



CITY OF AVON LAKE

150 Avon Belden Road
Avon Lake, Ohio 44012

COLLECTIVE COMMITTEE MEETING

Council Chamber

July 7, 2025

7 p.m.

FINANCE COMMITTEE, *K. C. Zuber, Chair*

1. Fire Department Replacement Vehicle

PUBLIC SAFETY AND HEALTH COMMITTEE, *David Kos, Chair*

1. One-Day Permit to Sell, Dispense, and Consume Beer, Wine, and Hard Seltzer-Type Beverages at the Beer Fest on August 23, 2025, at Miller Road Park hosted by Avon Lake Athletic Boosters, Inc.

PUBLIC SERVICE COMMITTEE, *Jennifer Fenderbosch, Chair*

1. Submerged Land Lease at 31954 Lake Road
2. Amendments to Chapter 1018: City Tree Ordinance and Codified Ordinance Section 1065.99, Enforcement and Penalty
3. Walker Road, Phase 5, (Moore Road to Railroad Tracks), Re-Bid

SHORT-TERM RENTALS AD HOC COMMITTEE, *Zach Arnold, Chair*

1. Moratorium on New Short-Term Rental Properties

PLANNING COMMISSION, *Geoff Smith, Council Representative*

1. Electric Boulevard Right-of-Way Vacations
2. Shields Avenue and Electric Boulevard Right-of-Way Vacations

OTHER BUSINESS

1. Adoption of Code of Ordinances, *Law Director Gary Ebert and Clerk of Council Valerie Rosmarin*

LEGISLATION

Third Readings:

Ordinance No. 25-112, AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 1470: DEMOLITION. *Sponsor: A. Gentry*

Ordinance No. 25-113, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1438: LICENSING OF CONTRACTORS DEFINED, AND CODIFIED ORDINANCE CHAPTER 1468: UNSAFE BUILDINGS. *Sponsor: A. Gentry*

Ordinance No. 25-116, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220: COUNCIL. *Sponsor: J. Fenderbosch*

Second Readings:

Ordinance No. 25-128, AN ORDINANCE APPROVING THE FINAL PLAT FOR PORT SIDE TOWNHOUSE SUBDIVISION AND DECLARING AN EMERGENCY. →*Sponsor: G. Smith*

Ordinance No. 25-130R, AN ORDINANCE IMPOSING A MORATORIUM ON THE USE OF RESIDENTIAL PROPERTY FOR SHORT-TERM RENTAL AND DECLARING AN EMERGENCY. →*Sponsor: D. Kos.*

First Readings:

As determined at the Collective Committee Meeting.

PUBLIC INPUT

ADJOURNMENT

→ Suspension of the rule requiring three readings

From: [Erin Schaefer](#)
To: [Valerie Rosmarin](#)
Cc: [Tracey Corbo](#)
Subject: Request for City Council Approval – 2025 Avon Lake Beer Fest at Miller Road Park
Date: Thursday, June 26, 2025 2:28:48 PM

Good Afternoon Ms Rosmarin,

I hope this message finds you well.

On behalf of the Avon Lake Athletic Boosters, I am writing to formally request City Council's approval to host the **2025 Avon Lake Beer Fest** on **Saturday, August 23, 2025**, from **12:00 PM to 8:00 PM** at **Miller Road Park**.

Please note that the Avon Lake Athletic Boosters will be securing an **F-2 temporary liquor permit** through the Ohio Division of Liquor Control for this event, as required.

Should you require any additional information, please feel free to reach out at your convenience.

Thank you for your time.

Warm regards,

Erin Schaefer

Executive Director, ALAB

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[Erin Schaefer](#)
[440-653-6617](#)

AN ORDINANCE ALLOWING BEER, WINE, AND HARD SELTZER-TYPE BEVERAGES TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY BEER FEST TO BE HELD AT MILLER ROAD PARK ON AUGUST 23, 2025, AND DECLARING AN EMERGENCY.

WHEREAS, Subsection 1070.02(i)(1) of the Codified Ordinances of the City prohibits the sale of intoxicating liquor in any park, and

WHEREAS, the Avon Lake Athletic Boosters, Inc., have requested to hold a one-day beer fest at Miller Road Park on August 23, 2025, and

WHEREAS, to permit such beer fest to take place, Council must adopt an Ordinance creating a one-time exception to the prohibition of Subsection 1070.02(i)(1) of Avon Lake Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That, notwithstanding the prohibition of Subsection 1070.02(i)(1) of Avon Lake's Codified Ordinances, the Avon Lake Athletic Boosters, Inc., shall have the right to conduct a one-day beer fest at Miller Road Park on August 23, 2025.

Section No. 2: That, provided the necessary State liquor permits are obtained, beer, wine, and hard seltzer-type beverages may be sold, served, distributed, and consumed at such beer fest.

Section No. 3: That this Ordinance shall not in any way modify the prohibition of Subsection 1070.02(i)(1) of Avon Lake's Codified Ordinances against the presence of intoxicating liquor and intoxicated persons at any other park, beach, park building or recreational area (including but not limited to, the Lake House), nor shall this Ordinance permit wine and beer (or any other intoxicating liquor) to be sold, served, distributed, or consumed at Miller Road Park on any date other than that specifically authorized by Sections 1 and 2 hereof.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to file the necessary paperwork in a timely manner to allow the one-day beer fest to take place in order to promote Avon Lake businesses and bring economic growth to the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____
Clerk of Council

Mayor



ETS
engineered technical solutions

civil | environmental | waterfront erosion | telecom

June 25, 2025

City of Avon Lake
Mary Krupar
Assistant to the Mayor
City of Avon Lake
150 Avon Belden Road
Avon Lake, Ohio 44012

Dear M. Krupar

This letter is a request for an updated resolution from the City of Avon Lake as required by the Ohio Department of Natural Resources (ODNR) and the Army Corps of Engineers for a shore structure.

Please forward the enclosed request to the appropriate personnel.

We are requesting a formal written resolution from the City regarding the approval of a shore structure for Jim Bass (31954 Lake LLC) residence located at 31954 Lake Road, Avon Lake, Ohio 44012, as enclosed, on the submerged lands of Lake Erie adjacent to the property; PP# 0400030103015.

One of the necessary components for obtaining a lease from the State of Ohio is an ordinance or resolution from the local authority stating that the area of submerged lands in question is not needed by the local authority for future improvements (i.e. breakwaters, harbors, marinas, piers, etc.) and that the land uses in my application comply with regulation of permissible land use of the local authority.

Per ODNR's preference, please do not describe the proposed structures in detail. Instead, refer to the project as "the proposed shore structure," so that it will be more easily accepted by ODNR.

Please consider and act on my request for this resolution or ordinance at: 31954 Lake Road, Avon Lake, Ohio 44012.

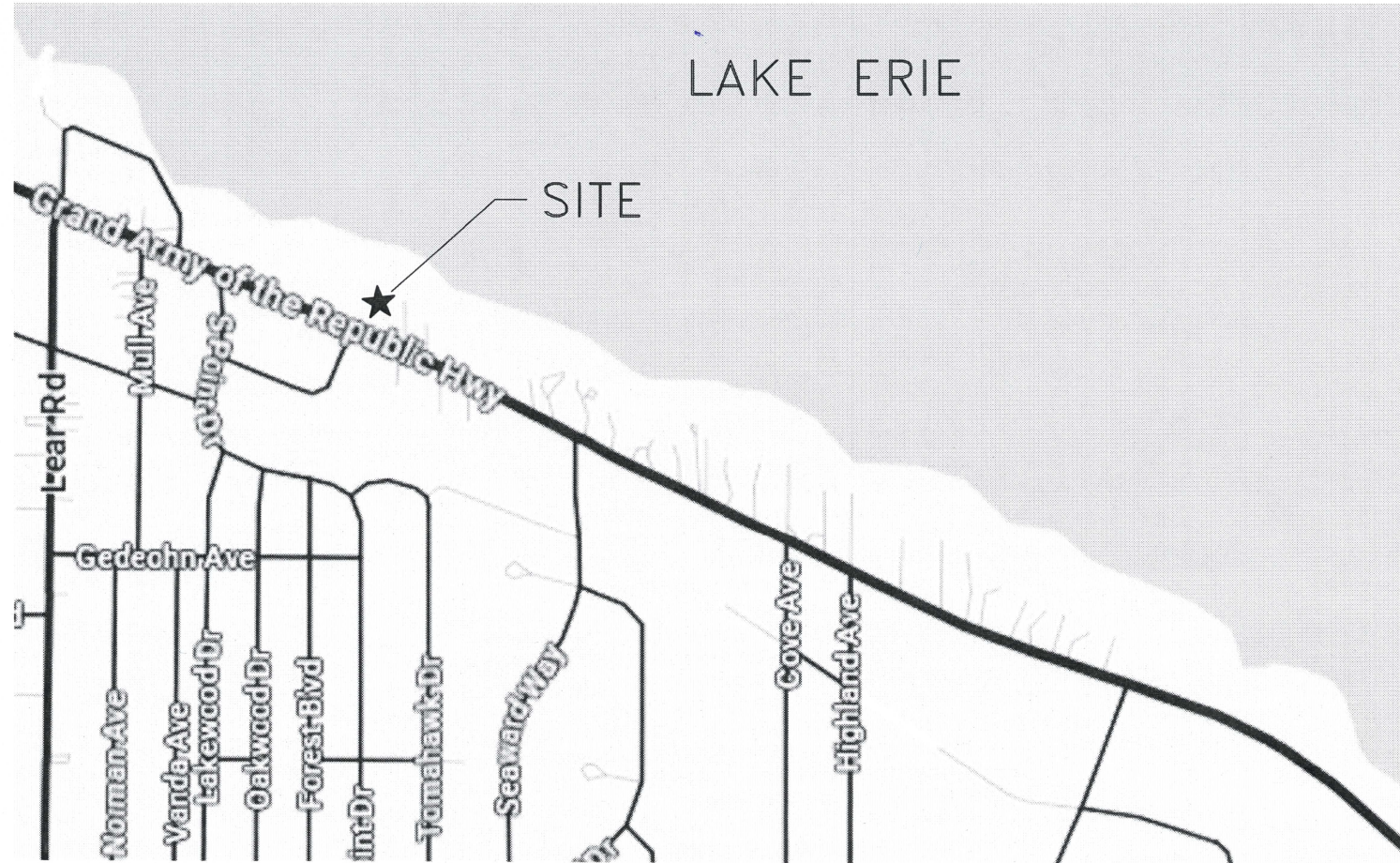
Please let us know if you need anything further.

Thank you,


James Schilens

SHEET LIST

- EN-1 COVER SHEET
- EN-2 PROPOSED PLAN
- EN-3 PROPOSED SECTION A-A'
- EN-4 PROPOSED SECTION B-B'



DWG. NO.: EN-1 ISSUE: PRELIM	DWG. TITLE: COVER SHEET LOCATION MAP	PROJECT: 31954 LAKE LLC 31954 LAKE RD LOCATION: AVON LAKE, OH 44012 SCALE: NTS DATE: 06-19-25 DRAWN BY: E.M. CHECKED BY: P.J.S.	REVISIONS: 05-12-25 06-02-25 06-18-25 05-14-25 06-04-25 05-21-25 06-09-25 05-22-25 06-11-25 05-23-25 06-16-25	ENGINEERED TECHNICAL SOLUTIONS Site Design Erosion Control Ecological - Utility 27330 Center Ridge Road Westlake, Ohio 44145 Phone: (440) 899-6880 www.engineeredtechnicalsolutions.com
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GENERAL NOTES:

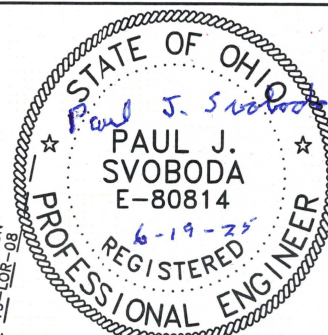
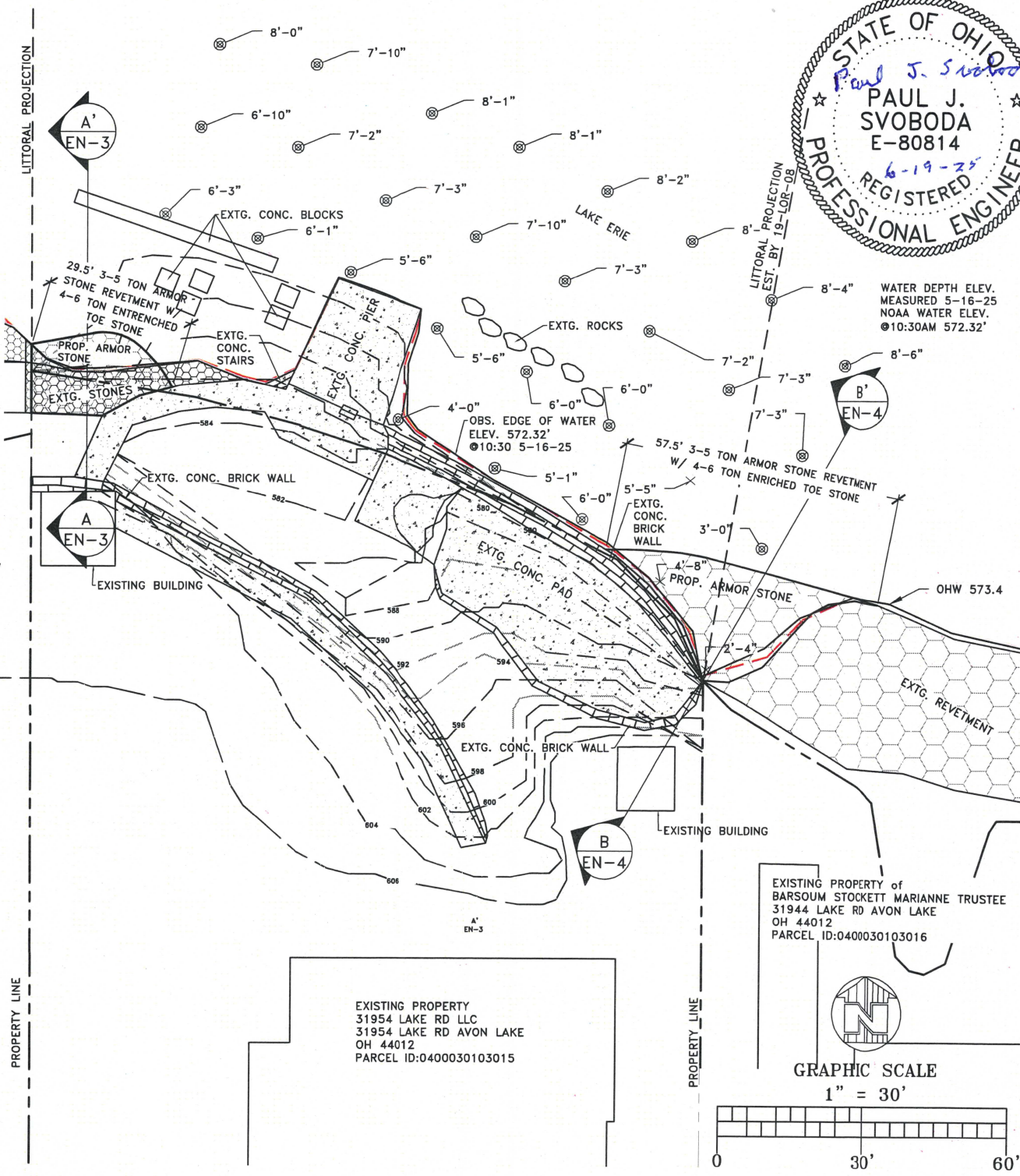
1. ALL ELEVATIONS REFERENCE IGLD 1985
2. ALL SAND AND GRAVEL LOCATED BELOW THE PROPOSED FILL MATERIAL SHALL BE EXCAVATED AND SIDECAST INTO THE LITTORAL DRIFT IN LESS THAN THREE FEET OF WATER EITHER IMMEDIATELY EAST OR LAKEWARD OF THE PROJECT.
3. PER USACE REQUIREMENTS 174 CUBIC YARDS OF SAND PREFILL MUST BE PLACED IN THE NEARSHORE AREA IN LESS THAN THREE FEET OF WATER WITHIN 15 DAYS OF THE INITIATION OF THE AUTHORIZED WORK. THE SAND PREFILL SHALL BE FROM AN OFF-SITE UPLAND SOURCE AND MEET THE GRADATION REQUIREMENTS IDENTIFIED BELOW WHICH CORRESPONDS TO ODOT SPECIFICATION 703.02 THE UPLAND SOURCE SHALL BE COORDINATED WITH USACE AGENT PRIOR TO PLACEMENT. WITHIN 15 DAYS OF THE PLACEMENT OF THE SAND PREFILL, THE PERMITTEE SHALL PROVIDE COLOR PHOTOGRAPHS AND CONTRACTOR RECEIPTS VERIFYING THE VOLUME OF SAND PREFILL AND ITS LOCATION ON PLAN SHEET TO CURRENT CHIEF MONITORING AND ENFORCEMENT SECTION, U.S. ARMY CORPS OF ENGINEERS, 1776 NIAGARA STREET, BUFFALO, NY 14207-3199
4. CONTRACTORS MUST SUBMIT SAND TICKETS AND STONE TICKETS TO ETS UPON COMPLETION OF WORK. LOGS AND FIELD NOTES REGARDING TORQUES, TIEBACKS AND PILING MUST BE PROVIDED TO ETS DURING AND AFTER COMPLETION OF WORK. THIS INFORMATION INCLUDES, BUT IS NOT LIMITED TO, TYPE OF HAMMER AND MODEL USED, TYPE OF PILING/TIEBACKS USED, ORIGINAL LENGTH OF PILING/TIEBACKS USED, ANGLE AND LENGTH OF INSTALLATION OF TIEBACKS, INSTALLATION DEPTH OF PILING (TO BEDROCK/REFUSAL), METHOD OF INSTALLATION, METHOD OF REMOVAL OF EXCESS MATERIAL, AND ANY OTHER PERTINENT INFORMATION NOT LISTED HEREIN BUT DEEMED NECESSARY AS WORK PROGRESSES. ETS MUST BE NOTIFIED IMMEDIATELY OF ANY REQUESTED MODIFICATIONS TO THE DESIGN, ACCOMPANIED BY A DETAILED AND CLEAR ACCOUNT OF THE REQUESTED CHANGES IN WRITING. CHANGES ARE ONLY TO BE MADE UPON WRITTEN APPROVAL BY ETS
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SIEVE SIZE	TOTAL PERCENT PASSING
3/8 INCH	100
No. 4	80 to 100
No. 8	60 to 100
No. 16	35 to 85
No. 30	10 to 70
No. 50	0 to 35
No. 100	0 to 10
No. 200	0 to 2

