Certificate of Registration, shall furnish a surety bond, on a form to be approved by the City Manager, or other person designated by him, in the penal sum of twenty-five thousand dollars ($25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the heating, ventilating and air conditioning contractor will conform to and abide by any and all code requirements of the City, including any and all City building codes and such other requirements as the City may make in relation to space heating work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the registration by the Building Official, to the end of the year covered by the registration and must be renewed annually on the reissuance of the registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in amount of one hundred thousand/three hundred thousand dollars ($100,000/$300,000), and for property damage in the amount of fifty thousand dollars ($50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used, on any job, then the registered heating, ventilating and air conditioning contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars ($50,000) for injury to one person, and one hundred thousand dollars ($100,000) for injury to more than one person, and fifty thousand dollars ($50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as hereinabove described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1309.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED:

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Paul W. Hach, II
President of Council

ATTEST:

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Tara Diehl
Clerk of Council