



## **CITY OF AVON LAKE**

150 Avon Belden Road  
Avon Lake, Ohio 44012

### **COLLECTIVE COMMITTEE MEETING**

Council Chamber  
November 17, 2025  
Immediately Following the Work Session

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**PUBLIC INPUT:** *Members of the audience shall be permitted to speak only once, up to five minutes, on any topic(s). [Code of Ordinance, Section 220.21(b)(1)]*

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#### **COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE**

1. Amendments to Chapter 278: Communications and Technology Commission
2. Amendments to Chapter 284: Environmental Affairs Advisory Board
3. Amendments to Chapter 286: Parks and Recreation Commission

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

1. Income Tax
2. Acting Fire Chief Salary
3. 2026 Budget

#### **HUMAN RESOURCES COMMITTEE, Chair Geoff Smith**

1. P/T Assistant Deputy Clerk Job Description

#### **PUBLIC SERVICE COMMITTEE, Chair Jennifer Fenderbosch**

1. Repeal Green Team Registration Fee, Codified Ordinance Section 208.01(f)(16)
2. Repeal Green Team Certification, Codified Ordinance Section 1065.11
3. Amendments to Chapter 272: Avon Lake Historical Preservation Commission
4. Amendments to Codified Ordinance Chapter 288: Tree Commission

## **PLANNING COMMISSION, Council Representative Geoff Smith**

1. Improvement Plan for Harbor Crest Townhouse Subdivision No. 1
2. Improvement Plan for Harbor Crest Townhouse Subdivision No. 2

## **OTHER BUSINESS**

1. Amendments to Codified Ordinance Section 220.05: Standing Committees,  
*Council President Fenderbosch*

## **LEGISLATION**

### **Third Readings:**

**Ordinance No. 25-161**, AN ORDINANCE AUTHORIZING THE CREATION OF A NEW CHAPTER TITLED SHORT-TERM RENTAL PROPERTIES WITHIN TITLE SIX BUILDING REGULATIONS IN PART FOURTEEN OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. *Sponsor: Z. Arnold*

**Ordinance No. 25-167**, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP LLC FOR THE ACQUISITION OF APPROXIMATELY TWENTY-THREE (23) ACRES OF LAND LOCATED IN THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY. *Sponsor: Z. Arnold*

**Ordinance No. 25-169**, AN ORDINANCE CREATING THE SANDRIDGE AND HARBOR CREST TAX INCREMENT FINANCING INCENTIVE DISTRICTS, DECLARING IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION, REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS, AUTHORIZING SCHOOL COMPENSATION PAYMENTS, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT, AND DECLARING AN EMERGENCY. *Sponsor: Z. Arnold*

**Ordinance No. 25-174**, AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF AVON LAKE, OHIO, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF AVON LAKE, OHIO, DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY. *Sponsor: J. Fenderbosch*

### **Second Readings:**

**Ordinance No. 25-175R**, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED FEE SCHEDULE. *Sponsor: K. Zuber*

**Ordinance No. 25-177**, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 252, ENTITLED PURCHASING PROCEDURES. →*Sponsor: K. Zuber*

**Ordinance No. 25-178**, AN ORDINANCE ESTABLISHING A LODGING EXCISE TAX ON HOTELS AND SHORT-TERM RENTALS WITHIN THE CITY OF AVON LAKE, PROVIDING FOR TAX COLLECTION AND REMITTANCE BY LODGING PLATFORMS AND OPERATORS, AND DECLARING AN EMERGENCY. *Sponsor: J. Fenderbosch*

**Ordinance No. 25-182**, A RESOLUTION AUTHORIZING THE CITY OF AVON LAKE TO APPLY FOR AND ADMINISTER A STATE OF OHIO BROWNFIELD REMEDIATION FUND ASSESSMENT GRANT FOR THE FORMER NRG POWER PLANT PROPERTY AND DECLARING AN EMERGENCY. →*Sponsor: J. Fenderbosch*

**Ordinance No. 25-184**, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH THE AVON LAKE CITY SCHOOL DISTRICT FOR THE ACQUISITION OF THE FORMER ERIEVIEW SCHOOL PROPERTY, LOCATED AT 32630 ELECTRIC BOULEVARD, AVON LAKE, OHIO, AND DECLARING AN EMERGENCY.

*Sponsor: J. Fenderbosch*

**Ordinance No. 25-187**, AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR HARBOR CREST TOWNHOUSE SUBDIVISION NO. 1 AND DECLARING AN EMERGENCY.

*Sponsor: G. Smith*

**Ordinance No. 25-188**, AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR HARBOR CREST TOWNHOUSE SUBDIVISION NO. 2 AND DECLARING AN EMERGENCY.

*Sponsor: G. Smith*

#### **First Readings:**

**As determined at the Collective Committee Meeting.**

#### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

#### **ADJOURNMENT**

## CHAPTER 278: COMMUNICATIONS AND TECHNOLOGY COMMISSION

### § 278.01 ESTABLISHMENT AND PURPOSE.

There is hereby established in and for the city a citizens' advisory commission entitled the Communications and Technology Commission to manage Avon Lake Community Television (ALC-TV), the City of Avon Lake website, the City of Avon Lake's social media presence and outreach, the digital communications with and among city departments and the community, branding, and marketing of the City of Avon Lake and its programs, and to advise and make recommendations to Council on the various areas of technology utilized by the city.

### § 278.02 MEMBERSHIP; TERM; QUALIFICATIONS; AND COMPOSITION COMPENSATION.

(a) **Membership.** The **Communications and Technology** Commission shall consist of **seven** members, comprised of the following ~~for terms of three year terms~~.

(1) Five ~~voting~~ members, who ~~are~~ **for the previous two years have been** registered, qualified electors of the city, shall not be employed by, nor have any financial interest in, the broadcasting, cable communications, or telephone business.

(2) Three members shall be appointed by the Mayor and confirmed by Council.

(3) Two members shall be appointed by Council.

~~(b)~~ (4) In addition to the voting members, there shall be ~~three~~ **two ex officio**, non-voting advisory members.

**A.** One member shall be from the ~~Communications, Environmental and Recreational Programming~~ **Building and Utilities** Committee.

**B.** One member shall be a representative from the Avon Lake School System or Board of Education.

~~(3) One member may be a nonresident of the city who possesses sufficient qualifications to perform the duties imposed herein.~~

b) **Terms.** The five appointed resident members of the Communications and Technology Commission shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

1) Vacancies on the Communications and Technology Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.

2) The Chairperson will notify the Clerk of Council when a vacancy exists.

3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(e c) **Qualifications.** As far as is practicable, appointments to the Communications and Technology Commission shall include individuals having expertise or experience in such areas as:

- (1) Law, focusing on FCC regulations, copyright, and internet regulations;
- (2) Technology, relating to media communications;
- (3) Marketing and social media;
- (4) Education and non-profit;
- (5) Consumer affairs, relating to cable access and Internet communications; and
- (6) Historic understanding of Avon Lake and ALC-TV.