EXISTING PROPERTY of
REMY KENNETH EUGENE & REMY ALLISON
31964 LAKE RD AVON LAKE
OH 44012
PARCEL ID:0400030103014

EXISTING PROPERTY
31954 LAKE RD LLC
31954 LAKE RD AVON LAKE
OH 44012
PARCEL ID:0400030103015

EXISTING PROPERTY of
BARSOUM STOCKETT MARIANNE TRUSTEE
31944 LAKE RD AVON LAKE
OH 44012
PARCEL ID:0400030103016



ENGINEERED TECHNICAL SOLUTIONS
Site Design
Erosion Control
Ecological Utility
27330 Center Ridge Road
Westlake, Ohio 44145
Phone: (440) 899-6880
www.technical-solutions.com

REVISIONS:

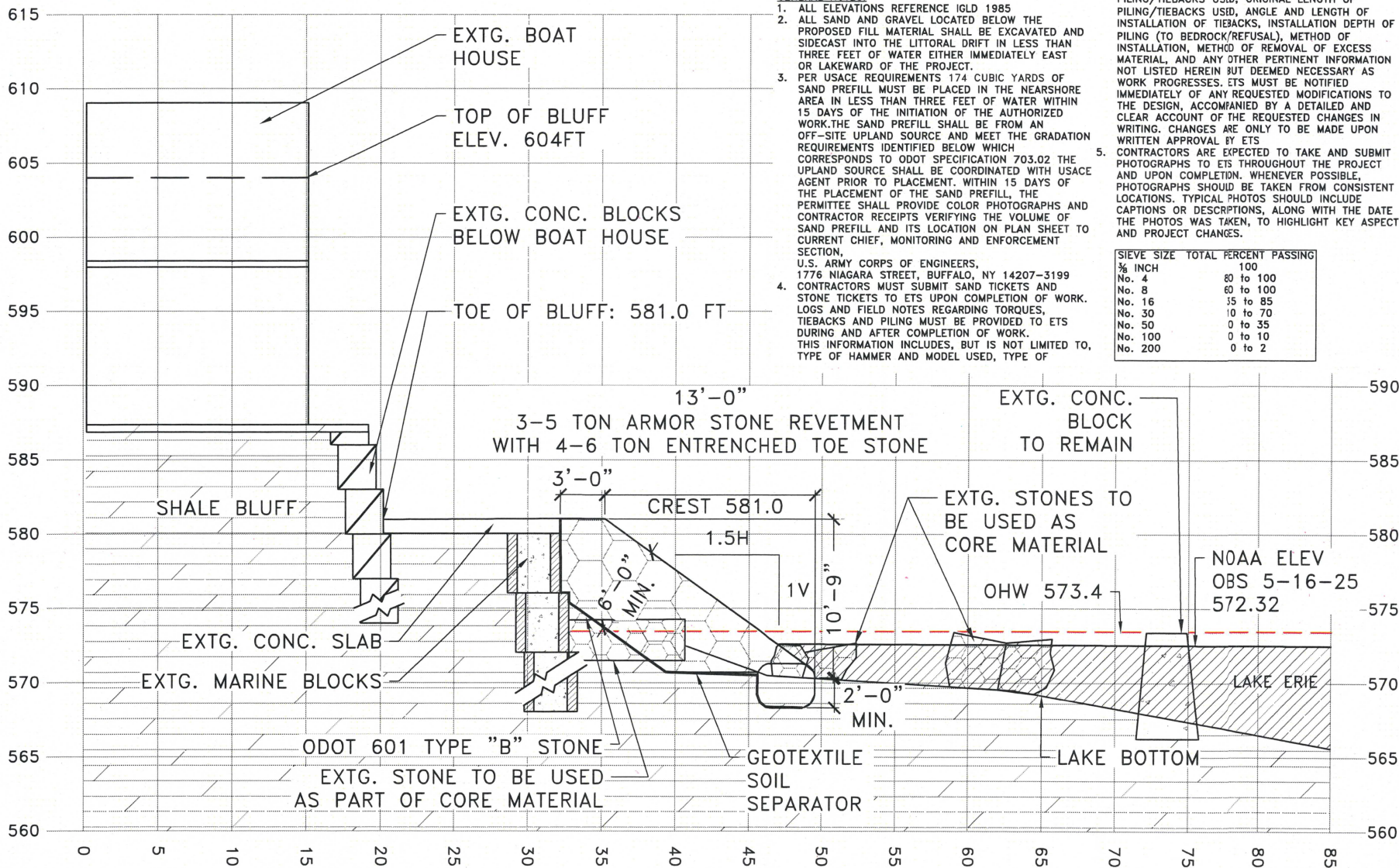
05-12-25	05-02-25	05-18-25
05-14-25	05-04-25	05-21-25
05-21-25	05-09-25	05-22-25
05-23-25	05-11-25	05-23-25

PROJECT: 31954 LAKE LLC
31954 LAKE RD
LOCATION: AVON LAKE, OH 44012

SCALE: 1" = 30'
DATE: 05-19-25
DRAWN BY: L.S./E.M.
CHECKED BY: P.J.S.

DWG. TITLE: PROPOSED PLAN

DWG. NO.: EN-2
ISSUE: PRELIM



- GENERAL NOTES:**
1. ALL ELEVATIONS REFERENCE IGLD 1985
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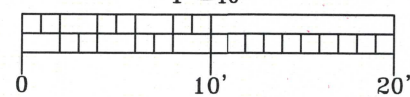
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SECTION A-A'

SCALE: 1"=10'

GRAPHIC SCALE

1"=10'



ENGINEERED TECHNICAL SOLUTIONS
 Erosion Control
 Ecological Utility
 27300 Center Ridge Road
 Westlake, Ohio 44145
 Phone: (440) 889-0880
 Fax: (440) 889-0881

PROJECT: 31954 LAKE LLC
SCALE: 1"=10'
DATE: 06-19-25
DRAWN BY: E.M.
CHECKED BY: P.J.S.

REVISIONS:
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 05-21-25 06-08-25
 05-22-25 06-11-25
 05-23-25 06-16-25

LOCATION: AVON LAKE, OH 44012

DWG. TITLE: PROPOSED SECTION A-A'

DWG. NO.: EN-3
ISSUE: PRELIM

GENERAL NOTES:

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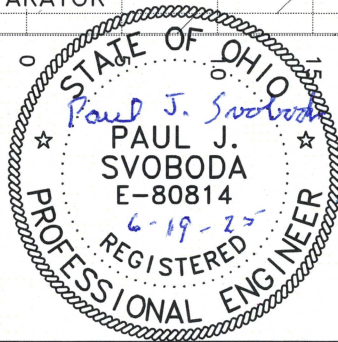
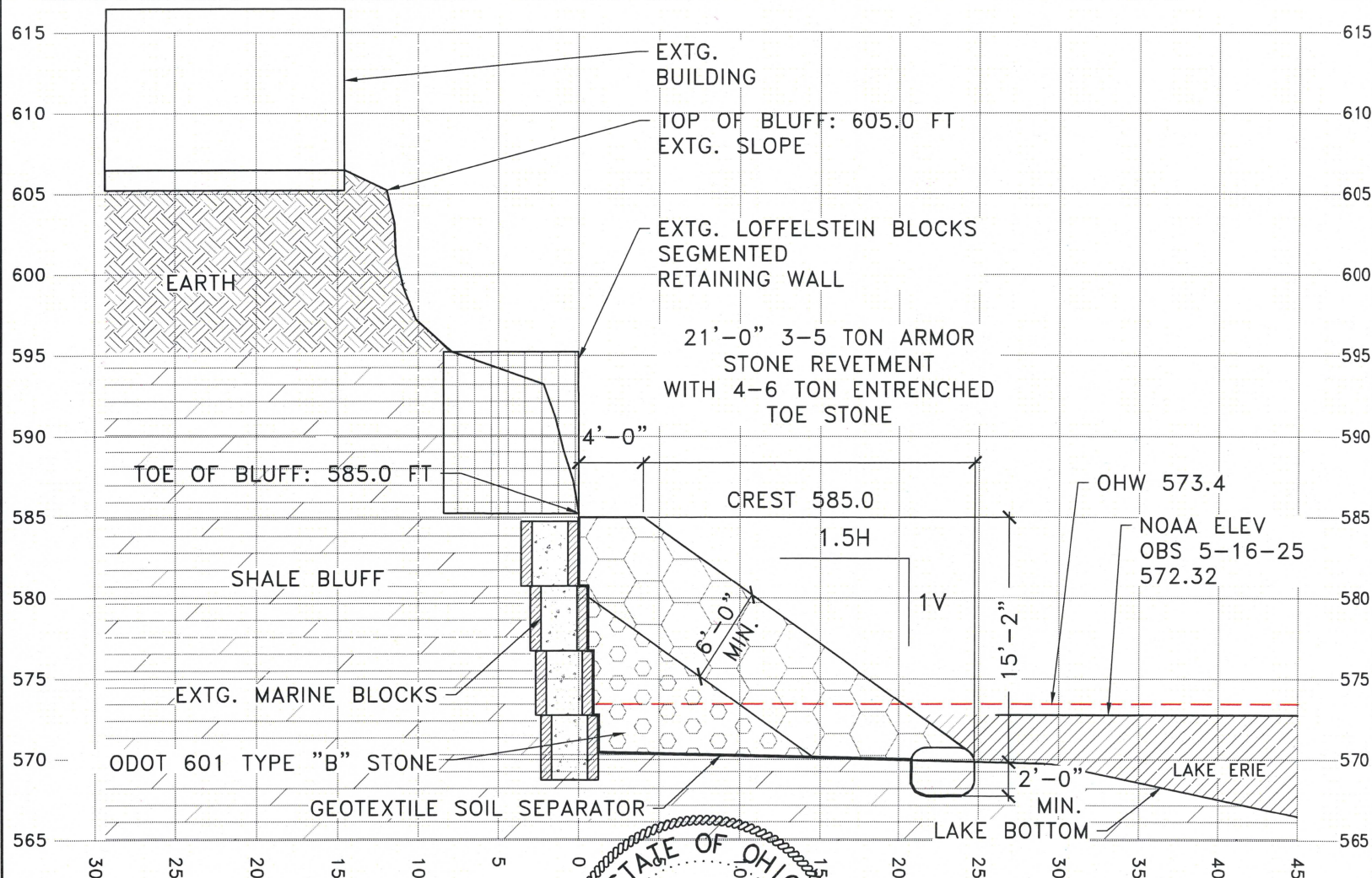
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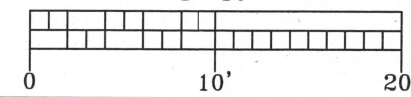
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SECTION B-B'
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GRAPHIC SCALE
1"=10'



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LOCATION: AVON LAKE, OH 44012
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1"=10'
SCALE: 1"=10'
DATE: 06-19-25
DRAWN BY: E.M.
CHECKED BY: P.J.S.

DWG. TITLE:
PROPOSED
SECTION B-B'

DWG. NO.: EN-4
ISSUE: PRELIM

CHAPTER 1018: MUNICIPAL CITY TREE ORDINANCE

§ 1018.01 PURPOSE; TITLE.

(a) The purpose of this chapter is to establish a framework for the development and sustainability of the city's urban forest to maximize the benefits for all residents through the orderly planting, maintaining, care and preservation of trees, shrubs and hedges in the public ways and on all city property.

(b) This chapter shall be known as the Avon Lake ~~Municipal~~ City Tree Ordinance.

§ 1018.02 DEFINITIONS.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

ADMINISTRATIVE COMMUNICATION. A written, typed or printed document.

ANSI A300. The Tree Care standards, as amended, that have been developed and promulgated by the American National Standards Institute.

BOARD CONTROLLED PUBLIC PLACES. All current and future grounds placed under board control by the Charter, such as the Board of Utilities and the Board of Education in the city.

CALIPER. The diameter of a tree trunk six inches above the existing grade or proposed planted grade. This measurement is only used for replacement when using nursery stock trees in this chapter.

CITY. The City of Avon Lake, Lorain County, State of Ohio.

CRITICAL ROOT ZONE. The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to 1.5 feet for every one inch of diameter breast height.

Diameter Breast Height (DBH). The diameter of a tree measured at four and one-half feet above the existing grade. This measurement is an industry standard measurement used for existing trees.

EMERGENCY. The immediate necessity for the preservation of public peace, health and safety.

HEDGE. A row of closely planted shrubs or low-growing trees forming a fence or boundary.

International Society of Arboriculture (ISA). The professional organization who governs the accreditation of tree care professionals and adopts standards for arboriculture implementation.

LARGE TREES. Those trees attaining a height of 45 feet or more.

MASTER TREE PLAN. The plan shall specify the species of tree to be planted on each of the streets in the city.

MEDIUM TREES. Those trees attaining a height of 30 to 45 feet.

PARK. All public parks having individual names.

PARK AND STREET TREES DEPARTMENT. The Public Works Department, which is the designated department of the city under whose jurisdiction park and/or street trees fall.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRINCIPAL THOROUGHFARE. Any street upon which trucks are not prohibited.

PRIVATE PROPERTY. All grounds not owned by the city.

PROPERTY LINE. The ~~outer edge of a street or highway~~ border where a property begins and ends.

PROPERTY OWNER. The person owning such property as shown by the County Auditor's Plat of Lorain County, Ohio.