~~(d) Any vacancy occurring during the term of any voting member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment.~~

(e d) **Compensation.** The members of the Communications and Technology Commission shall serve without compensation. With prior approval by Council the Department Director, according to the city procurement policies, any expense incurred by the Board Commission or the members thereof in the performance of their duties shall be paid from the municipal city treasury.

#### § 278.03 POWERS AND DUTIES.

The Communications and Technology Commission shall have the following duties and responsibilities:

(a) To advise Council regarding general policy relating to the operation and uses of the Avon Lake Community Television ALC-TV with a view toward maximizing the diversity of programs and services to subscribers and users, and provide access to government services and communications;

(b) To encourage the use of access channels among the widest range of institutions, groups, and individuals within the city, including for governmental transparency, community events and programs and education;

(c) To encourage cooperation with schools, museums, and other institutions located in the city or in neighboring communities with a view toward utilizing the facilities located therein to enrich the quality and diversity of access channel programming for the system;

(d) To advise Council of changes in the state-of-the-art technology and the applicability of the same to access channel programming for the system;

(e) To review budgets and recommend expenditures, as appropriate; and

(f) To submit an annual report to Council, including, but not limited to, a summary of the utilization of access channels, a review of any plans submitted during the year by the Communications and Technology Director for the development of new services, and a summary report of Commission deliberations throughout the year in connection with its assigned functions.

#### § 278.04 RULES AND REGULATIONS.

The Communications and Technology Commission shall have the authority to submit proposed rules and regulations for the conduct of its business to Council for approval and, upon approval, shall have the right to hold hearings and make recommendations to the Communications and Technology Director and to the educational and governmental communities on the coordination of the education and governmental access channels. All such actions shall be advisory only.

#### § 278.05 MEETINGS AND ORGANIZATIONS.

(a) The Communications and Technology Commission shall meet no less than six times every year. All meetings of the Commission shall be open to the public. Copies of meeting minutes shall be forwarded to the Clerk of Council, members of Council and the Mayor.

(b) There shall be a Secretary, ~~or designee~~, employed by the city who shall publish an agenda and serve notification of meetings, attend meetings of the Communications and Technology Commission, take minutes of the meetings and publish these minutes, and perform such follow-through and research as are required by the Commission.

(c) A Chairperson shall be ~~designated~~ **elected** by a majority vote of the Communications and Technology Commission members to serve until the expiration of that member's term. At the first meeting following the expiration of a Chairperson's term, the Commission shall ~~appoint~~ **elect** a new Chairperson to serve for the entirety of that member's term.

## CHAPTER 278: COMMUNICATIONS AND TECHNOLOGY COMMISSION

## § 278.01 ESTABLISHMENT AND PURPOSE.

There is hereby established in and for the city a citizens' advisory commission entitled the Communications and Technology Commission to manage Avon Lake Community Television (ALC-TV), the City of Avon Lake website, the City of Avon Lake's social media presence and outreach, the digital communications with and among city departments and the community, branding, and marketing of the City of Avon Lake and its programs, and to advise and make recommendations to Council on the various areas of technology utilized by the city.

## § 278.02 MEMBERSHIP; TERM; QUALIFICATIONS; AND COMPENSATION.

(a) Membership. The Communications and Technology Commission shall consist of seven members, comprised of the following:

(1) Five members, who for the previous two years have been registered, qualified electors of the city, shall not be employed by, nor have any financial interest in, the broadcasting, cable communications, or telephone business.

(2) Three members shall be appointed by the Mayor and confirmed by Council.

(3) Two members shall be appointed by Council.

(4) In addition to the voting members, there shall be two ex officio, non-voting advisory members.

A. One member shall be from the Building and Utilities Committee.

B. One member shall be a representative from the Avon Lake School System or Board of Education.

(b) Terms. The five appointed resident members of the Communications and Technology Commission shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

- 1) Vacancies on the Communications and Technology Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 2) The Chairperson will notify the Clerk of Council when a vacancy exists.
- 3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(c) Qualifications. As far as is practicable, appointments to the Communications and Technology Commission shall include individuals having expertise or experience in such areas as:

- (1) Law, focusing on FCC regulations, copyright, and internet regulations;
- (2) Technology, relating to media communications;
- (3) Marketing and social media;
- (4) Education and non-profit;
- (5) Consumer affairs, relating to cable access and Internet communications; and
- (6) Historic understanding of Avon Lake and ALC-TV.

(d) Compensation. The members of the Communications and Technology Commission shall serve without compensation. With prior approval the Department Director, according to the city procurement policies, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 278.03 POWERS AND DUTIES.

The Communications and Technology Commission shall have the following duties and responsibilities:

(a) To advise Council regarding general policy relating to the operation and uses of the ALC-TV with a view toward maximizing the diversity of programs and services to subscribers and users, and provide access to government services and communications;

(b) To encourage the use of access channels among the widest range of institutions, groups, and individuals within the city, including for governmental transparency, community events and programs and education;

(c) To encourage cooperation with schools, museums, and other institutions located in the city or in neighboring communities with a view toward utilizing the facilities located therein to enrich the quality and diversity of access channel programming for the system;

(d) To advise Council of changes in the state-of-the-art technology and the applicability of the same to access channel programming for the system;

(e) To review budgets and recommend expenditures, as appropriate; and

(f) To submit an annual report to Council, including, but not limited to, a summary of the utilization of access channels, a review of any plans submitted during the year by the Communications and Technology Director for the development of new services, and a summary report of Commission deliberations throughout the year in connection with its assigned functions.

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The Communications and Technology Commission shall have the authority to submit proposed rules and regulations for the conduct of its business to Council for approval and, upon approval, shall have the right to hold hearings and make recommendations to the Communications and Technology Director and to the educational and governmental communities on the coordination of the education and governmental access channels. All such actions shall be advisory only.

#### § 278.05 MEETINGS AND ORGANIZATIONS.

(a) The Communications and Technology Commission shall meet no less than six times every year. All meetings of the Commission shall be open to the public. Copies of meeting minutes shall be forwarded to the Clerk of Council, members of Council and the Mayor.

(b) There shall be a Secretary, or designee, employed by the city who shall publish an agenda and serve notification of meetings, attend meetings of the Communications and Technology Commission, take minutes of the meetings and publish these minutes, and perform such follow-through and research as are required by the Commission.

(c) A Chairperson shall be elected by a majority vote of the Communications and Technology Commission members to serve until the expiration of that member's term. At the first meeting following the expiration of a Chairperson's term, the Commission shall elect a new Chairperson to serve for the entirety of that member's term.

## CHAPTER 284: ENVIRONMENTAL AFFAIRS ADVISORY BOARD

### § 284.01 ESTABLISHMENT AND PURPOSE.

There is hereby established an advisory board to be known as the Environmental Affairs Advisory Board with its purposes to include the following:

(a) To study and advise courses of action which the ~~Communications, Environmental and Recreational Programming~~ **Environmental** Committee of Council may take to formulate and promote general and broad codes of land, air and water management for the city; and

(b) To study and investigate other environmentally related concerns and issues of importance to the Council and residents of the city and to report its findings and make appropriate recommendations to residents of the city and Council ~~at the regularly scheduled meetings of the Board,~~ **as needed.**

### § 284.02 MEMBERSHIP; TERM; AND COMPOSITION **COMPENSATION.**

(a) **Membership.** The Environmental Affairs Advisory Board shall consist of 14 ~~voting~~ members, **comprised of the following:** ~~to be appointed by Council for terms of two years each.~~

(1) Up to six members ~~of the Environmental Affairs Advisory Board~~ shall be employees or representatives of industrial concerns located within the city who shall be selected because of their knowledge, technical capability, or interest in matters relating to air and/or water management and for their ability to competently represent both their own industry and industry in general, which is located in the community. The industrial members need not be residents of the city **and shall be appointed by Council.**

(2) The other members ~~of the Environmental Affairs Advisory Board~~ shall be resident ~~members,~~ who **for the previous two years have been registered, qualified electors of the city and** who are not employees of industrial concerns located in the city. **The Mayor and Council shall make an equal number of appointments, except that Council shall appoint one additional resident member when equal division is not possible;** ~~The resident members shall hold no other elective office in the city administration while serving on the Board and shall be selected for their knowledge, technical ability, or genuine interest in matters related to air and/or water management in the city.~~

**(3) One ex officio, non-voting member shall be the Public Works Director;**

**(4) One ex officio, non-voting member, shall be as the Chairperson of the Environmental Committee; and**

**(5) One ex officio member shall be a member of the Tree Commission.**

~~In addition to voting members, the Public Works Director, the Mayor, Finance Director (or designee) and one member of the Communications, Environmental and Recreational Programming Committee shall serve as ex officio members of the Environmental Affairs Advisory Board without voting powers.~~

(b) Term. The appointed resident members of the Environmental Affairs Advisory Board shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

- 1) Beginning in 2026, the Chairperson shall serve for three years, and the Vice-Chairperson shall serve for two years, then every year thereafter, shall serve for three years.
- 2) Vacancies on the Environmental Affairs Advisory Board shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 3) The Chairperson will notify the Clerk of Council when a vacancy exists.
- 4) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(c) **Compensation.** ~~The~~ Members of the Environmental Affairs Advisory Board shall serve without compensation. With prior approval of Council **the Department Director, according to the city procurement policies,** any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 284.03 POWERS AND DUTIES.

The Environmental Affairs Advisory Board shall seek, as its general goals:

- (a) To create and foster a positive, responsible, cooperative, and continuous effort among businesses and residents of the city;
- (b) To educate ~~the~~ Council and residents of the city on important environmental issues;
- (c) To establish and make appropriate recommendations to Council through the use of subject matter experts on land, air and water management programs; and
- (d) To investigate every reasonable means available to ~~it to~~ inform and educate its members relative to the problems and possible solutions of land, water and air pollution and management in communities of similar size to the city.

#### § 248.04 MEETINGS AND ORGANIZATION.

(a) The Environmental Affairs Advisory Board shall ~~select~~ **elect by a majority vote** its own Chairperson to make its own rules and regulations and keep a record of its proceedings. ~~In the absence of any rule upon the matter of business, the Board shall be governed by Robert's Rules of Order. A majority of the members shall be a quorum for the transaction of business.~~

(b) ~~The Finance Director (or designee) shall serve as Secretary to the Environmental Affairs Advisory Board.~~

(c) The Environmental Affairs Advisory Board shall meet on a quarterly basis or more frequently as requested by its Chairperson. Minutes of Board meetings shall be forwarded to the Mayor and members of Council **and filed with the Clerk of Council.**

## CHAPTER 284: ENVIRONMENTAL AFFAIRS ADVISORY BOARD

### § 284.01 ESTABLISHMENT AND PURPOSE.

There is hereby established an advisory board to be known as the Environmental Affairs Advisory Board with its purposes to include the following:

- (a) To study and advise courses of action which the Environmental Committee of Council may take to formulate and promote general and broad codes of land, air and water management for the city; and
- (b) To study and investigate other environmentally related concerns and issues of importance to the Council and residents of the city and to report its findings and make appropriate recommendations to residents of the city and Council, as needed.

### § 284.02 MEMBERSHIP; TERM; AND COMPENSATION.

(a) Membership. The Environmental Affairs Advisory Board shall consist of 14 members, comprised of the following:

(1) Up to six members shall be employees or representatives of industrial concerns located within the city who shall be selected because of their knowledge, technical capability, or interest in matters relating to air and/or water management and for their ability to competently represent both their own industry and industry in general, which is located in the community. The industrial members need not be residents of the city and shall be appointed by Council.

(2) The other members, who for the previous two years have been registered, qualified electors of the city and who are not employees of industrial concerns located in the city. The Mayor and Council shall make an equal number of appointments, except that Council shall appoint one additional resident member when equal division is not possible;

(3) One ex officio, non-voting member shall be the Public Works Director;

(4) One ex officio, non-voting member, shall be as the Chairperson of the Environmental Committee;

(b) Term. The appointed resident members of the Environmental Affairs Advisory Board shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

- 1) Beginning in 2026, the Chairperson shall serve for three years, and the Vice-Chairperson shall serve for two years, then every year thereafter, shall serve for three years.

- 2) Vacancies on the Environmental Affairs Advisory Board shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 3) The Chairperson will notify the Clerk of Council when a vacancy exists.
- 4) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(c) Compensation. Members of the Environmental Affairs Advisory Board shall serve without compensation. With prior approval of the Department Director, according to the city procurement policies, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 284.03 POWERS AND DUTIES.

The Environmental Affairs Advisory Board shall seek, as its general goals:

- (a) To create and foster a positive, responsible, cooperative, and continuous effort among businesses and residents of the city;
- (b) To educate Council and residents of the city on important environmental issues;
- (c) To establish and make appropriate recommendations to Council through the use of subject matter experts on land, air and water management programs; and
- (d) To investigate every reasonable means available to it to inform and educate its members relative to the problems and possible solutions of land, water and air pollution and management in communities of similar size to the city.

#### § 248.04 MEETINGS AND ORGANIZATION.

- (a) The Environmental Affairs Advisory Board shall elect by a majority vote its own Chairperson to make its own rules and regulations and keep a record of its proceedings.
- (b) The Environmental Affairs Advisory Board shall meet on a quarterly basis or more frequently as requested by its Chairperson. Minutes of Board meetings shall be forwarded to the Mayor and members of Council and filed with the Clerk of Council.