PROTECTED TREE. Any tree in good health having a diameter of eight inches DBH or larger or having an aggregate diameter of twenty inches DBH for multi-stemmed trees. Trees less than eight inches DBH may be given protected status, if determined to be of high value by the Urban Forester based on species, health, and history.

PUBLIC PLACES. All non-board-controlled grounds owned by the city.

PUBLIC TREES. All shade and ornamental trees now or hereafter growing on a tree lawn or any public place where otherwise indicated.

REMOVE OR REMOVAL. The causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.

SHRUB. A woody plant of relatively low height, distinguished from a tree by having several stems protruding from the ground.

SMALL TREES. Those attaining a height of 20 to 30 feet.

STREET and HIGHWAY. The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

STREET TREE PROGRAM. Per chapter 12 14, Developers deposit funds during the final plat phase of development into a program to pay for trees planted in tree lawns on public streets.

TOPPING. Topping is the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE. A tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk with multiple branches rather than several stems protruding from the ground.

TREE LAWN. That part of a street or highway, not covered by a sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

TREE MAINTENANCE. The planting, caring for and protection of trees adhering to ANSI A300 standards to reduce the prevalence of issues, including establishment failure and the possible spread of oak wilt, that stems from poor management practices.

TREE PRESERVATION PLAN. A proposal that includes a tree survey of a site, including a construction site or a site where trees may be impacted by temporary equipment, vehicles, or events, and a written plan with text and/or graphic illustrations indicating the methods used to preserve existing trees during construction and/or temporary events, and methods for ongoing maintenance, including replacement, fertilizing, and pruning following ANSI A300 standards. The Tree Preservation Plan shall contain specific penalties for damaging trees designated for protection including replacement definitions and monetary reimbursement.

TREE SELECTION. For residents, city, and contractors registered with the city, that they follow ANSI A300 standards and the Avon Lake Master Street Plan by not planting invasive species as published by the Ohio Department of Natural Resources.

TREE SURVEY. A graphic display drawn to scale by a landscape architect or certified arborist, not to exceed one inch (1") = fifty feet (50'), showing all existing protected trees on the site. The tree survey shall include species, DBH, and contain the outline of the critical root zone of each such tree.

URBAN FORESTER. The Urban Forester of the city, manages and implements the goals of this chapter.

§ 1018.03 URBAN FORESTER.

There is hereby established the position of Urban Forester in and for the city, and the city hereby adopts the Avon Lake Arboricultural Specifications and Standards of Practice.

(a) ~~Duties. The Urban Forester shall abide by and have the authority to promulgate rules and regulations under authority of the Avon Lake Arboricultural Specifications and Standards of Practice, which rules and regulations shall govern the planting, maintenance, removal, mulching, fertilization, pruning and bracing of trees on the tree lawns and public places in the city, and the Urban Forester shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any tree lawn or public~~

place in the city. He or she shall cause the provisions of this chapter to be enforced. In his or her absence, these duties shall be the responsibility of a qualified person designated by the city.

(a) Duties. The Urban Forester shall abide by and have the authority to promulgate and enforce the rules and regulations of this chapter under authority of the Avon Lake Arboricultural Specifications and Standards of Practice, which shall be based on ANSI A300 standards and in collaboration with the Tree Commission. In the absence of the Urban Forester, these duties shall be the responsibility of a qualified person designated by the City.

(b) Authority.

(1) In general. The Urban Forester shall have the authority and jurisdiction to regulate the planting, maintenance, and removal, ~~removal, mulching, fertilization, pruning and bracing~~ of trees in tree lawns and public places to ensure safety and preserve the aesthetics of such public sites.

(2) Supervision. The Urban Forester ~~or a person designated thereby~~, shall ~~have the authority and it shall be his or her duty to supervise or inspect~~ all work done under a permit issued in accordance with the terms of this chapter.

(3) Condition of permit. The Urban Forester shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter.

(4) Master ~~street~~ Tree Plan. The Urban Forester shall have the authority to formulate or modify the Master-street Tree Plan ~~The master-street tree plan that~~ shall specify the species of tree to be planted on each of the streets in the city with the advice, a hearing, and the approval of the Tree Commission. From and after the effective date of the Master ~~street~~ Tree Plan, or any amendment thereof, all planting shall conform thereto ~~which shall be included as Appendix C of the Avon Lake Arboricultural Specifications and Standards of Practice, contains the Avon Lake master street plan and shall be maintained as tree-related records and reference material, including a street and park tree inventory.~~

A. The Urban Forester shall consider all existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites of the city.

B. The Urban Forester, with the approval of the Tree Commission, shall have the authority to amend or add to the master street tree plan at any time that circumstances make it advisable. The master street tree plan is to be reviewed and updated every five years. New streets and improved cultivars in trees are to be considered.

C. The Urban Forester shall maintain tree related records and reference material, including a street and park tree inventory.

~~(5) Arboricultural Specifications and Standards of Practice. The Urban Forester or the Tree Commission shall have the authority to modify, amend or extend the Avon Lake~~

~~Arboricultural Specifications and Standards of Practice, with the approval of the city department heads and the Tree Commission, at any time that experience or technology indicates improved methods or whenever circumstances make it advisable. Council must approve any changes to policy or procedure. Other changes require only notification of Council.~~

1018.031 MASTER TREE PLAN

(a) The Master Tree Plan shall specify the species of tree to be planted on each of the streets in the city. From and after the effective date of the Master Tree Plan, or any amendment thereof, all planting shall conform thereto.

(b) The Master Tree Plan shall take into consideration all existing and future utility and environmental factors when identifying specific species for each of the streets and other public sites of the city.

(c) The Master Tree Plan is to be reviewed and updated every five years. New streets and improved cultivars in trees are to be considered.

(d) No tree shall be planted under electric lines on any of the public streets of the city, which at the estimated full growth will exceed 25 feet in height, or as to interfere with the aforementioned utility lines.

(e) Trees planted on any of the public streets of the city shall be planted no closer than 20 feet apart; no closer than 35 feet from an intersection; no closer than ten feet from all utility poles, aprons, hydrants, manholes or other utility infrastructure unless specifically approved by the Urban Forester.

(f) ~~Arboricultural Specifications and Standards of Practice. The Urban Forester or the Tree Commission shall have the authority to modify, amend or extend the Avon Lake Arboricultural Specifications and Standards of Practice, with the approval of the city department heads and the Tree Commission, at any time that experience or technology indicates improved methods or whenever circumstances make it advisable. The Council must approve any changes to policy or procedure. Other changes require only notification of Council.~~

(g) The Tree Commission shall develop and maintain a list, found in the Avon Lake Arboricultural Specifications and Standards of Practice, of desirable and undesirable large, medium, and small trees for planting in tree lawns and public places, which shall be used by the Urban Forester in developing the Master Tree Plan.

§ 1018.04 PLANTING OF TREES, SHRUBS, AND HEDGES; ~~AND/OR REMOVAL OF TREES;~~ PERMIT REQUIRED.

(a) ~~Board-controlled places do not require~~ A permit for planting, pruning, maintenance or removal of trees, shrubs or hedges, ~~but said~~ on Board-Controlled Property is not

required, but said board must administratively communicate and receive approval for all activity to from the Urban Forester to preserve current records and maintain biodiversity.

(b) Except as provided in division subsection (a) hereof, of this section, no other person shall plant any tree, shrub or hedge upon any tree lawn or public place without unless he or she shall have first obtaineding a permit in writing from the Urban Forester specifying the size, type, species and location on the tree lawn or public place so to be planted. Approval to plant requires adherence to the specifications set forth in the Avon Lake Arboricultural Specifications and Standards of Practice.

(c) The Urban Forester shall have the authority to deny a permit to any person who proposes to plant any tree or shrub upon a tree lawn or public place of a size, type or species found to be undesirable by the Urban Forester or found to be undesirable for the location proposed, or he or she may deny a permit to any person who proposes to plant any tree, shrub or hedge upon a tree lawn or public place at a location found by the Urban Forester to be of a size or type unsuitable for planting of trees, shrubs or hedges. under the following conditions as determined by the Urban Forester or Tree Commission:

(1) the tree, shrub, or hedge is an undesirable size, type or species.

(2) the tree, shrub, or hedge is undesirable for the location proposed; or

(3) the tree lawn or public place is a size or type unsuitable for planting of trees, shrubs or hedges.

(d) Hereafter, when any tree is planted in a tree lawn or public place and is in conflict with specifications of the Master-street Tree Plan, as found in the Avon Lake Arboricultural Specifications and Standards of Practice, it shall be lawful for the city to request tree, shrub, hedge, or stump removal by the property owner within 30 days.

~~(e) The Tree Commission shall develop and maintain a list, found in the Avon Lake Arboricultural Specifications and Standards of Practice, of desirable and undesirable large, medium, and small trees for planting in tree lawns and public places.~~

(f) Trees planted upon a tree lawn or public place may be removed by the city as necessary to protect the public health, safety, welfare and aesthetics. The Urban Forester may cause the removal of any such tree by using city employees or private contractors under contract with the city. Stump grinding and restoration of tree lawn grass shall take place when trees are replaced or removed.

§ 1018.05 REPLACEMENT OF TREES.

Any person or property owner granted permission to remove a tree from tree lawns or public places for the purpose of construction shall replace the removed tree or trees with a species designated on the Master-street Tree Plan as part of the city's Street Tree Program. The person or property owner shall bear the cost of replacing all trees removed. Projects initiated by the city shall have the replacement costs included in the project costs. Trees

removed by the city or in Board-controlled places are to be replaced **subject to considerations of the location from where the tree was removed.** Replacing trees in the same location is not necessary and sometimes not practical. The city shall only pay for tree replacement when the original tree was part of the city's Street Tree Program funded by the original developer **and within one (1) year of planting.**

§ 1018.06 PRUNING OF TREES.

(a) Every owner of any tree overhanging any public street, sidewalk or right-of-way within the city shall prune the branches of such trees so that the branches will not obstruct or shade any street lights; obstruct the view of traffic signs or street intersection, or obstruct the passage of pedestrians on public sidewalks, **or constitute a menace to the safety of the public.** ~~so that~~ There shall be a clear space of at least 14 feet above the surface of the street or seven feet above the surface of the public sidewalk **to remove a safety threat.**

(b) The city shall have the right to prune any tree or shrub on private property when it interferes with the light from a street light, the visibility of any traffic control device, sign or intersection, obstructs the passage of pedestrians on public sidewalks, or generally obstructs vehicular, bicycle, or pedestrian traffic **such that it constitutes a menace to the safety of the public.**

(c) **Permit Required.** Pruning of public trees by persons other than the city, persons contracted for by the city, or persons approved by the Urban Forester, requires a permit which identifies each tree being pruned and the type of pruning.

(d) **Topping.** No person, ~~firm or city department~~ shall top any public tree. TOPPING is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Public trees that have been severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Urban Forester.

(e) No oak trees (*Quercus spp.*) or chestnut trees (*Castanea spp.*) shall be cut, trimmed or removed between April 1 through December 1 to prevent the further spread of oak wilt (*Bretziella fagacearum*) unless deemed necessary or hazardous after review by the Urban Forester or an emergency exists affecting public health or safety.

§ 1018.07 PRUNING OR REMOVAL OF TREES ON PRIVATE PROPERTY.

(a) The city shall remove all public trees or portions of such trees which are dead, diseased or dangerous to the life, health or safety of pedestrians, vehicular or bicycle traffic, or public property.

(b) The city shall have the right to cause the removal of any dead or diseased tree or portions of such trees on private property within the city, when such trees constitute a serious hazard to the safety of the public.

(c) The city shall have the right to cause the removal of any tree or shrub that harbors insects or disease which constitute a potential threat to other trees or shrubs within the

city. ~~Prior to removal, the Urban Forester or Tree Commission shall notify the owner of any such tree or shrub on private property of the nature of such threat.~~

(1) Within 30 days after the date of service of the notice to remove tree diseased or infested tree or shrub, the owner shall ~~cause~~ **provide the Urban Forester with a Letter of Intent from an arborist who is registered with the city for** the removal of such tree or shrub at the owner's sole expense.

(2) Upon the ~~failure of~~ expiration of the time set forth in (1) above, the owner **has failed** to comply with the notice to remove diseased or infested tree or shrub, the city, its employees or agents, may enter upon the **property** to remove the diseased or infested tree or shrub. ~~and bill the property owner for~~ **The actual cost of the work shall be billed to which shall become an assessment against the property owner and become an assessment against the property until paid.**

(d) No oak trees (*Quercus spp.*) or chestnut trees (*Castanea spp.*) shall be trimmed or removed between April 1 through December 1 to prevent the further spread of oak wilt (*Bretziella fagacearum*) unless deemed necessary or hazardous after review by the Urban Forester or his/her designee or an emergency exists affecting public health or safety.

§ 1018.08 ABUSE AND/OR MUTILATION OF PUBLIC TREES.

(a) Unless specifically authorized by the Urban Forester, no person shall intentionally cause damage to a public tree or to the Critical Root Zone. For purposes of this section, acts causing damage include, but are not limited to: cut or carve; transplant or graft whether above or below ground; or remove; any public tree, attach any rope, wire, nail, advertising, poster or other contrivance; to any public tree, allow any gaseous liquor or solid substance which is harmful to such trees to come in contact with them; or set fire to any public tree or permit any fire to burn when such fire or the heat therefrom will cause injury any portion of any public to the tree; No person shall pour salt water or upon any street or abutting land or a chemical or chemicals upon any street in such a way as to injure any tree planted or growing thereon. The city shall not be restricted in the use of anti-icing materials. This provision shall not apply to the use of anti-icing materials necessary for the safety of persons upon the streets or sidewalks.

(b) No person without the written permission of the Urban Forester shall damage, misuse or remove any device placed to protect or maintain such tree within the public rights-of-way or on public property, except in case of immediate necessity for the protection of life or property.

(c) No person shall change the natural drainage; excavate any ditches, tunnels, or trenches; or lay any drive within the root protection zone of any tree having all or any portion of its trunk in or upon any public property without obtaining a written approval from the Urban Forester and without strictly complying with the provisions of the issued approval and provisions of this chapter.

(d) No person shall attach any electric wire to any tree growing or planted upon public property, including low voltage holiday lighting without the written permission of the

Urban Forester. Every person having any wire charged with electricity running through or across a public street shall securely fasten such wire or wires so that they shall not come in contact so as to injure any tree therein, and shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the Urban Forester, in order to take down or prune any trees growing in a public street, within 24 hours after the owner of such wire, or his agent, has been served a written notice to remove the wire or the electricity therefrom.

1018.09 PROTECTION OF TREES NEAR CONSTRUCTION WORK.

~~—(a) All trees measuring 12 inches DBH (diameter at breast height) or less on tree lawns or public places near any excavation, construction of any building or structure, or street work, soil excavation work or root cutting shall not occur closer than three feet from the outer bark of the tree. For trees measuring greater than 12 inches DBH, soil excavation work or root cutting shall not occur closer than a distance equal to the circumference of the tree measured at a height four feet above ground level or six feet, whichever is less.~~

~~—(b) Trees shall be guarded with a protective device such as a substantial fence, frame or box not less than four feet high and eight feet square or placed at a distance in feet from the tree equal to the diameter of the trunk in inches, measured at a trunk height of approximately four and one-half inches from the ground, (DBH), whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier. The protective device must be structurally sound and capable of protecting the trees from all expected encroachment by debris and machinery associated with said excavation and/or construction.~~

~~—(c) Soil excavation work is permitted closer than the distance parameters established in divisions (a) and (b) of this section provided all excavation of soil is accomplished by hand shovel, air spade or auger, and no roots greater than two inches in diameter are severed.~~

~~—(d) If lateral roots greater than two inches in diameter are encountered, they shall be exposed beyond the excavation limits and an attempt shall be made to bend and relocate the roots without breaking them. If such lateral roots are encountered immediately adjacent to the location of new construction and relocation does not appear practical, the Public Works Director or his or her designee shall be contacted.~~

~~—(e) If, after inspection by the Urban Forester or his or her designee, it is determined that the cutting of roots cannot be avoided, the following standards shall be observed. Roots must be cut sharply and cleanly. The wound shall not be painted or treated. All excavated roots shall be backfilled by hand as soon as possible to prevent drying. If immediate backfilling is not possible, roots shall be covered with peat moss or wet burlap and watered. The tree shall be thoroughly watered by providing the equivalent of one inch of water per week for up to one year at the direction of the Urban Forester or his or her designee.~~

~~—(f) No construction equipment shall be parked and no particulate construction material such as sand, soil or gravel shall be stored on the surface of any unpaved areas within the~~

~~drip line of any public tree without the express permission of the Urban Forester of his or her designee.~~

~~—(g) If the removal of a public tree cannot be avoided, or if a public tree does not survive due to construction activities, the owner of the facility to be constructed shall obtain a permit as specified in § 1018.04 and shall remove the tree at its expense. Said owner shall also plant, at the owner's sole expense, a replacement tree of a size, type and at a location approved by the Tree Commission.~~

~~—(h) No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of ten feet from any public tree without first obtaining a written permit therefore from the Urban Forester.~~

(a) Protected Trees near excavation, construction or demolition of any building or structure, or street work, shall be guarded with a highly visible protective barrier such as a substantial fence, frame, or box which shall not be removed unless or until the Urban Forester authorizes its removal.