## CHAPTER 286: PARKS AND RECREATION COMMISSION

### § 286.01 ESTABLISHMENT AND PURPOSE.

There is hereby established a Parks and Recreation Commission to function in an advisory capacity to Council, the Mayor and the Recreation Director on all matters affecting city-owned parks, in addition to recreation policies and programs for the city. The **Parks and Recreation** Commission shall serve as an agency to develop and recommend a program of recreation policy for the community, working with the Recreation Director to administer the program.

### § 286.02 MEMBERSHIP, TERM; AND COMPENSATION.

(a) **Membership.** The Parks and Recreation Commission shall consist of nine members, comprised of the following:

(1) **Five** ~~Three~~ members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by the Mayor and confirmed by Council;

(2) **Two** members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by Council;

(3) **The members shall have** at least one **resident** member appointed from each ward. ~~voting members shall be residents of the city appointed by the Mayor for a term of three years each, with the advice and consent of the Council, with at least one member appointed from each ward. Each resident member shall be registered and qualified electors of the city who hold no other elective or appointive office or position in the city administration; and~~

(4) ~~Four~~ **One** ex officio, **non-voting** members ~~comprised of~~ **shall be** a member of Council, selected by the Mayor;

(5) One **ex officio, non-voting** member **shall be a member** of the Board of Education, selected by the Parks and Recreation Commission;

(6) One **ex officio** member **shall be a member** of the Tree Commission; and

(7) The Recreation Director, **who shall serve as an ex officio, non-voting member.** ~~Other than the Recreation Director, the ex officio members shall serve terms of one year each unless reappointed.~~

(b) **Term.** ~~The five appointed resident members of the Parks and Recreation Commission shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.~~

- 1) Vacancies on the Parks and Recreation Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 2) The Chairperson will notify the Clerk of Council when a vacancy exists.
- 3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(b c) Compensation. ~~The~~ Members of the Parks and Recreation Commission shall serve without compensation. With prior approval by ~~Council~~ the Recreation Director, according to the city procurement policies, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 286.03 POWERS AND DUTIES.

(a) ~~Generally.~~ The Parks and Recreation Commission shall recommend rules, regulations and policies governing all public parks and all facilities and appurtenances for the protection of the public and proper use of the parks, except otherwise provided by the Council. In addition to its other duties and jurisdiction and for the promotion of the health, safety, and enjoyment of the public, the ~~Parks and Recreation~~ Commission shall recommend all needed rules and regulations for the maintenance of order, safety, and decency in all public parks and public grounds used for park and/or recreation purposes.

(b) No power to acquire or deed land. The Parks and Recreation Commission may make recommendations for acquisition and donations of real property used for park and/or recreation purposes, but shall have no power to acquire or dispose of real property.

(c) Improvements. The Parks and Recreation Commission may make recommendations for improvements to all parks and grounds used for park and/or recreation purposes.

#### § 286.04 MEETINGS AND ORGANIZATION.

(a) The Parks and Recreation Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business.

(b) There shall be a minimum of five meetings per year, held on the fourth Wednesday of the scheduled month. Work sessions may be called at the discretion of the Parks and Recreation Commission Chairperson and/or the Recreation Director.

(c) ~~At its first meeting of the calendar year, the Parks and Recreation Commission shall elect a Chairperson and a Vice-Chairperson to serve terms of one year each.~~

(d c) The Recreation Director, or designee, shall serve as the Clerk Secretary of the Parks and Recreation Commission.

(e d) Minutes of meetings shall be recorded and kept on file in the Recreation Director's office. Copies shall be filed with Park and Recreation Commission members, the Mayor, and Clerk of Council.

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## CHAPTER 286: PARKS AND RECREATION COMMISSION

## § 286.01 ESTABLISHMENT AND PURPOSE.

There is hereby established a Parks and Recreation Commission to function in an advisory capacity to Council, the Mayor and the Recreation Director on all matters affecting city-owned parks, in addition to recreation policies and programs for the city. The Parks and Recreation Commission shall serve as an agency to develop and recommend a program of recreation policy for the community, working with the Recreation Director to administer the program.

## § 286.02 MEMBERSHIP, TERM; AND COMPENSATION.

(a) Membership. The Parks and Recreation Commission shall consist of nine members, comprised of the following:

- (1) Three members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by the Mayor and confirmed by Council;
- (2) Two members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by Council;
- (3) The members shall have at least one resident member appointed from each ward;
- (4) One ex officio, non-voting member shall be a member of Council, selected by the Mayor;
- (5) One ex officio, non-voting member shall be a member of the Board of Education, selected by the Parks and Recreation Commission;
- (6) One ex officio member shall be a member of the Tree Commission; and
- (7) The Recreation Director, who shall serve as an ex officio, non-voting member.

(b) Term. The five appointed resident members of the Parks and Recreation Commission shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

- 1) Vacancies on the Parks and Recreation Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 2) The Chairperson will notify the Clerk of Council when a vacancy exists.
- 3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(c) Compensation. Members of the Parks and Recreation Commission shall serve without compensation. With prior approval by the Recreation Director, according to the city procurement policies, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 286.03 POWERS AND DUTIES.

(a) The Parks and Recreation Commission shall recommend rules, regulations and policies governing all public parks and all facilities and appurtenances for the protection of the public and proper use of the parks, except otherwise provided by Council. In addition to its other duties and jurisdiction and for the promotion of the health, safety, and enjoyment of the public, the Commission shall recommend all needed rules and regulations for the maintenance of order, safety, and decency in all public parks and public grounds used for park and/or recreation purposes.

(b) No power to acquire or deed land. The Parks and Recreation Commission may make recommendations for acquisition and donations of real property used for park and/or recreation purposes, but shall have no power to acquire or dispose of real property.

(c) Improvements. The Parks and Recreation Commission may make recommendations for improvements to all parks and grounds used for park and/or recreation purposes.

#### § 286.04 MEETINGS AND ORGANIZATION.

(a) The Parks and Recreation Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business.

(b) There shall be a minimum of five meetings per year, held on the fourth Wednesday of the scheduled month. Work sessions may be called at the discretion of the Parks and Recreation Commission Chairperson and/or the Recreation Director.

(c) The Recreation Director, or designee, shall serve as the Secretary of the Parks and Recreation Commission.

(d) Minutes of meetings shall be recorded and kept on file in the Recreation Director's office. Copies shall be filed with Park and Recreation Commission members, the Mayor, and Clerk of Council.



**City of Avon Lake, Ohio  
Classification Specification  
Part-Time Assistant Clerk**

| JOB FAMILY | GRADE | FLSA STATUS | CLASSIFIED STATUS | PCN |
|------------|-------|-------------|-------------------|-----|
| Clerks     | N5    | Non-Exempt  | Unclassified      |     |

**CLASSIFICATION SUMMARY**

Under the general direction and guidance of the Clerk of Council, the Part-Time Assistant Clerk serves as clerical and administrative support for the Civil Service Commission and Council's Office; performs routine office work and customer service duties; prepares documents in accordance with the Ohio Revised Code and the Ohio Open Meetings Act;

| ESSENTIAL DUTIES <sup>1</sup>                                                                                                                                                                                                     | % OF TIME |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Provides clerical support to the Clerk of Council and the Civil Service Commission.                                                                                                                                               | 25        |
| Prepares public posting of vacancies in the classified service; collects and reviews civil service applications; schedules and proctors civil service examinations; compiles, maintains, and updates certified eligibility lists. | 20        |
| Attends meetings of the Civil Service Commission and prepares agendas and meeting minutes.                                                                                                                                        | 20        |
| Establishes and maintains files, including general files and correspondence of the Civil Service Commission, in accordance with the City's Records Retention Schedule.                                                            | 10        |
| Maintains knowledge of Civil Service Rules and Procedures and increases knowledge and skills through attendance at meetings, conferences, and training seminars.                                                                  | 10        |
| Performs customer service duties, including greeting visitors, answering the telephone, and responding to inquiries.                                                                                                              | 10        |
| Performs other related duties, as assigned.                                                                                                                                                                                       | 5         |

**MINIMUM QUALIFICATIONS**

<sup>1</sup> The essential duties, functions, responsibilities, and recommended Fair Labor Standards Act (FLSA) designation may vary based on the specific tasks assigned to the position.

**EDUCATION AND EXPERIENCE:**

High school diploma, or equivalent (GED).

**CERTIFICATIONS/LICENSES:**

Valid Ohio Driver's License or ID.

**PREFERRED QUALIFICATION:**

Previous experience with file organization, scanning, and/or digitization.

Previous experience with Ohio Public Records Act and the Local Government Records Program.

**KNOWLEDGE OF:**

- Office practices and procedures
- Business communication practices, including proofreading, grammar, punctuation, and spelling

**SKILL IN:**

- Operating standard office equipment, including transcription equipment and computer software, including word processing and spreadsheet programs
- Establishing and maintaining effective working relationships with the Clerk of Council, Deputy Clerk of Council, Civil Service Commission members, citizens, and other public entities and private business representatives
- Working additional hours, when necessary
- Attending evening meetings or Saturday examinations, as needed
- Completing internal and web-based research
- Possessing strong organizational and interpersonal skills with the ability to communicate effectively
- Exercising discretion while dealing with difficult, sensitive, and confidential issues

**ADA AND OTHER REQUIREMENTS**

This position typically requires standing, walking, fingering, grasping, talking, hearing, seeing, and repetitive motions.

**SEDENTARY WORK:**

Exerting up to ten pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull, or otherwise move objects. Sedentary work involves sitting most of the time. Walking and standing are required only occasionally.

**WORKING CONDITIONS:**

Work is performed in indoor office environments.

**HOURLY/SALARY RANGE\* AND BENEFITS *\*Subject to City Council approval***

- \$17.26 to \$25.65 hourly, or \$17,950.40 to \$26,676.00 annually
- Applicable benefits provided to part-time, non-bargaining employees, as declared in Codified Ordinance Chapter 260

Fee Schedule – 208.01(f)(16)

|                                                                                                                                                                                                                                                                                                                                                                            |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (f) <i>Public Works Department.</i>                                                                                                                                                                                                                                                                                                                                        |                                                                                        |
| (1) Stormwater pollution prevention plan review and permit                                                                                                                                                                                                                                                                                                                 | \$150                                                                                  |
| (2) Stormwater pollution plan violations                                                                                                                                                                                                                                                                                                                                   | \$200/day/occurrence                                                                   |
| (3) Illicit discharge violation                                                                                                                                                                                                                                                                                                                                            | \$200/day/occurrence                                                                   |
| (4) Second notice of violation                                                                                                                                                                                                                                                                                                                                             | \$400/day/occurrence                                                                   |
| (5) Stepped notices of violation                                                                                                                                                                                                                                                                                                                                           | Fines double every day violation exists                                                |
| (6) Additional fines:                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
| Any illicit discharge violation where it is found that mud/dirt/debris is being deposited on a public road shall be determined to be a violation. The offending party, in addition to the above listed fines, shall be responsible for all related cleaning costs including, but not limited to, cleaning of the roads, and cleaning of the catch basins and storm sewers. |                                                                                        |
| (7) Grading permit (new construction)                                                                                                                                                                                                                                                                                                                                      | \$100                                                                                  |
| (8) Re-grading permit                                                                                                                                                                                                                                                                                                                                                      | \$50                                                                                   |
| (9) Right-of-way permit (excavation outside of pavement and within city right-of-way)                                                                                                                                                                                                                                                                                      | \$50<br>(permit required)                                                              |
| (10) Road opening permit (necessitating pavement repair)                                                                                                                                                                                                                                                                                                                   | \$200                                                                                  |
| (11) Ditches, curbs, and driveway openings                                                                                                                                                                                                                                                                                                                                 | \$20                                                                                   |
| (12) Sidewalk permit (new construction in right-of-way)                                                                                                                                                                                                                                                                                                                    | 0.25/ft. (for properties over 100 ft.)                                                 |
| (13) Rain barrel assembly kit                                                                                                                                                                                                                                                                                                                                              | \$20 (each kit)                                                                        |
| (14) Rain barrel assembly workshop                                                                                                                                                                                                                                                                                                                                         | \$40 (each barrel)                                                                     |
| (15) Landscape contractor registration                                                                                                                                                                                                                                                                                                                                     | \$75*                                                                                  |
| (16) Green Team registration                                                                                                                                                                                                                                                                                                                                               | \$25                                                                                   |
| (17) Central Avon Lake Drainage Project (CALDP)                                                                                                                                                                                                                                                                                                                            |                                                                                        |
| Tap in fee                                                                                                                                                                                                                                                                                                                                                                 | Shall be determined and adjusted yearly based on the Cleveland Construction Cost Index |
| (18) Pollinator garden in tree lawn permit fee                                                                                                                                                                                                                                                                                                                             | \$20                                                                                   |
| (19) Street Tree Program                                                                                                                                                                                                                                                                                                                                                   | \$6/linear foot of right-of- way on both sides of the street                           |
| * In accordance with the rules adopted by Avon Lake City Council through adoption of the Avon Lake “Green Team” program the yearly registration will be lowered by \$25 by the Stormwater Program Manager for Green Team landscape contractors in good standing.                                                                                                           |                                                                                        |

#### **§ 1065.11 GREEN TEAM CERTIFICATION.**

A contractor with a valid certificate of registration within the city shall be eligible to request additional certification as a “Green Team” member. “Green Team” certified contractors shall be required to follow additional certification requirements as described in the Avon Lake Green Team Certification Criteria Policy adopted by Council and available from the Stormwater Program Manager.