(b) The Urban Forester shall review the Tree Protection Plan prior to the beginning of construction. The Urban Forester will perform periodic inspections of the construction site to ensure compliance with the Tree Protection Plan and identify tree damage or other violations not previously report to the Urban Forester by the contractor. Construction may be halted until violations are remedied.

(c) The protective device shall be not less than four feet high and no less than 4 feet from the tree or placed at the greater of the following distances:

(1) ten (10) feet;

(2) the drip line that is at the outermost extent of the branches; or

(3) a distance in feet from the tree equal to the circumference of the trunk in inches (e.g., 12-inch circumference equals a 12-foot distance), measured at DBH)

(d) All building material, dirt or other debris shall be kept outside the barrier to protect the critical root zone of the tree(s). The protective device barrier must be structurally sound and capable of protecting the trees from all expected encroachment of debris and machinery associated with said excavation, construction, demolition, or street work to prevent soil compaction or damage to the tree or the critical root zone.

(e) Tree Protection signs shall be visible and placed every twenty feet within the protection areas.

(f) Soil excavation work is permitted closer than the distance parameters established above provided all excavation of soil is accomplished by hand shovel, air spade or auger, and no roots greater than two (2) inches in diameter are severed.

(g) If lateral roots greater than two (2) inches in diameter are encountered, they shall be exposed beyond the excavation limits and an attempt shall be made to bend and relocate the roots without breaking them. If such lateral roots are encountered immediately adjacent to the location of new construction and relocation does not appear practical, the Urban Forester or designee shall be consulted.

(h) If, after inspection by the Urban Forester or designee, it is determined that the cutting of roots cannot be avoided, the following standards shall be observed:

(1) Roots must be cut sharply and cleanly.

(2) The wound shall not be painted or treated.

(3) All excavated roots shall be backfilled by hand as soon as possible to prevent drying. If immediate backfilling is not possible, roots shall be covered with peat moss or wet burlap and watered.

(4) The tree shall be thoroughly watered by providing the equivalent of one (1) inch of water per week for up to one year at the direction of the Urban Forester or designee.

(i) No construction equipment shall be parked and no particulate construction material such as sand, soil or gravel shall be stored on the surface of any unpaved areas within the drip line of any public tree without the express permission of the Urban Forester or designee.

(j) No storage of chemicals, materials, supplies, construction debris or waste is allowed within the area of the protective barriers.

(k) No fuel storage or washing down concrete or cement handling equipment is permitted on the site. Machinery refueling and maintenance will occur off site.

(l) All grade changes must receive a Grading Permit from the Public Works Department with the approval of the Urban Forester prior to the start of the project to reduce construction activity damage to trees.

(m) If it becomes necessary to cut or prune roots outside the root protection zone during construction, all cuts will be clean cuts perpendicular to the natural growth direction. Roots must be backfilled within an hour of cutting followed by watering of the tree within 24 hours with the equivalent of one inch of rain distributed over the root protection zone.

(n) Any tree pruning needed prior to or during construction to prevent construction related tree damage or equipment clearance must be supervised by an ISA Certified Arborist following ANSI A300 standards.

(o) The Urban Forester shall review the Tree Preservation Plan and contractor performance during daily construction meetings. Enforcement, penalties and mitigation regarding breach of the Tree Preservation Plan should be discussed, understood and captured in construction documents. Any tree damage or injuries should be reported to the Urban Forester as soon as possible.

(p) If the removal of a public tree cannot be avoided, or if a public tree does not survive due to construction activities, the owner of the facility to be constructed shall obtain a permit as specified in Section 1018.08 and shall remove the tree at the owner's expense. Said owner shall also plant, at the owner's sole expense, a replacement tree of a size, type and at a location approved by the Urban Forester.

(q) No person shall excavate any ditches, tunnels or trenches or lay any drive within a distance in feet from the tree trunk equal to 1.5 times the diameter of the trunk in inches, measured at DBH or the radius of ten feet whichever is greater from any public tree without first obtaining a written permit from the Urban Forester.

§ 1018.10 PLACING OF MATERIAL INJURIOUS TO TREES ON PUBLIC PROPERTY.

No person shall deposit, place, store or maintain upon any public place of the city, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permit of the Urban Forester.

§ 1018.11 NOTICED TO CORRECT; SERVICE; NONCOMPLIANCE; REMEDY OF CITY.

The person or property owner shall be provided with written notice of desired action.

(a) Should any person or persons owning real property bordering on a tree lawn or public place fail to maintain trees as provided in this chapter, the Urban Forester shall order such person or persons, within 30 days after receipt of written notice, to comply with the requested maintenance **within thirty days after receipt of written notice.**

(b) The order provided herein shall be served by certified mail at the last known address of the property owner. **If the delivery of the certified mail shall fail for any reason, service of the notice required herein shall be deemed effective upon posting said notice in a conspicuous location upon the property.**

(c) When a person to whom an order is directed shall fail to respond or comply within the specified time, it shall be lawful for the city to perform requested maintenance and assess the property owner for the cost of services rendered.

§ 1018.12 EMERGENCIES.

In the case of officially declared emergencies, such as windstorms, ice storms or other disasters, the provisions of this chapter shall be waived **to the minimal extent possible** so that said provisions will in no way hinder public and/or private work to restore order in the city. Such work shall follow maintenance standards as outlined by the Urban Forester.

Necessary emergency activity for repair of underground utilities to assure landowner services does not require a permit. Any emergency activity which results in damaging, pruning or removal of trees, shrubs, hedges, or other vegetation in a tree lawn or public place must be administratively communicated to the Urban Forester **as soon as practicable**.

§ 1018.13 INTERFERENCE WITH URBAN FORESTER OR AGENT.

No person shall hinder, prevent, delay or interfere with the Urban Forester or their designated representative or agent while such person is engaged in carrying out the provisions of this chapter, provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city.

§ 1018.99 ENFORCEMENT AND PENALTY.

(a) The Urban Forester or designee may issue citation to any person who fails to comply with the provisions of this chapter or who otherwise fails to comply with any legal directive issued by the Urban Forester or designee in furtherance of the requirements of this chapter.

(b) Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined ~~not more than \$100~~ **up to three times market rate value of the former tree and \$1,000** for each offense. A separate offense shall be deemed committed for each seven days of continued violation or noncompliance.

=====

1065.99 ENFORCEMENT AND PENALTY.

(a) The Urban Forester, as defined in § ~~1018.03~~, or **Public Works Director or other persons having jurisdiction hereof**, ~~Urban Forester's designee~~ may issue citations to any person who fails to comply with the provisions of this chapter.

(b) Whoever violates any of the provisions of this chapter ~~is guilty of a minor misdemeanor and shall be fined not more than \$100~~ **\$1,000** for each offense **and shall be liable for a mitigation fee equal to or up to three times the market value of the damaged or destroyed tree to be deposited into the Avon Lake Tree Fund**. A separate offense shall be deemed committed for ~~each~~ **every** seven days of continued violation or noncompliance.

AN ORDINANCE IMPOSING A MORATORIUM ON THE USE OF RESIDENTIAL PROPERTY FOR SHORT-TERM RENTAL AND DECLARING AN EMERGENCY.

WHEREAS, over the last several years, the City of Avon Lake (“City”) has witnessed an increase in the number of residential properties being used as short-term rental properties (“STRPs”) to house transient guests for periods of fewer than thirty (30) days; and

WHEREAS, the City has previously authorized the use of certain residential properties as bed-and-breakfast establishments, subject to certain restrictions and requirements, including location, lot size, activities, capacity, and parking; and

WHEREAS, the City finds that the use of residential properties as STRPs is akin to the use of residential properties as bed-and-breakfast establishments but are not currently regulated or specifically permitted;

WHEREAS, the City is concerned about the number of STRPs within the City and the effects such use has on the City as a whole; the availability of housing stock for long-term residents; the burden on the properties adjoining STRPs; the increase of noise, traffic, and disturbances of the peace; lack of owner supervision; and the ability of the City to exercise appropriate oversight to promote the health, safety, and welfare of the residents of the City, as well as persons who use such properties; and

WHEREAS, the City is in the process of adopting comprehensive legislation to regulate the use of residential properties as STRPs to further the City’s interest in the health, safety, and general welfare of the City and its constituents; and

WHEREAS, pursuant to the Ohio Constitution and the Charter of the City of Avon Lake, the City has powers of local self-governance to enact ordinances governing the operation and placement of business and the zoning and use of property within its borders as may be found necessary or desirable to promote the public health, safety, morals, convenience, and the general welfare of the community; and

WHEREAS, until such time as the City has adopted legislation to regulate the use of residential properties as STRPs, Council has determined that a moratorium of six (6) months should be imposed upon the new use of any residential property as a STRP on and after the date of this ordinance; and

WHEREAS, the moratorium imposed herein is not intended to be and shall not operate as a moratorium on any properties being operated as STRPs prior to the effective date of this ordinance, provided that the use of such properties as STRPs must be demonstrated to the satisfaction of Council and such operation is in full

compliance with all other ordinances currently in effect in the City; and

WHEREAS, as set forth in Section 10 of the Avon Lake City Charter, this Council, by a vote of at least two-thirds of its members, determines that this Ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby imposes a moratorium of ~~six (6) months~~ **for up to ninety (90) days** from the effective date of this Ordinance **or upon the adoption of the Short-Term Rental Properties Ordinance** whichever shall first occur upon the new use of residential property as short-term rental property, and no person may offer, list, advertise, or otherwise promote the use of any residential property as a short-term rental property when such use did not exist prior to the date of this Ordinance.

Section No. 2: That properties being used as short-term rental properties prior to the date of this Ordinance are not affected by and may continue to operate as short-term rental properties, provided that the owner of such property can demonstrate the use of that property as a short-term rental property prior to the date of this Ordinance and such use is otherwise in full compliance with all applicable City Ordinances and generally applicable health, building, and safety codes.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

1st reading: 6/23/2025

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____
Clerk of Council

Mayor



**CITY OF AVON LAKE
PLANNING COMMISSION
150 Avon Belden Road
Avon Lake, Ohio 44012
(440) 930-4110**

MEMORANDUM

TO: Valerie Rosmarin, Clerk of Council

FROM: Kelly La Rosa, Planning and Zoning Manager

DATE: July 2, 2025

RE: Planning Commission Meeting Results of July 1, 2025

The results of the July 1, 2025, Planning Commission Meeting follow:

New Cases

Case No. CPC-25-9, Pulte Homes of Ohio, LLC, Major Subdivision - Preliminary Plan Approval for Harbor Crest Townhomes, a 73-unit townhome subdivision located at the southeast corner of Walker Road and Avon-Belden Road (SR 83).

Applicable Code: §1214.05: Major Subdivision and §1238: Subdivision Design Standards

Decision: Tabled (7-0)

Reason for Tabling: The Commission requested the applicant return with:

1. A revised entry layout on Avon-Belden Road addressing alignment, spacing, and left-turn lane options.
2. Clarification on the status and treatment of the southern stub street, including HOA access considerations.
3. Confirmation that the revised plans will be reviewed by the Development Review Committee before resubmission.

This application will be reconsidered at the next regular Planning Commission meeting.

OTHER BUSINESS

Proposed Right-of-Way Vacations – Electric Boulevard:

A proposal to vacate portions of the Electric Boulevard right-of-way adjacent to properties owned by Anthony and Kimberly Calabrese and the Smugglers Cove Condominium Complex No. 4. Applicable Code: §1216.03 (c) Zoning District Map and District Boundaries, Vacation of Public Rights-of-Way

Decision: Recommended for Approval (6-0) with Mr. Smith abstaining.

This application will be forwarded to the City Council for approval.

Proposed Right-of-Way Vacation – Shields Avenue and Electric Boulevard

A proposal by Avon Lake Regional Water to vacate a portion of the Shields Avenue and Electric Boulevard right-of-way for operational purposes.

Applicable Code: §1216.03 (c) Zoning District Map and District Boundaries, Vacation of Public Rights-of-Way apply.

Decision: Recommended for approval (7-0).

This application will be forwarded to City Council for approval.

Next Meeting

The next regular Planning Commission Meeting is scheduled for Tuesday, August 5, 2025.

cc: City Council Members
Department Heads

THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
Tasimon@windstream.net

April 28, 2025
Job No. 2025-012

10' Underground
Easement Description

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being known as part of Original Avon Township Section No. 6, and being further bounded and described as follows:

Beginning at a mag nail set at the intersection of the centerlines of Miller Road (60 fee wide) and Electric Boulevard (60 feet wide);

Thence, South 72 degrees 32'35" West a distance of 482.45 feet along the centerline of said Electric Boulevard, to an iron pin set thereon;

Thence, North 17 degrees 27'25" West a distance of 20.00 feet to a point being the Principal Place of Beginning;

Thence, South 72 degrees 32'35" West a distance of 151.93 feet to a point;

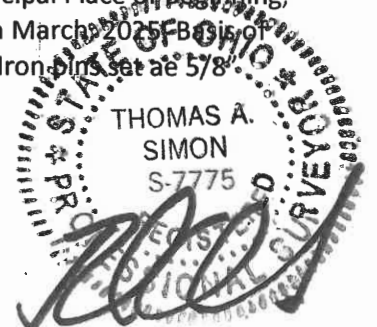
Thence, South 17 degrees 27'25" East a distance of 50.00 feet to a point on the Northerly line of Smugglers Cove Condominium Complex No. 4 as recorded in Plat Volume 29 Page 58 of Lorain County Map Records;

Thence, South 72 degrees 32'35" West a distance of 10.00 feet along said Northerly line of Smugglers Cove Condominium Complex No. 4, to a point thereon;

Thence, North 17 degrees 27'25" West a distance of 60.00 feet to a point on the Westerly prolongation of the Northerly line of said Electric Boulevard;

Thence, North 72 degrees 32'35" East a distance of 161.93 feet along said Westerly prolongation of the Northerly line of said Electric Boulevard, to an iron pin set;

Thence South 17 degrees 27'25" East a distance of 10.00 feet to the Principal Place of Beginning, as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2025. Basis of bearings is the centerline of Electric Boulevard (South 72 degrees 32'35" West). Iron pins set at 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".



THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
Tasimon@windstream.net

April 28, 2025
Job No. 2025-012

Boundary Description
Parcel No. 1
Area to be Vacated
0.1505 Acres

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being known as part of Original Avon Township Section No. 6, and being further bounded and described as follows:

Beginning at a mag nail set at the intersection of the centerlines of Miller Road (60 fee wide) and Electric Boulevard (60 feet wide);

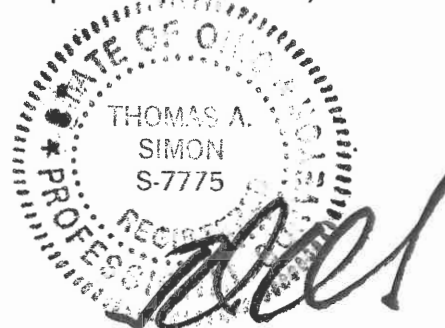
Thence, South 72 degrees 32'35" West a distance of 482.45 feet along the centerline of said Electric Boulevard, to an iron pin set thereon, being the Principal Place of Beginning;

Thence continuing South 72 degrees 32'35" West a distance of 223.00 feet along the centerline of Electric Boulevard, to a 5/8" iron pin found set thereon, being a point on the Easterly line of 216 Miller Road, LLC by deed recorded in document no. 20200753951 of Lorain County Recorder's Records on March 23, 2020;

Thence, North 00 degrees 52'06" West a distance of 31.30 feet along the Easterly line of said land conveyed to 216 Miller Road, LLC, to an iron pin set thereon, being a point on the Northerly line of said Electric Boulevard;

Thence, North 72 degrees 32'35" East a distance of 214.06 feet along the Northerly line of Electric Boulevard, to an iron pin set thereon;

Thence, South 17 degrees 27'25" East a distance of 30.00 feet to the Principal Place of Beginning, containing 0.1505 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2025. Basis of bearings is the centerline of Electric Boulevard (South 72 degrees 32'35" West), Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".



THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
Tasimon@windstream.net

April 28, 2025
Job No. 2025-012

Boundary Description
Parcel No. 2
Area to be Vacated
0.1567 Acres

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being known as part of Original Avon Township Section No. 6, and being further bounded and described as follows:

Beginning at a mag nail set at the intersection of the centerlines of Miller Road (60 fee wide) and Electric Boulevard (60 feet wide);

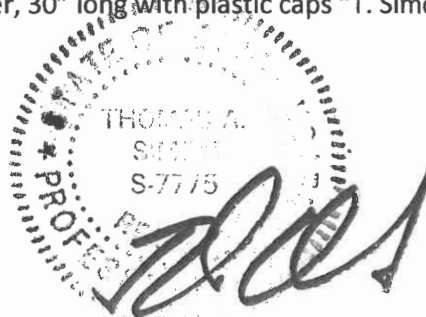
Thence, South 72 degrees 32'35" West a distance of 482.45 feet along the centerline of said Electric Boulevard, to an iron pin set thereon, being the Principal Place of Beginning;

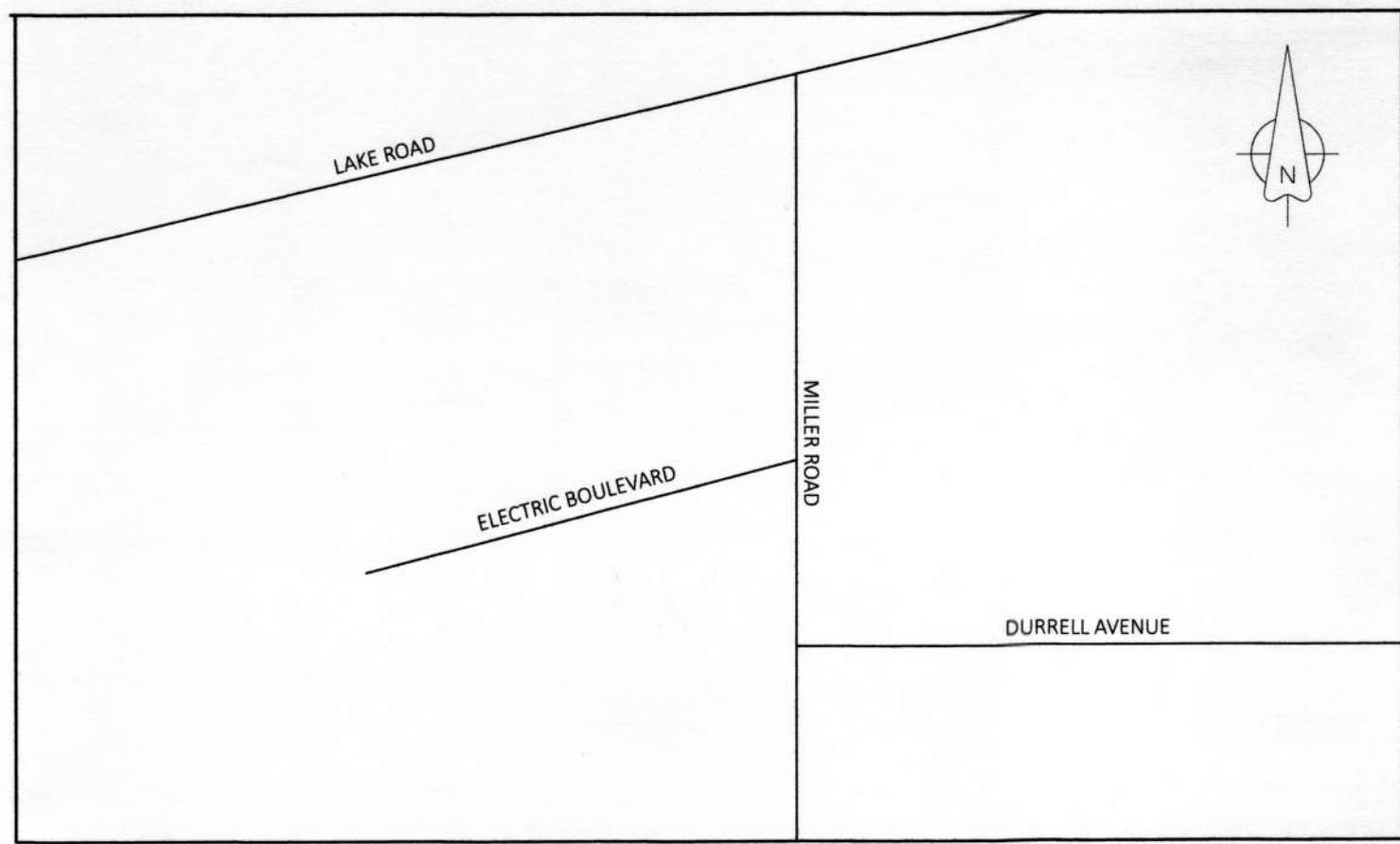
Thence continuing South 72 degrees 32'35" West a distance of 223.00 feet along the centerline of Electric Boulevard, to a 5/8" iron pin found set thereon, being a point on the Easterly line of 216 Miller Road, LLC by deed recorded in document no. 20200753951 of Lorain County Recorder's Records on March 23, 2020;

Thence, South 00 degrees 52'06" East a distance of 31.30 feet along the Easterly line of said land conveyed to 216 Miller Road, LLC, to an iron pin set thereon, being a point on the Southerly line of said Electric Boulevard also the Northerly line of land conveyed to Smugglers Cove Condominium Complex No. 4 as recorded in Plat Volume 29 Page 58 of Lorain County Map Records;

Thence, North 72 degrees 32'35" East a distance of 231.93 feet along said Electric Boulevard and the Northerly line of land conveyed to Smugglers Cove Condominium Complex No. 4, to an iron pin set thereon;

Thence, North 17 degrees 27'25" West a distance of 30.00 feet to the Principal Place of Beginning, containing 0.1567 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2025. Basis of bearings is the centerline of Electric Boulevard (South 72 degrees 32'35" West), Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".





VICINITY MAP
N.T.S.

LEGEND

- MONUMENT BOX
- IRON PIN/PIPE FOUND
- IRON PIN SET
- REC. RECORD
- C/L CENTERLINE

SURVEYOR'S CERTIFICATION

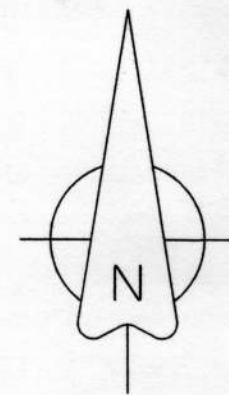
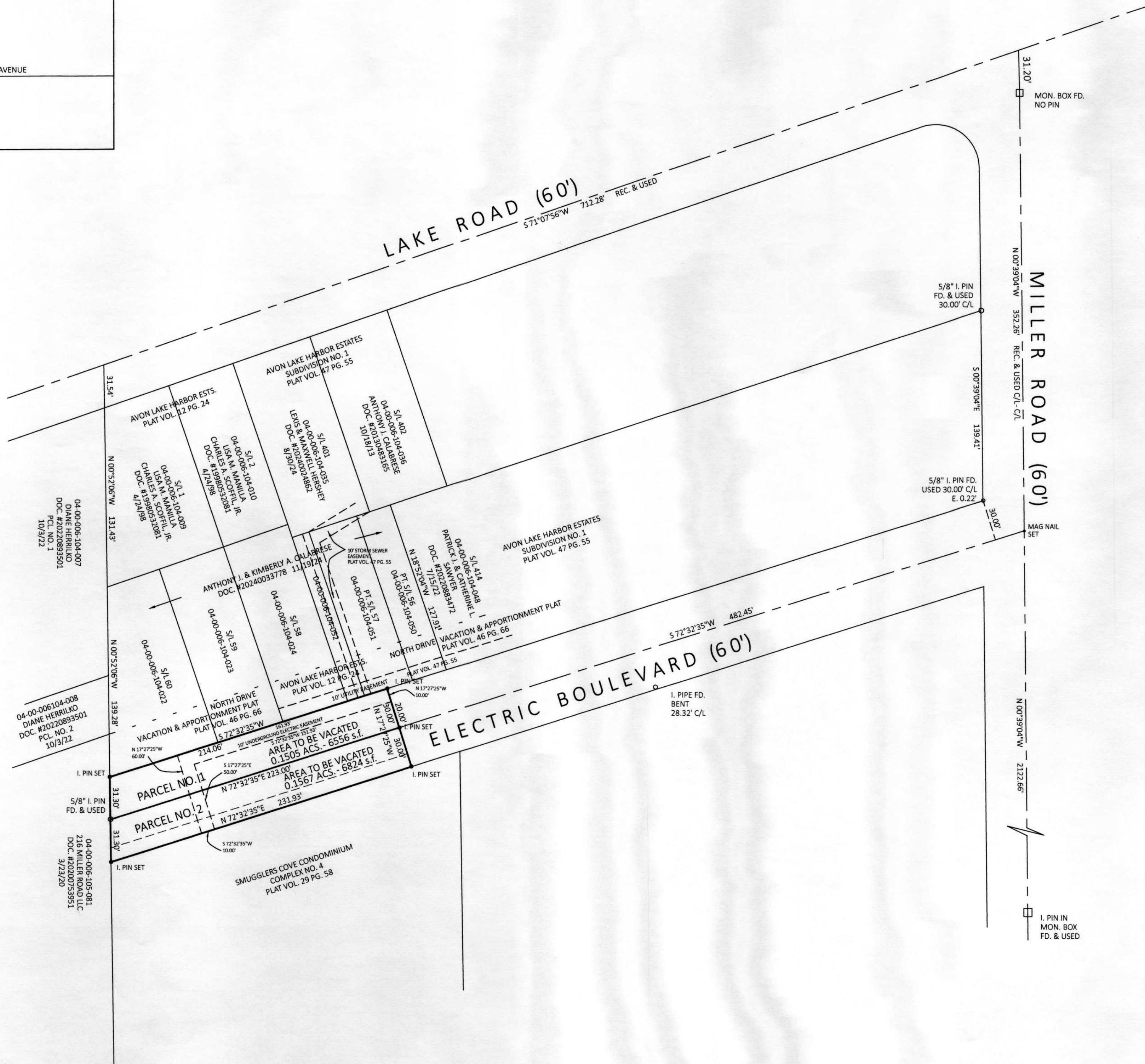
I HEREBY CERTIFY THAT I HAVE SURVEYED THE LANDS SHOWN ON THIS PLAT, THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND THE VACATION THEREOF. DIMENSIONS SHOWN ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. ALL BEARINGS ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DESCRIBE ANGLES ONLY. PERMANENT MONUMENTS WERE FOUND OR SET AS INDICATED HEREON, ALL OF WHICH I CERTIFY TO CORRECTLY LOCATE.

Thomas A. Simon 5/19/25
THOMAS A. SIMON, REGISTERED
PROFESSIONAL SURVEYOR NO. S-7775

BASIS OF BEARINGS IS THE CENTERLINE OF ELECTRIC BOULEVARD (SOUTH 72°32'35" WEST). IRON PINS SET ARE 3/4" DIAMETER, 30" LONG WITH PLASTIC CAPS "T. SIMON, S-7775".

THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
TASIMON@WINDSTREAM.NET



ENGINEER'S CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION PLAT OF ELECTRIC BOULEVARD AND FIND THE BOUNDARIES OF THE VACATED LANDS TO BE SUFFICIENTLY DEFINED.

DATE: _____
CITY OF AVON LAKE, ENGINEER

PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS VACATION PLAT OF A PORTION OF ELECTRIC BOULEVARD HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF AVON LAKE ON THE _____ DAY OF _____, 2025.

DATE: _____
PLANNING COMMISSION SECRETARY

CITY COUNCIL

THIS IS TO CERTIFY THAT THIS VACATION PLAT OF A PORTION OF ELECTRIC BOULEVARD HAS BEEN ACCEPTED FOR VACATION BY THE COUNCIL OF THE CITY OF AVON LAKE BY ORDINANCE NO. _____, PASSED THE _____ DAY OF _____, 2025.

DATE: _____
VALERIE ROSMARIN, MMC
CLERK OF COUNCIL

LAW DIRECTOR

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION PLAT OF A PORTION OF ELECTRIC BOULEVARD AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE.

DATE: _____
GARY EBERT, LAW DIRECTOR
CITY OF AVON LAKE

VACATION PLAT
OF A PORTION OF
ELECTRIC BOULEVARD

BEING KNOWN AS PART OF
ORIGINAL AVON TOWNSHIP
SECTION NO. 6

CITY OF AVON LAKE COUNTY OF LORAIN
STATE OF OHIO

MARCH, 2025 SCALE: 1" = 50'



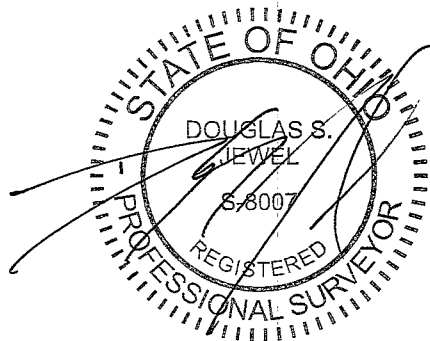
Cunningham & Associates, Inc.

Civil Engineering & Surveying
203 W. Liberty St., Medina, Oh 44256
Phone: (330) 725-5980 * Fax (330) 725-8019

Legal Description for Sublot 3
Project No. 25-104
May 15, 2025

Situated in the City of Avon Lake, County of Lorain, State of Ohio and being known the whole of Sublot 3, as shown by plat for Avon Lake Regional Water Administration Subdivision No. 3 as recorded in Instrument Number 2025-_____ (Plat Volume ____, Page ____)
of the Lorain County Recorder's Records, containing 4.5176 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in May 2025.





Cunningham & Associates, Inc.