(Ord. 40-2010, passed 3-3-2010; Ord. 43-2014, passed 4-14-2014)

## CHAPTER 272: AVON LAKE HISTORICAL PRESERVATION COMMISSION

### § 272.01 ESTABLISHMENT AND PURPOSE.

The Avon Lake Historical Preservation Commission is hereby established to safeguard the architectural integrity of historic sites, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value in the interest of the health, prosperity, safety, and welfare of the residents of the City of Avon Lake.

### § 272.02 MEMBERSHIP; TERM; ~~QUALIFICATIONS~~; AND COMPENSATION.

(a) Membership. The Avon Lake Historical Preservation Commission shall consist of seven members, comprised of the following:

(1) Three ~~voting~~ members, ~~who for the previous two years have been registered, qualified electors of the city~~, shall be appointed by Council;

(2) Two ~~voting~~ members, ~~who for the previous two years have been registered, qualified electors of the city~~, shall be appointed by the Mayor;

(3) One ~~ex officio~~, non-voting member shall be appointed by the Avon Lake Planning Commission to serve as its liaison to the Avon Lake Historical Preservation Commission; and

(4) One ~~ex officio~~, non-voting member appointed from the members of the Council to serve as its liaison to the Avon Lake Historical Preservation Commission.

(b) ~~Qualifications.~~

~~—(1) Appointed members of the Avon Lake Historical Preservation Commission shall be residents and qualified electors of the city who shall represent the diverse, geographic makeup of the community.~~

~~—(2) Whenever possible, voting members shall have demonstrated a special interest, experience, or knowledge of history, architecture, architectural history, archaeology, interior design (with a specialization in historic preservation), planning, or a related discipline.~~

(c) ~~Terms of office.~~ Each ~~The five appointed resident~~ members of the Avon Lake Historical Preservation Commission shall serve ~~two~~ ~~three~~ years with staggered terms, ~~half~~ ~~a third~~ of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

(1) Vacancies on the Avon Lake Historical Preservation Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.

(2) The Chairperson will notify the Clerk of Council when a vacancy exists.

(3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(b c) Qualifications.

~~—(1) Appointed members of the Avon Lake Historical Preservation Commission shall be residents and qualified electors of the city who shall represent the diverse, geographic makeup of the community.~~

Whenever possible, ~~voting~~ members shall have demonstrated a special interest, experience, or knowledge of history, architecture, architectural history, archaeology, interior design (with a specialization in historic preservation), planning, or a related discipline.

(d) Compensation. Members of the Avon Lake Historical Preservation Commission shall serve without compensation. With the prior approval of Council **and/or the Finance Director, according to the city procurement policies**, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 272.03 POWERS AND DUTIES.

The Avon Lake Historical Preservation Commission's duties and authority shall include, but not be limited to, the following:

(a) **To** approve or deny an application for a certificate of appropriateness regarding any change, demolition, construction, preservation, restoration, reconstruction, and rehabilitation of any structure or property within its jurisdiction. Such approval shall be required in addition to all other permits applicable to the property;

(b) **To** make recommendations to the Public Service Committee and Planning Commission regarding amendments to this chapter and with respect to other legislation affecting historic districts or landmarks;

(c) **To** establish the procedures for evaluating applications for certificates of appropriateness. Such information shall be written and published and made available to the public within three months after the members have been appointed and may be revised from time to time;

(d) **To** conduct or cause to be conducted a continuing survey of cultural resources in the community, according to the guidelines established by the Ohio Historic Preservation Office;

(e) **To** act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;

(f) **To** act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation;

(g) **To** conduct or encourage members to attend educational sessions at least once a year or an in-depth consultation with the Ohio Historic Preservation Office pertaining to the work and functions of the ALHPC Avon Lake Historical Preservation Commission or on specific historic preservation issues;

(h) **To** educate property owners/applicants on the benefits and possible limitations of their property being declared historic;

(i) **To** maintain a system for the survey and inventory of historic properties; and

(j) **To** review applications for designation as a historic landmark or historic district according to the procedures and criteria in this chapter.

#### § 272.04 MEETINGS AND ORGANIZATION.

(a) Meetings. The Avon Lake Historical Preservation Commission shall meet at least six times per year, which shall be held at regular intervals, advertised in advance, and held in a public place.

(b) Quorum. A majority of the membership of the Avon Lake Historical Preservation Commission shall constitute a quorum for the transaction of business. A majority of a quorum shall be required to approve any action.

(c) Election of Chairperson and Secretary. At the first meeting in January, the Avon Lake Historical Preservation Commission shall elect a Chairperson and recording Secretary by a majority vote of the members.

(d) Avon Lake Historical Preservation Commission Chairperson. Duties shall consist of preparing the agenda for each meeting; determining the time, place, and frequency of meetings; and ensuring that all meetings comply with the requirements of Ohio's Open Meeting Laws, R.C. §§ 121.22 et seq.

(e) Avon Lake Historical Preservation Commission Recording Secretary. Duties shall consist of:

(1) Taking and maintaining complete files containing all applications granted or denied and written minutes of all meetings, which shall be available for public inspection; and

(2) Preparing a written annual report of the Avon Lake Historical Preservation Commission's activities, cases, decisions, special projects and the like to be submitted to the Community Development Director, Planning Commission, and Council.

## CHAPTER 272: AVON LAKE HISTORICAL PRESERVATION COMMISSION

### § 272.01 ESTABLISHMENT AND PURPOSE.

The Avon Lake Historical Preservation Commission is hereby established to safeguard the architectural integrity of historic sites, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value in the interest of the health, prosperity, safety, and welfare of the residents of the City of Avon Lake.

### § 272.02 MEMBERSHIP; TERM; QUALIFICATIONS; AND COMPENSATION.

(a) Membership. The Avon Lake Historical Preservation Commission shall consist of seven members, comprised of the following:

(1) Three members, who for the previous two years have been registered, qualified electors of the city, shall be appointed by Council;

(2) Two members, who for the previous two years have been registered, qualified electors of the city, shall be appointed by the Mayor;

(3) One ex officio, non-voting member shall be appointed by the Avon Lake Planning Commission to serve as its liaison to the Avon Lake Historical Preservation Commission; and

(4) One ex officio, non-voting member appointed from the members of the Council to serve as its liaison to the Avon Lake Historical Preservation Commission.

(b) Term. The five appointed resident members of the Avon Lake Historical Preservation Commission shall serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

(1) Vacancies on the Avon Lake Historical Preservation Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.

(2) The Chairperson will notify the Clerk of Council when a vacancy exists.

(3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(c) Qualifications. Whenever possible, members shall have demonstrated a special interest, experience, or knowledge of history, architecture, architectural history, archaeology, interior design (with a specialization in historic preservation), planning, or a related discipline.

(d) Compensation. Members of the Avon Lake Historical Preservation Commission shall serve without compensation. With the prior approval of Council and/or the Finance Director, according to the city procurement policies, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

#### § 272.03 POWERS AND DUTIES.

The Avon Lake Historical Preservation Commission's duties and authority shall include, but not be limited to, the following:

(a) To approve or deny an application for a certificate of appropriateness regarding any change, demolition, construction, preservation, restoration, reconstruction, and rehabilitation of any structure or property within its jurisdiction. Such approval shall be required in addition to all other permits applicable to the property;

(b) To make recommendations to the Public Service Committee and Planning Commission regarding amendments to this chapter and with respect to other legislation affecting historic districts or landmarks;

(c) To establish the procedures for evaluating applications for certificates of appropriateness. Such information shall be written and published and made available to the public within three months after the members have been appointed and may be revised from time to time;

(d) To conduct or cause to be conducted a continuing survey of cultural resources in the community, according to the guidelines established by the Ohio Historic Preservation Office;

(e) To act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;

(f) To act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation;

(g) To conduct or encourage members to attend educational sessions at least once a year or an in-depth consultation with the Ohio Historic Preservation Office pertaining to the work and functions of the Avon Lake Historical Preservation Commission or on specific historic preservation issues;

(h) To educate property owners/applicants on the benefits and possible limitations of their property being declared historic;

(i) To maintain a system for the survey and inventory of historic properties; and

(j) To review applications for designation as a historic landmark or historic district according to the procedures and criteria in this chapter.

#### § 272.04 MEETINGS AND ORGANIZATION.

(a) Meetings. The Avon Lake Historical Preservation Commission shall meet at least six times per year, which shall be held at regular intervals, advertised in advance, and held in a public place.

(b) Quorum. A majority of the membership of the Avon Lake Historical Preservation Commission shall constitute a quorum for the transaction of business. A majority of a quorum shall be required to approve any action.

(c) Election of Chairperson and Secretary. At the first meeting in January, the Avon Lake Historical Preservation Commission shall elect a Chairperson and recording Secretary by a majority vote of the members.

(d) Avon Lake Historical Preservation Commission Chairperson. Duties shall consist of preparing the agenda for each meeting; determining the time, place, and frequency of meetings; and ensuring that all meetings comply with the requirements of Ohio's Open Meeting Laws, R.C. §§ 121.22 et seq.

(e) Avon Lake Historical Preservation Commission Recording Secretary. Duties shall consist of:

(1) Taking and maintaining complete files containing all applications granted or denied and written minutes of all meetings, which shall be available for public inspection; and

(2) Preparing a written annual report of the Avon Lake Historical Preservation Commission's activities, cases, decisions, special projects and the like to be submitted to the Community Development Director, Planning Commission, and Council.

## CHAPTER 288: TREE COMMISSION

### § 288.01 ESTABLISHMENT ~~AND PURPOSE AND DUTIES.~~

(a) Establishment. There is hereby established in and for the city a Tree Commission to foster a community that is committed to the sustainable management of the urban forest.

(b) ~~Goals and objectives~~ Purpose.

(1) Promote the health and safety of the existing urban tree population and achieve a fully stocked, healthy, and resilient urban forest by providing recommendations for tree planting on public lands, in rights-of-way, and in subdivisions, per the Planning and Zoning Code;

(2) Educate Avon Lake's ~~citizens~~ residents, employees, and volunteers about the need for a sustainable urban forest and the value and importance of maintaining and improving the urban forest;

(3) Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment; and

(4) ~~Provide advice regarding~~ Advise on arboricultural and urban forestry best management practices.

### § 288.02 MEMBERSHIP; ~~TERMS OF OFFICE; COMPENSATION; AND REMOVAL~~

(a) Membership. The Tree Commission shall consist of seven ~~voting~~ members, ~~to be~~ comprised of the following:

- 1) ~~the Urban Forester; one member of Council (who serves as the Chairperson of the Public Service Committee); and five~~ Three persons members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by the Mayor ~~with the approval of~~ and confirmed by Council;
- 2) Two members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by Council;
- 3) One ex officio, non-voting member shall be the Urban Forester;
- 4) One ex officio, non-voting member appointed by Council, ~~who serves as~~ shall be the Chairperson of the Public Service Committee;

(b) ~~Term of office.~~ The five appointed ~~citizen~~ resident members of the Tree Commission shall each serve three years with staggered terms, ~~provided however that the upon approval and adoption of this chapter, the first term of the five appointed members shall be staggered with two members serving for one year, one two members serving for two years, and the third member serving for three years.~~ a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of

~~consecutive appointments. Should a vacancy occur during the term of any member, a successor shall be appointed by the Mayor with the approval of Council for the unexpired portion of such term.~~

- 1) Vacancies on the Tree Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 2) The Chairperson will notify the Clerk of Council when a vacancy exists.
- 3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

~~(c) Compensation and reimbursement.~~ Members of the Tree Commission shall serve without compensation but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the functions of the Commission, including recommended continuing education opportunities provided through the Ohio Department of Natural Resources, Division of Forestry, and other qualified providers, or as approved by the Urban Forester ~~or the Public Works Director.~~

(d) Removal. Any ~~Tree~~ Commission member who misses three consecutive meetings, or more than 50% of the regular meetings on an annual basis, may be removed from the ~~Tree~~ Commission by a majority vote of the other Commissioners.

#### § 288.03 POWERS AND DUTIES.

(a) The Tree Commission shall have the power to study, investigate, plan, advise, report, and recommend to Council, the Urban Forester, ~~the Planning Commission,~~ or the Mayor any action, program, plan, or legislation which the Commission shall find or determine to be necessary or advisable:

(1) ~~To~~ promote the health and safety of all trees in the urban forest on the public lands through the care, preservation, trimming, planting, replanting, maintaining, protecting, prompting, removal, or disposition of trees and shrubs in public ways, curb strips, streets, alleys, and all city property;

(2) ~~To~~ achieve a fully stocked, healthy, and resilient urban forest by identifying and recommending trees and other plants desirable for planting in public spaces and on private property to ensure ~~the~~ public safety and welfare, promote diversity of native species of trees and other plants, and protect the local natural ecosystem;

(3) To identify trees and other plants ~~which~~ ~~that~~ are undesirable for planting in public spaces and on private property to ensure ~~the~~ public safety and welfare and benefit the natural, local ecosystem;

(4) ~~To~~ work with city staff to ensure annual Tree City USA recognition and Growth Award attainment;

(5) ~~To~~ educate the community's residents, elected officials, employees, and volunteers about the value and need for a sustainable urban forest by understanding the importance

of maintaining and improving the urban forest through encouraging arboricultural best practices for the city; and

(6) To work with the Urban Forester to establish and maintain an inventory of city-owned trees and identify trees at high risk for failure, disease, and insect infiltration.