Civil Engineering & Surveying

203 W. Liberty St., Medina, Oh 44256

Phone: (330) 725-5980 * Fax (330) 725-8019

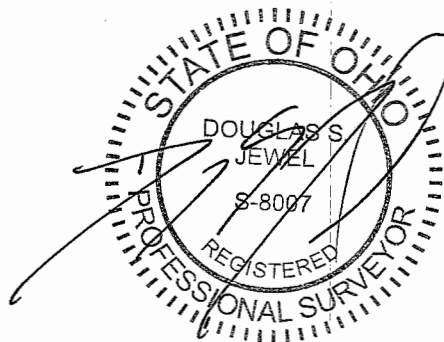
Legal Description for Sublot 4

Project No. 25-104

May 15, 2025

Situated in the City of Avon Lake, County of Lorain, State of Ohio and being known the whole of Sublot 4, as shown by plat for Avon Lake Regional Water Administration Subdivision No. 3 as recorded in Instrument Number 2025-_____ (Plat Volume ____, Page ____)
of the Lorain County Recorder's Records, containing 31.9928 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

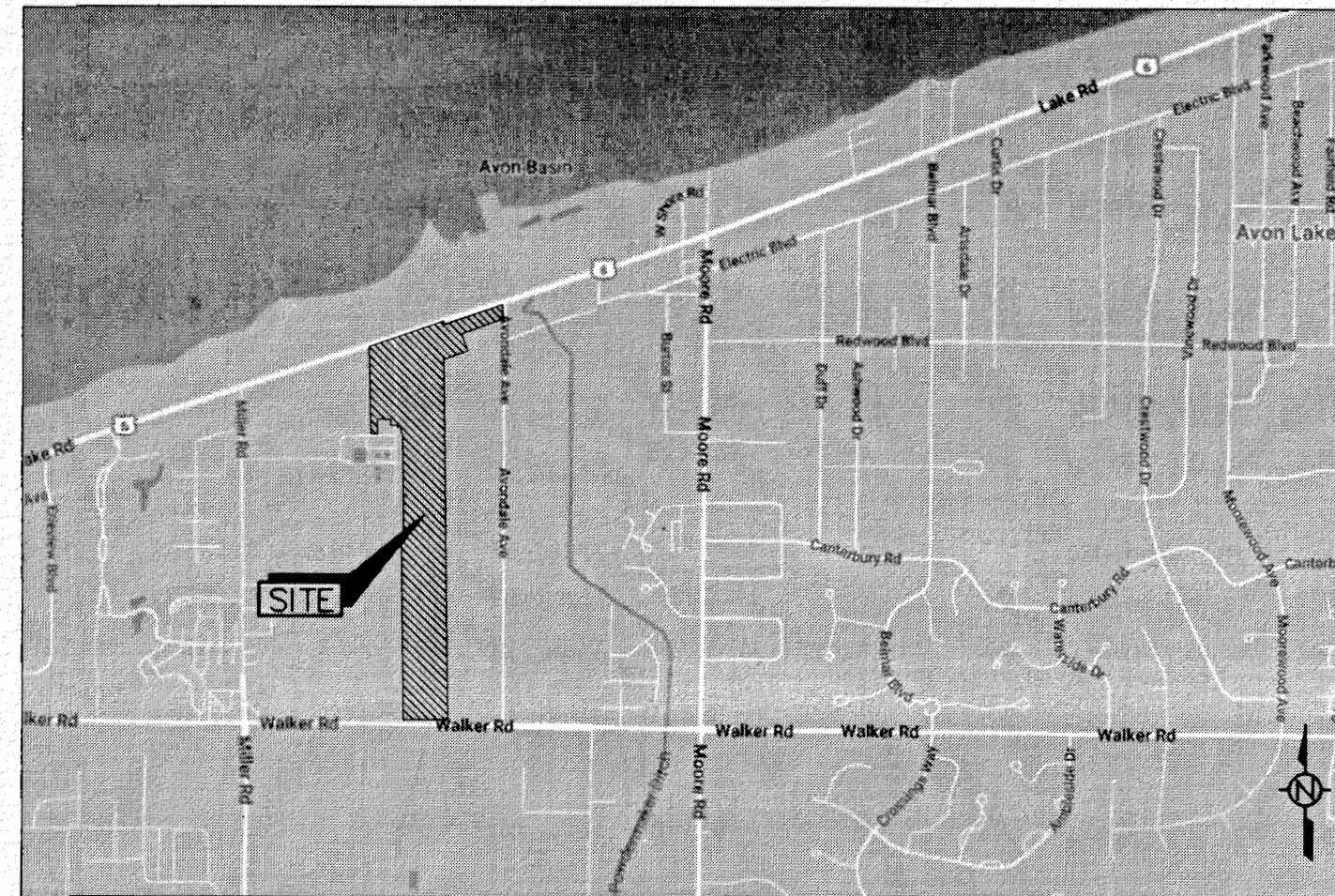
This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in May 2025.



AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

BEING A RE-SUBDIVISION OF VACATED PORTION PER ORDINANCE _____ OF PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD,
SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND THE STATE OF OHIO, BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 6

PLANS PREPARED BY:
CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 (330) 725-5980



LOCATION MAP

ACCEPTANCE:

KNOW ALL MEN BY THESE PRESENTS, THAT WE THE UNDERSIGNED, OWNER OF THE LANDS AND LANDS ADJACENT TO THE VACATED RIGHTS-OF-WAYS DESCRIBED HEREIN, DO HEREBY ASSENT TO AND ADOPT THE VACATION AND CONSOLIDATION OF THE SAME, ACKNOWLEDGE THAT THE SAME WAS MADE AT OUR REQUEST AND AUTHORIZE ITS RECORDING.

CITY OF AVON LAKE

MARK SPAETZEL, MAYOR _____ DATE _____

VALERIE ROSMARIN, CLERK OF COUNCIL _____ DATE _____

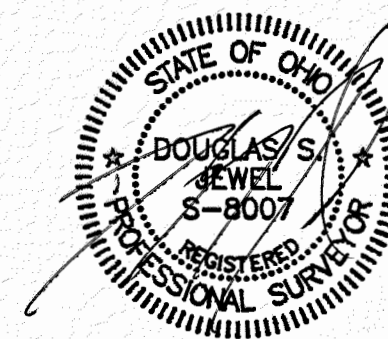
COUNTY _____)
STATE OF OHIO) S.S.

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED MARK SPAETZEL, MAYOR AND VALERIE ROSMARIN, CLERK OF COUNCIL WHO ACKNOWLEDGED THE MAKING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE OUR OWN FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO THIS _____ DAY OF _____, 2025.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

ACREAGE

SUBLOT 3	4.5176 Ac.
SUBLOT 4	31.9928 Ac.
TOTAL	36.5104 Ac.



CERTIFICATION:

I HEREBY CERTIFY THIS DRAWING TO BE OF A SURVEY MADE BY ME AND/OR UNDER MY DIRECT SUPERVISION AND TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS ARE REFERENCED TO AN ASSUMED MERIDIAN AND ARE USED TO INDICATE ANGLES ONLY.

[Signature]
P.S. #8007 15 MAY 2025
DOUGLAS S. JEWELL, OHIO PROFESSIONAL SURVEYOR S-8007 DATE

ENGINEER'S CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS VACATION AND CONSOLIDATION PLAT.

CITY ENGINEER _____ DATE _____

APPROVALS:

THIS IS TO CERTIFY THAT THIS VACATION AND CONSOLIDATION PLAT IN AVON LAKE HARBOR ESTATES HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF AVON LAKE ON THIS _____ DAY OF _____, 2025.

PLANNING COMMISSION SECRETARY _____ DATE _____

LAW DIRECTOR:

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION AND CONSOLIDATION PLAT AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES ON THE CITY OF AVON LAKE, OHIO.

CITY OF AVON LAKE LAW DIRECTOR _____ DATE _____

CITY COUNCIL:

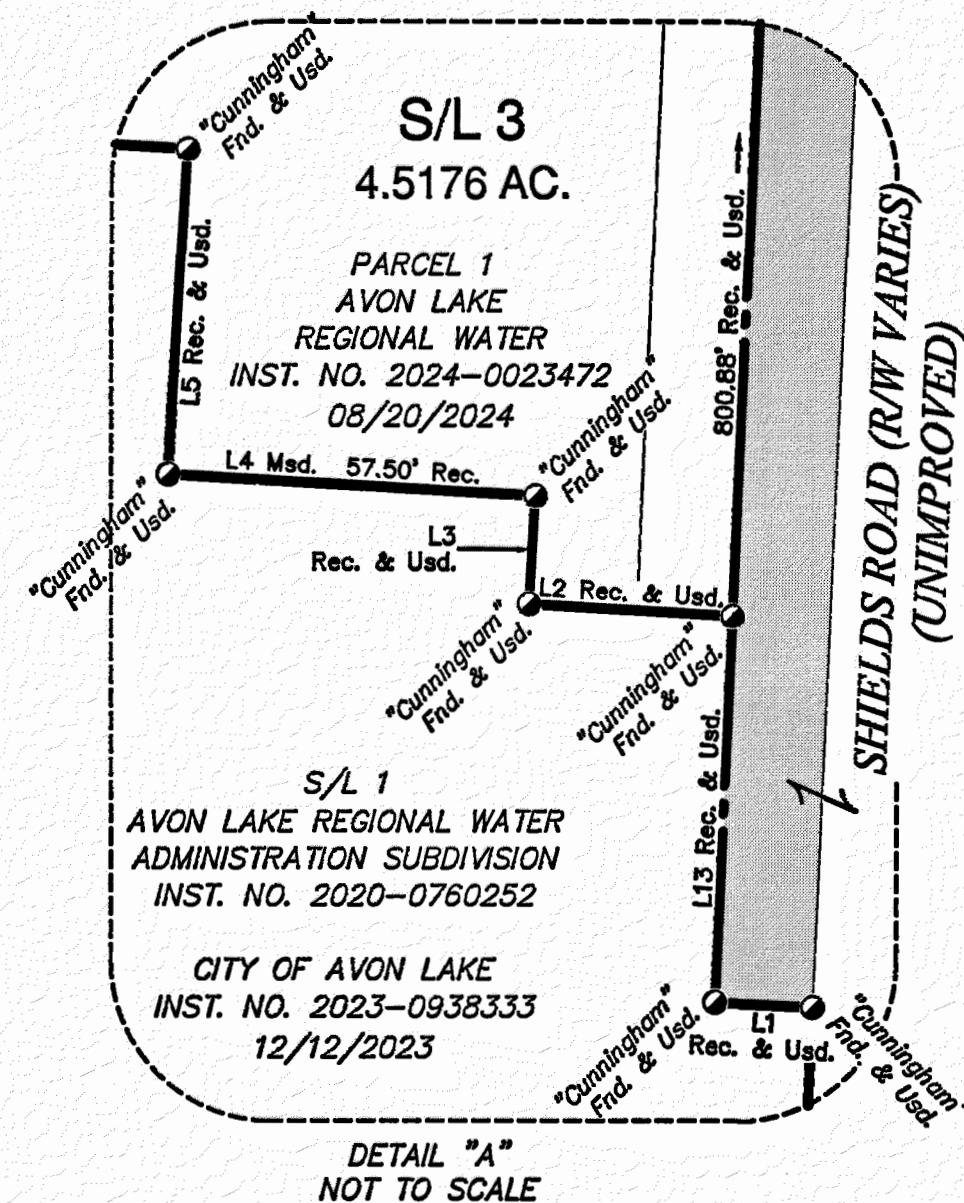
THIS IS TO CERTIFY THAT THIS VACATION AND CONSOLIDATION PLAT HAS BEEN APPROVED AND THAT PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD AS SHOWN HEREON HAS BEEN ACCEPTED FOR VACATION BY THE COUNCIL OF AVON LAKE, OHIO BY

ORDINANCE NO. _____ PASSED THIS _____ DAY OF _____, 2025.

CLERK OF COUNCIL _____ DATE _____

AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

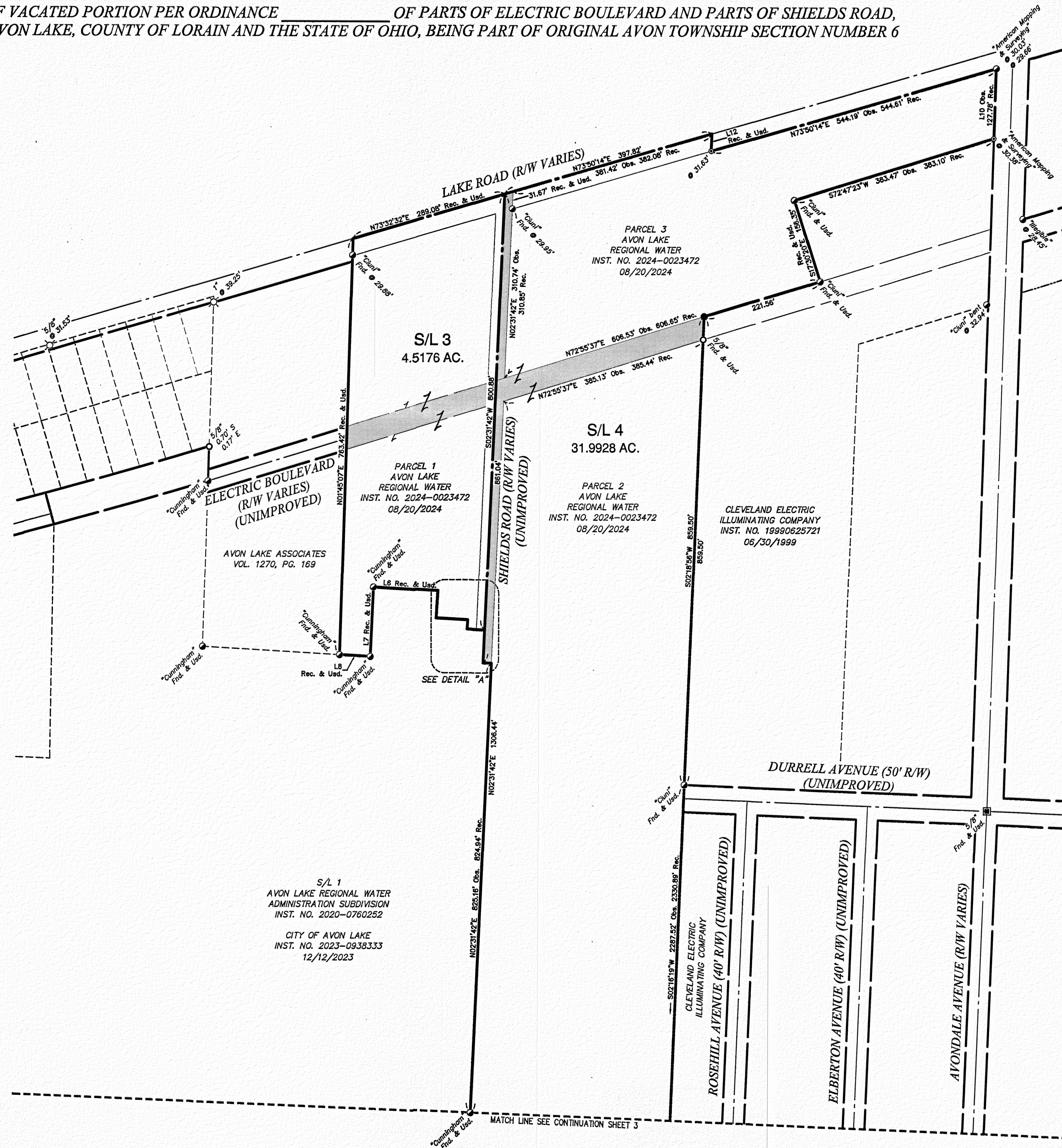
BEING A RE-SUBDIVISION OF VACATED PORTION PER ORDINANCE _____ OF PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD,
SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND THE STATE OF OHIO, BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 6



Line Table		
Line #	Direction	Length
L1	N87°28'18"W	15.15
L2	N86°40'45"W	32.00
L3	N03°33'26"E	16.83
L4	N86°40'29"W	57.57
L5	N03°19'15"E	50.61
L6	N86°40'45"W	117.52
L7	S02°31'39"W	127.61
L8	N86°40'45"W	56.95
L9	S87°34'27"E	15.00
L10	S01°52'15"W	127.68
L11	N02°25'33"E	124.27
L12	S02°20'04"W	31.63
L13	N02°31'42"E	60.16



Scale: 1" = 100'
BEARINGS ARE TO AN ASSUMED MERIDIAN
AND ARE USED TO DENOTE ANGLES ONLY.

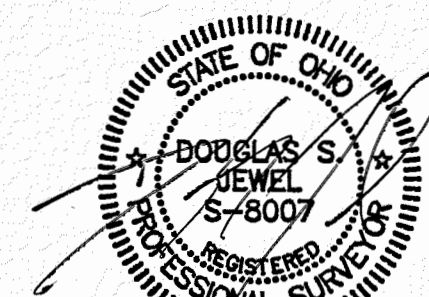


REFERENCE:
LORAIN COUNTY ENGINEER'S SURVEY RECORDS
43391 36040
40029 21143
39195

LORAIN COUNTY RECORDER'S RECORDS
AVON LAKE REGIONAL WATER ADMINISTRATION
SUBDIVISION 2020-0760252 (PLAT VOL. 108, PG. 05)
AUDITOR'S REVISED PLAT OF SUBLOTS 195-201, 255-260
IN AVON LAKE HARBOR ESTATES SUBDIVISION
PLAT VOL. 80, PG. 31
AVON LAKE HARBOR ESTATE
PLAT VOLUME 12, PAGE 24
AVON LAKE REGIONAL WATER ADMINISTRATION NO. 2
2025-

DEEDS AS LISTED HEREON

LEGEND:
Fnd. - FOUND
Msd. - MEASURED
Obs. - OBSERVED
Rec. - RECORD
Usd. - USED
Calc. - CALCULATED
● - 5/8" IRON PIN FND. W/CAP
● - 5/8" IRON PIN SET W/CAP STAMPED CUNNINGHAM
○ - IRON PIN FND. (NO CAP)
■ - MONUMENT BOX W/ IRON PIN FND.
X - IRON PIPE FND.
⊙ - MAG NAIL FND.
▬ - RIGHT-OF-WAY TO BE VACATED



AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

LOCATED IN
COUNTY OF LORAIN
STATE OF OHIO

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

DRAWN BY: SG
DATE: 05/15/2025
CHECKED BY: DSJ
DATE: 05/15/2025
PROJECT No.
25-104
ACAD FILE No.
25-104_PLAT_01
SCALE: 1"=100'

SHEET NO.

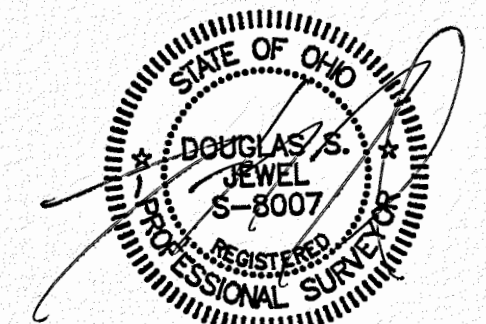
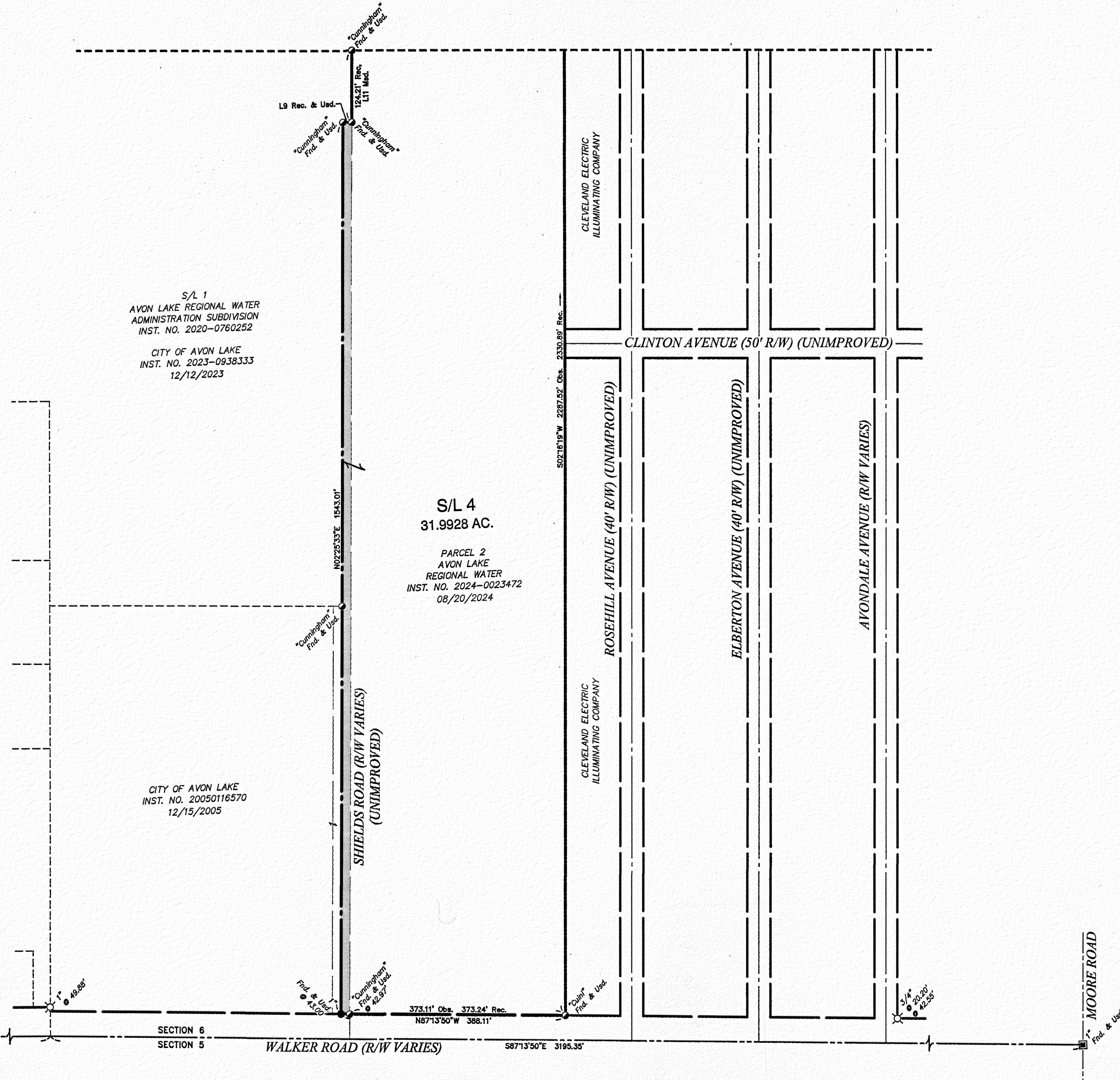
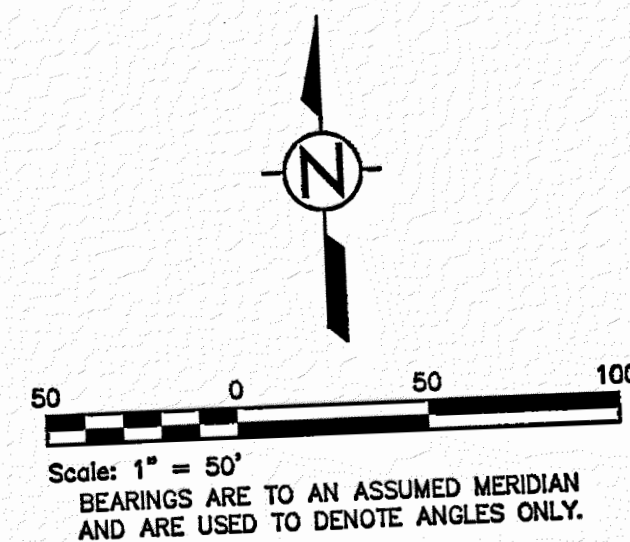
2
3

AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

BEING A RE-SUBDIVISION OF VACATED PORTION PER ORDINANCE _____ OF PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD,
SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND THE STATE OF OHIO, BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 6

LEGEND:

- Fnd. - FOUND
Msd. - MEASURED
Obs. - OBSERVED
Rec. - RECORD
Usd. - USED
Calc. - CALCULATED
- - 5/8" IRON PIN FND. W/CAP
● - 5/8" IRON PIN SET W/CAP STAMPED CUNNINGHAM
○ - IRON PIN FND. (NO CAP)
■ - MONUMENT BOX W/ IRON PIN FND.
⊗ - IRON PIPE FND.
⊙ - MAG NAIL FND.
- ▬ - RIGHT-OF-WAY TO BE VACATED



AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

DRAWN BY: SG
DATE: 05/15/2025
CHECKED BY: DSJ
DATE: 05/15/2025
PROJECT No.
25-104
ACAD FILE No.
25-104_PLAT_01
SCALE: 1"=100'

SHEET NO.
3

AMERICAN LEGAL RECODIFICATION

Recodification Project Summary

On March 27, 2020, Council authorized a contract with American Legal Publishing to recodify the City's Codified Ordinances. The Project was subsequently suspended due to the COVID-19 pandemic. Work resumed in 2022, with the Law Director, the Clerk of Council, and Department Heads conducting a thorough review of the Code. Recommendations and updates were compiled to assist American Legal in their legal and editorial research, and supporting documents were submitted in June 2023.

In January 2024, American Legal provided the City with a preliminary draft of the updated Code and its Legal and Editorial Report. The Law Director and Clerk of Council reviewed the report and submitted commentary and revisions in November 2024. The final Code of Ordinances was delivered to the City in March 2025.

The Project included the following:

1. Scope of Work:

- The code was reorganized and updated.
- Reserved and repealed sections were removed.
- Cross-references and formatting were standardized.
- Statutory updates were applied where applicable.

2. City Action Items:

- Respond to specific editorial questions (e.g., terminology consistency, outdated references).
- Provide copies of ordinances passed after **Ord. 23-111 (June 12, 2023)**.
- Confirm or revise outdated numerical values (fines, fees, etc.) in various code sections.
- Decide on updates to sections referencing repealed or amended state/federal laws.

3. Legal Consistency:

- Numerous references to outdated or repealed Ohio statutes and administrative codes were flagged.
- Suggestions were made to update citations and clarify legislative histories.
- Several sections were recommended for deletion or revision due to constitutional concerns or redundancy.

4. Formatting and Style:

- The code was reformatted to a single-column layout.
- The § symbol was added to section titles.

- Definitions were left unnumbered.
 - Non-standard formatting choices were noted and require city approval.
-

The legal risks identified in the Avon Lake Legal and Editorial Research and Report primarily stem from outdated, inconsistent, or potentially unconstitutional provisions in the city's code. Here are the key categories of legal risk:

1. Unconstitutional or Legally Vulnerable Provisions

- **§ 636.20 - Minors' Curfew:** The current language may be unconstitutional due to overbreadth. Courts have ruled that curfews must allow for exceptions like work, religious activities, and First Amendment rights. The report recommends adding a list of exemptions to avoid legal challenges.
- **§ 636.08 - Criminal Child Enticement:** This section was deleted because it was found unconstitutional in 2014. Keeping or reintroducing it could expose the city to litigation.

2. Outdated or Repealed Statutory References

Numerous sections reference repealed or renumbered state and federal laws, which could:

- Lead to enforcement based on invalid legal authority.
- Create confusion or misapplication of the law.
- Undermine the credibility and enforceability of the code.

Examples include:

- **§ 222.01:** References repealed R.C. § 731.25.
- **§ 232.06:** Cites obsolete R.C. § 1351.4(e) and R.C. § 1705.01(D).
- **§ 298.03:** References R.C. § 2903.20, which relates to criminal offenses, not court fees.
- **§ 810.01:** Cites R.C. § 4731.29, repealed in 2017.

3. Inconsistent or Ambiguous Terminology

- Titles like "City Clerk" vs. "Clerk of Council," "Arborist" vs. "Urban Forester," and "Zoning Administrator" vs. "Code Administrator" are used inconsistently.
- This can cause confusion in enforcement, interpretation, and legal proceedings.

4. Fireworks and Dangerous Substances

- **§ 672.03 - Fireworks:** The section may not reflect recent changes in Ohio law, including expanded consumer use and local regulation authority. Outdated language could lead to improper enforcement or liability.
- **§ 660.07 - Junk Vehicles and § 660.14 - Environmental Emergencies:** These are based on very old ordinances and may not align with current environmental or public safety standards.

5. Administrative Code Citations No Longer Valid

- Many references to the Ohio Administrative Code (O.A.C.) are obsolete or incorrect, especially in the **Building and Housing Code** (e.g., § 1410.02, § 1410.06).
- This creates a risk that enforcement actions could be challenged for relying on non-existent or outdated legal standards.

6. Conflict of Interest and Ethics

- **Chapter 254 - Conflicts of Interest:** Marked as outdated and potentially inconsistent with current Ohio ethics laws. Failure to update could result in noncompliance with state ethics requirements.

7. Failure to Update for Statutory Changes

- Sections with local ordinance histories (e.g., § 612.02 on underage alcohol sales) are not automatically updated by American Legal Publishing. If not manually updated, they may conflict with current state law.

LEGAL AND EDITORIAL RESEARCH AND REPORT
AVON LAKE, OHIO
AMERICAN LEGAL PUBLISHING

Introduction

SAMPLE OF WORK PRODUCT WITH AMERICAN LEGAL

This report has been created in conjunction with the preparation of a preliminary manuscript of the code of ordinances for the city of Avon Lake, Ohio, and is intended to assist in the review of the preliminary manuscript of your code. It describes editorial decisions made in creating the manuscript and provides a list of questions which need to be addressed by the city.

Please note that any questions of a legal nature contained in this report should be addressed to your Law Director . This editorial report should not be considered as a substitute for the competent advice of your Law Director, and we are in no way assuming the role of attorney for the city.

Upon receipt of your answers to the following comments, we will be able to complete production of your new code. The contractual review period (during which the city is to review the preliminary manuscript and respond to this report) is **60 DAYS** following the receipt of this report, which would make **your responses due no later than March 18, 2024**. Please feel free to make changes and suggestions to the preliminary manuscript in addition to those discussed in the following comments. Upon receipt of your responses, we will finish and ship the first edition of the code to you within ten to twelve weeks. If you will need to extend this review period, please let us know.

Also, remember that the "preliminary" manuscript is for review purposes only. An index will be inserted in the final version of the code. The final code will also contain tab dividers before each part, the index, and the parallel reference tables and will be printed on white paper.

The contract price is \$ 21,850 for a code with an estimated 1,300 pages, single column, 12 point Times New Roman font, plus Traffic and General Offenses sections. The actual page count, minus an index but including a preliminary parallel reference table, is 982 pages, plus 636 pages for the Traffic and General Offenses sections,(of which 112 pages contained the city's own material), for a total of 1,618 pages. We estimate the index being 100 to 120 pages. Any pages in excess of the estimated page count will be charged in accordance with your contract.

General Comments

- 1) Most comments in this report require only a "yes" or "no" response. Please note that if you do not supply a response to a particular comment, we will simply retain the code section as currently edited unless otherwise indicated in this report.

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Editorial Report

Avon Lake, Ohio

Page 2

- 2) In order to complete your new code, we need the following items:
- a) Your responses to this report, which may be marked directly on this report;
 - b) A copy of each new ordinance passed since Ord. 23-111, passed 6-12-23, which is the last one included in your draft manuscript; and
 - c) Any other changes you wish to make, which may be marked directly on your blue draft manuscript or on a separate sheet of paper.
- 3) Please review carefully the following sections, which contain fines, numbers, percents and/or other numerical amounts that are more than five years old. Please ensure that these amounts are current and specify any changes you wish to make. Please be sure to reference any section number and where appropriate, division to which any needed changes apply. Unless otherwise instructed by you, all such quantities, amounts and the like shall remain as they are currently edited.
- 2: 210.01; 232.03; 232.06; 254.99; 298.03;
- 4: 440.01; 452.04; 452.16; 454.10;
- 6: 612.02; 618.19; 618.21;
- 8: 810.99; 830.99; 844.02; 850.99; 882.02;
- 10: 1010.03; 1010.99; 1014.99; 1024.99; 1048.99; 1052.99; 1058.99; 1060.99; 1061.18; 1065.10; 1070.99; 1090.11; 1096.99; 1098.20; 1098.99; 1052.07
- 12: none; new zoning from 2021;
- 14: 1410.99; 1438.08; 1438.99; 1464.04; 1464.05; 1464.99; 1468.99; 1480.99; 1490.99;
- 16: 1608.99. 1438.08

Key to the following Comments: (1) ~~language suggested to be deleted~~ (2) suggested new language (3) an ellipsis "..." indicates some text has been intentionally omitted from the comment to focus on the relevant portion of the statute or code section being discussed.

Research and analysis

Responses

GENERAL NOTES

- 4) As instructed, we have removed any reserved sections and renumbered subsequent numbers. The only chapters that were deleted were those that were repealed. Sections within chapters were re-numbered if there were repealed sections or sections that used numbering with three digits after the period - for example, 10.02, 10.025, 10.03 would now be 10.02, 10.03, 10.04. Is this acceptable?
- 5) We deleted all cross-references that appeared after the chapter analyses. If a code section is deleted or re-numbered, these often are never updated. Is this acceptable?

Yes

Yes

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- 6) Additional editorial actions as instructed (please indicate whether these are acceptable):
- a) We moved the Table of Special Ordinances, Parallel Reference Table and Index from the front of the old code, to the end of new code. Yes
 - b) We made the Parallel Reference Table single column (the prior code displayed it as dual column). Yes
 - c) We put lines between entries in the Table of Special Ordinances. Yes
 - d) We titled your code, the Code of Ordinances (not Codified Ordinances). ~~Yes~~ No ^{Yes} ~~Yes~~ ^{No} ⁷¹
 - e) We created a Table of Contents. Yes
 - f) We deleted Chapter 880 because it is no longer needed. Yes
 - g) We Get rid of Reserved or Repealed Chapters (e.g. Ch 884, 1074, 1094, 1414, 1460, 1472, 1602, 1604, 1606, 1610). Yes
 - h) We kept the Chapter Analysis in two columns for single column code format (this is not standard format for American Legal Publishing ("ALP") codes). Yes
 - i) We added § symbol to section titles. Yes
 - j) We left one blank line between sections (not two, like standard ALP style). Yes
 - k) We added a blank line between a Section title and the text of the first subdivision and between main paragraphs such as (a), (b), but not other smaller subdivisions such as (1), (2). Yes
 - l) We used "(a)" for a first subdivision, not ALP standard capitalized "(A)". Yes
 - m) We did not number definitions. Yes
 - n) We changed City Clerk to "Clerk of Council" wherever it appears in the code in reference to council clerk. Yes
 - o) We carefully reviewed Part 14 in the printed code to make sure all text is present and is not duplicated. Yes
 - p) We kept local provisions in Parts Four and Six, Traffic and General Offenses. Yes
 - q) We performed a statutory update (we understand that it's been a few years since the code had one). Yes
 - r) We used the current files from your 3 online updates you made since signing the recodification contract. Yes
- 7) *Discrepancies in Names, Titles and the Like:*
- a) "Parks and Recreation Department", "Recreation Department" and "Parks and Recreation Commission" are all used. Do all these exist? ^{Use} ~~Yes~~

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7. b) "City" or "municipality". Several instances have the city changing the word "municipality" to "city". But these changes were not consistently made. We can do a global search and make all instances of "municipality" change to "city", except for Parts Four and Six which are based on model material.
- c) "Building Official" has the word "Chief" inserted ("Chief Building Official") some times, but not consistently for all.
- d) "Arborist" or "Urban Forester" - we think the correct title is "Urban Forester", however, the new planning and zoning uses "Arborist".
- e) Is the Zoning Administrator now called the Code Administrator?
- 8) *Legislative Histories.*
- a) As histories for the code sections, our usual American Legal Publishing style is to list the former code section, then the specific number and passage date of the original ordinance and the amending ordinances, if any. Example: (Prior Code § 1-101) (Ord. 317, passed 5-13-60; Ord. 515, passed 1-1-70; Ord. 820, passed 1-1-80; Ord. 25, passed 1-1-85).

Note: Where the legislative history of your code section, given in parentheses following the text of your code section, indicates that some or all of that section is derived from either your ordinances or your prior code, the text of your code will *not* be automatically updated during future supplements by American Legal Publishing to reflect later amendments in the Ohio Revised Code. Otherwise, where the legislative history given in parentheses indicates that the section is derived solely from a Revised Code section, and that section is found within the Ohio Basic Code ("OBC"), the text of your code *will* be automatically updated by American Legal Publishing during a supplement to reflect the later R.C. amendments. ALP does update sections with provisions derived exclusively from the R.C. found within the OBC.

- b) In cases where your code section's history shows both Revised Code and either local ordinance or prior code sources, e.g., "(R.C. § 2901.13) (Prior Code, § 1.02.02)," your legislature could either:
- i) Continue to monitor and pass ordinances to regularly update its code to follow R.C. amendments while retaining its unique text in addition to the R.C. provisions, or
- ii) Pass ordinances that completely conform to the Revised Code and Ohio Basic Code text, and indicate they are solely from the R.C. in the history by instructing us to delete the reference to the local legislation, e.g., "(R.C. § 718.02) (~~Ord. 1543, passed 12-15-2015~~)."

See, e.g., Comment #47(c) re: § 612.02(m), below.

Change
municipality
to City

CBO

Urban forester

Yes

✓

✓

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8. c) Further, where a section of your code is not also found within the OBC, it cannot be automatically updated by ALP. The OBC relates only to Parts 2, 4 and 6 of your code and, for example, does not contain provisions relating to the Building and Housing Code at Part 14 of your code. As an illustration discussed in greater detail in Comment #95, regarding § 1410.04, *Compliance; Violations*, we suggest that the section's legislative history, "(R.C. §§ 3791.01, 3791.02)" be shown instead as a Statutory reference to avoid confusion from an appearance that the section will be automatically updated during a statutory update of your code.

Yes

Sections (and other Parts) of your code with an ordinance history such as this should be monitored and regularly updated by your city working with your Law Director.

- d) We included prior code histories for only those sections that were re-numbered. This decision was made to try to reduce the pages in the Parallel Reference table. Is this acceptable?

Yes

CHARTER

- 9) We have inserted your charter as-is and have not made any changes, because changes are often made by a general vote during an election; consequently, the charter may contain typos, errors, and misstatements. The following are inconsistencies that we found in the charter. We are bringing them to your attention so that the city may decide whether any editing should be done. Unless otherwise directed, the charter will be left as currently edited.

- a) *General Note*—Throughout the charter, any instances of non-standard capitalization have not been changed. No punctuation marks have been added or changed, and no changes or additions to words or wording have been made. Sections where gender neutral language is not utilized have not been changed.
- b) The Charter is in the masculine gender, except for those sections amended in 2004 that use "him/her".
- c) Section 55. Transfers and balances. This section contains the word "unincumbered" (occurs twice), which should be "unencumbered".

yes -

yes

yes

PART TWO - ADMINISTRATION CODE

10) CHAPTER 220: COUNCIL;

§ 220.01 Meetings.

For ease of reference, do you want to add a Statutory reference to Ohio's Open Meetings law after the text of this section, as follows:

“(Ord. 145-06, passed 12-18-2006; Ord. 1-09, passed 1-12-2009; Ord. 61-02, passed 3-11-2002; Ord. 21-92, passed 7-12-2021)

Statutory reference:

Public meetings - exceptions, see R.C. § 121.22” ?

Note: See R.C. § 121.22, *Public meetings - exceptions*.

- 11) § 202.99 *Penalty*. We have updated this penalty with the current model penalty from the Ohio Basic Code, as there was not an ordinance history in your Prior Code. Please review this section to ensure you want to use this penalty. We can restore the old penalty section if desired.

Updated
Version
acceptable

- 12) § 208.01 *Schedule Established*. In division (e)(19), *Special Events Permits*, there is the following: "See Avon Lake code of ordinances § 1260.07 for rules." The closest match to this reference in the new zoning regulations is § 1224.02(f)(12)? Please review this reference. May we replace the reference to § 1260.07 with § 1224.02(f)?

Yes

- 13) § 212.01 *Grievance Procedure*. Do you want to provide a complete citation where reference is made to Title II of the Americans with Disabilities Act, as follows:

Yes

“ (a) Complaints alleging any action by the city which is prohibited by regulations of the U.S. Department of Justice implementing Title II of the Americans with Disabilities Act of 1990, ~~being~~ 42 U.S.C. §§ 12101 et seq. (ADA), should be addressed to the ADA Coordinator, City of Avon Lake, 150 Avon Belden Road, Avon Lake, OH 44012, (440) 930-4121. ...” ?

Delete word
"being"

- 14) § 220.26 *Subpoenas*. This section appears to be duplicated in CHAPTER 268: *SUBPOENAS* and § 268.01, *Issuance of Subpoenas*, but which are applicable to boards, commissions or committees, as opposed to Council in this section. Nevertheless, please advise us of any specific revisions that may be needed. Otherwise, we will make no changes to the text as it is currently edited.

no.

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- 15) § 222.01 *Posting*. The citation to former R.C. § 731.25 in this section, *Publication when no newspaper in municipal corporation*, should be reviewed with your Law Director. Since this section was last amended by your Ord. 113-2017, passed 7-10-2017, the statute was repealed and another statute was renumbered in its place. **Please advise us of any specific revisions that are needed.** Otherwise, we will make no changes to the text as it is currently edited. no

“ All ordinances, resolutions, statements, orders, proclamations, notices and reports of the municipality required to be published shall be published by being posted for a period of not less than 15 days next following action thereon, in the following places, which are hereby determined by Council to be five of the most public places in the municipality, except for notices to bidders for the construction of public improvements and notices of the sale of bonds, which shall be published in a newspaper as provided by R.C. § 731.25, for the time provided by R.C. § 731.22: ✓

...

(Ord. 83-98, passed 5-11-1998; Ord. 113-2017, passed 7-10-2017)”

Note: See R.C. § 731.25, *Publication when no newspaper in municipal corporation*, repealed effective 10/3/2023 by H.B. 33, 135th General Assembly. Former R.C. 731.26, was amended and renumbered as R.C. § 731.25 by the same legislation, H.B. 33, 135th General Assembly. R.C. § 731.25 now bears the catchline, *Effect of not making publication*:

It is a sufficient defense to any suit or prosecution under an ordinance, to show that no publication or posting was made as required by sections 731.21 to 731.24, inclusive, of the Revised Code.

Link: <https://codes.ohio.gov/ohio-revised-code/section-731.25>

- 16) § 232.05 *Reimbursement of Capital Expenditures from Reimbursement Bonds; Declarations of Official Intent Required*.

- a) Under the definition of BONDS, reference is made to § 150 of the Internal Revenue Code of 1986; for ease of reference and to avoid confusion, **do you want to revise the text as follows:** Yes

“ **BONDS**. Includes bonds, notes, certificates and other obligations included in the meaning of the term **BONDS BOND** as defined in § 150 of the Internal Revenue Code of 1986, being 26 U.S. Code § 150 as amended.”?

Note: See 26 U.S. Code § 150, *Definitions and special rules*:

(a) **General rule**

For purposes of this part—

(1) **Bond**

The term “bond” includes any obligation.

16. b) Under the definition of REIMBURSEMENT REGULATIONS, for ease of reference, do you want to revise the text as follows:

“ **REIMBURSEMENT REGULATIONS.** Treasury Regulations 26 C.F.R. § 1.150-2, and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as at the time applicable, prescribing conditions under which the proceeds of reimbursement bonds, when allocated or applied to a reimbursement, will be treated as expended for all or any purposes of §§ 103 and 141 to 150 of the Internal Revenue Code, ~~being 26 U.S. Code §§ 103 and 141 to 150.~~” ?

Yes

Note: See 26 C.F.R. § 1.150-2, *Proceeds of bonds used for reimbursement*; 26 U.S.C. § 103, *Interest on State and local bonds*; 26 U.S.C. Subch. B, *Computation of Taxable Income, Pt. IV, Tax Exemption Requirements for State and Local Bonds* (§§ 141 – 150).

- 17) § 232.06 *Investment Policy*.

- a) In division (h)(1)(J), under *Authorized investments*, the citation to “R.C. § 1351.4(e)” needs clarification. “R.C. § 1351.4” was not found. Please review this with your Law Director and advise us of any specific revisions that are needed to update its sections to align with current statutes. Otherwise, we will make no changes to the text as it is currently edited.

(AL)
No reason to
change

“ J. Overnight or term (not exceeding 30 days) repurchase agreements meeting the requirements of R.C. § 1351.4(e), with:

1. A bank or savings and loan associations eligible to be a depository of public funds of Ohio subdivision; or
2. An NASD member.”

Note: See R.C. Chapter 1351 *Lease-purchase Agreements*, § 1351.04, *Terms that may not be required.*:

A lessor shall not require any of the following from a lessee:

(A) The purchase of insurance from the lessor for property that is the subject of a lease-purchase agreement;

...

(E) A fee for in-home collection of a lease payment unless the amount of the fee is disclosed and the lessee expressly has agreed to pay the fee.

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17. b) In division (h)(1)(K), under *Authorized investments*, the citation to "R.C. § 1705.01(D)" is obsolete. Please review this with your Law Director. Do you want to revise the citation as follows:

" K. Up to 25% of interim moneys available for investment in either of the following:

1. Commercial paper notes issued by an entity that is defined in R.C. § ~~1705.01(D)~~ 1706.01(K) and that has assets exceeding \$500,000,000 to which all of the following apply:..."

Note: Former R.C. 1705.01, *Limited liability company definitions*, which was repealed effective 2/11/2022, provided:

(D) "Entity" means any of the following:

- (1) A corporation existing under the laws of this state or any other state;
- (2) Any of the following organizations existing under the laws of this state, the United States, or any other state:
 - (a) A business trust or association;
 - (b) A real estate investment trust;
 - (c) A common law trust;
 - (d) An unincorporated business or for profit organization, including a general or limited partnership;
 - (e) A limited liability company.

See R.C. § 1706.83, *Chapter applies to all LLCs on and after February 11, 2022:*

On and after February 11, 2022, this chapter [Ohio Revised Limited Liability Company Act] shall govern all limited liability companies, including every foreign limited liability company that files an application for registration as a foreign limited liability company on or after February 11, 2022, every foreign limited liability company that registers a name in this state on or after February 11, 2022, every foreign limited liability company that has registered a name in this state prior to February 11, 2022, and every foreign limited liability company that has filed an application for registration as a foreign limited liability company prior to February 11, 2022, pursuant to Chapter 1705. of the Revised Code.

See R.C. § 1706.01, *Limited liability company definitions:*

(K) "Entity" means a general partnership, limited partnership, limited liability partnership, limited liability company, association, corporation, professional corporation, professional association, nonprofit corporation, business trust, real estate investment trust, common law trust, statutory trust, cooperative association, or any similar organization that has a governing statute, in each case, whether foreign or domestic.

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17. c) Division (I) ends oddly with the following: "The Institution below, by signing, indicates it has read and acknowledges this investment policy, and agrees to abide by its content." This is followed by a few lines of text. Can this text be deleted, as follows:

yes

" (I) *Acknowledgment*. Pursuant to R.C. Chapter 135, all brokers, dealers and financial institutions initiating transactions with the city by giving advice or making investment policy, or executing transactions initiated by the Finance Director, must acknowledge their agreement to abide by the investment policy's content by having a principal representative sign a copy of this policy.

~~—The Institution below, by signing, indicates it has read and acknowledges this investment policy, and agrees to abide by its content.~~

Name of Institution

Principal

Date

(Ord. 1-97, passed 1-13-1997; Ord. 67-08, passed 5-12-2008; Ord. 129-2013, passed 10-28-2013)" ?

- 18) § 236.01, *Establishment; Administrator*. This section references Ordinance 35-74, passed February 11, 1974. There is a new ordinance (Ord. 163-2015, passed 12-21-2015). Do you want to update this reference or should the reference be deleted?

yes

- 19) § 244.02 *Assistant Public Works Director*;
and

§ 247.01 *Urban Forester*.

Should these sections be included in the code? Both sections contain position descriptions.

yes

- 20) §§ 248.02, *Budget and operations plan*;
through
248.05, *Interdepartmental services*.

A note in the materials we received states these are old sections and the city is not sure if these sections are relevant. We have included the sections for purposes of discussion; should they be deleted?

DELETE