(b) The Tree Commission, when requested by Council, the Mayor, or the Urban Forester, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. Recommendations requiring Council action shall be made to the Public Service Committee of Council.

(c) The members of the Tree Commission shall provide website content to the Communications and Technology Department concerning the rules, regulations, standards, and specifications developed by the Commission and approved by Council or such other content as deemed advisable.

(d) It is recommended that members of the Tree Commission participate in continuing education through the Ohio Department of Natural Resources, Department of Forestry, and other educational opportunities.

(e) The Tree Commission shall establish and implement an annual Arbor Day observance.

#### § 288.04 MEETINGS; ORGANIZATION.

(a) The Tree Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business. There shall be a minimum of six meetings per year. Work sessions or special meetings may be called at the discretion of the Commission Chairperson.

(b) The Tree Commission shall ~~choose~~ elect by a majority vote its own officers, make its own rules and regulations, and keep a record of its proceedings. A ~~notebook~~ handbook shall be kept in the Clerk of Council's office as a permanent record. In the absence of any rule regarding the matter of business, the Commission shall be governed by Robert's Rules of Order.

(c) The Tree Commission shall appoint one of its members to serve as an ex officio member of the Parks and Recreation Commission and one member to serve as an ex officio ~~voting~~ member of the Environmental Affairs Advisory Board.

(d) A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports, and recommendations made by the Tree Commission shall be in writing and shall designate by name those members of the Commission approving the same, failing to concur therein, or abstaining therefrom. Those who fail to concur or who abstain shall have the right, as a part of such report, to state their reasons for refusing to approve or to concur. Minutes of meetings shall be recorded and kept on file in the Urban Forester's office. ~~Copies shall be filed with Commission members,~~ and forwarded to the Mayor and the Clerk of Council.

## CHAPTER 288: TREE COMMISSION

## § 288.01 ESTABLISHMENT AND PURPOSE.

(a) Establishment. There is hereby established in and for the city a Tree Commission to foster a community that is committed to the sustainable management of the urban forest.

(b) Purpose.

(1) Promote the health and safety of the existing urban tree population and achieve a fully stocked, healthy, and resilient urban forest by providing recommendations for tree planting on public lands, in rights-of-way, and in subdivisions, per the Planning and Zoning Code;

(2) Educate Avon Lake's residents, employees, and volunteers about the need for a sustainable urban forest and the value and importance of maintaining and improving the urban forest;

(3) Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment; and

(4) Advise on arboricultural and urban forestry best management practices.

## § 288.02 MEMBERSHIP; TERM; COMPENSATION; AND REMOVAL

(a) Membership. The Tree Commission shall consist of seven members, comprised of the following:

- 1) Three members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by the Mayor and confirmed by Council;
- 2) Two members, who for the previous two years have been registered, qualified electors of the city, who shall be appointed by Council;
- 3) One ex officio, non-voting member shall be the Urban Forester;
- 4) One ex officio, non-voting member appointed by Council, shall be the Chairperson of the Public Service Committee;

(b) Term. The five appointed resident members of the Tree Commission shall each serve three years with staggered terms, a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

- 1) Vacancies on the Tree Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.
- 2) The Chairperson will notify the Clerk of Council when a vacancy exists.

- 3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(c) Compensation. Members of the Tree Commission shall serve without compensation but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the functions of the Commission, including recommended continuing education opportunities provided through the Ohio Department of Natural Resources, Division of Forestry, and other qualified providers, or as approved by the Urban Forester or the Public Works Director.

(d) Removal. Any Tree Commission member who misses three consecutive meetings, or more than 50% of the regular meetings on an annual basis, may be removed from the Tree Commission by a majority vote of the other Commissioners.

#### § 288.03 POWERS AND DUTIES.

(a) The Tree Commission shall have the power to study, investigate, plan, advise, report, and recommend to Council, the Urban Forester, Planning Commission, or the Mayor any action, program, plan, or legislation which the Commission shall find or determine to be necessary or advisable:

(1) To promote the health and safety of all trees in the urban forest on the public lands through the care, preservation, trimming, planting, replanting, maintaining, protecting, prompting, removal, or disposition of trees and shrubs in public ways, curb strips, streets, alleys, and all city property;

(2) To achieve a fully stocked, healthy, and resilient urban forest by identifying and recommending trees and other plants desirable for planting in public spaces and on private property to ensure public safety and welfare, promote diversity of native species of trees and other plants, and protect the local natural ecosystem;

(3) To identify trees and other plants that are undesirable for planting in public spaces and on private property to ensure public safety and welfare and benefit the natural, local ecosystem;

(4) To work with city staff to ensure annual Tree City USA recognition and Growth Award attainment;

(5) To educate the community's residents, elected officials, employees, and volunteers about the value and need for a sustainable urban forest by understanding the importance of maintaining and improving the urban forest through encouraging arboricultural best practices for the city; and

(6) To work with the Urban Forester to establish and maintain an inventory of city-owned trees and identify trees at high risk for failure, disease, and insect infiltration.

(b) The Tree Commission, when requested by Council, the Mayor, or the Urban Forester, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. Recommendations requiring Council action shall be made to the Public Service Committee of Council.

(c) The members of the Tree Commission shall provide website content to the Communications and Technology Department concerning the rules, regulations, standards, and specifications developed by the Commission and approved by Council or such other content as deemed advisable.

(d) It is recommended that members of the Tree Commission participate in continuing education through the Ohio Department of Natural Resources, Department of Forestry, and other educational opportunities.

(e) The Tree Commission shall establish and implement an annual Arbor Day observance.

#### § 288.04 MEETINGS; ORGANIZATION.

(a) The Tree Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business. There shall be a minimum of six meetings per year. Work sessions or special meetings may be called at the discretion of the Commission Chairperson.

(b) The Tree Commission shall elect by a majority vote its own officers, make its own rules and regulations, and keep a record of its proceedings. A handbook shall be kept in the Clerk of Council's office as a permanent record. In the absence of any rule regarding the matter of business, the Commission shall be governed by Robert's Rules of Order.

(c) The Tree Commission shall appoint one of its members to serve as an ex officio member of the Parks and Recreation Commission and one member to serve as an ex officio member of the Environmental Affairs Advisory Board.

(d) A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports, and recommendations made by the Tree Commission shall be in writing and shall designate by name those members of the Commission approving the same, failing to concur therein, or abstaining therefrom. Those who fail to concur or who abstain shall have the right, as a part of such report, to state their reasons for refusing to approve or to concur. Minutes of meetings shall be filed in the Urban Forester's office and forwarded to the Mayor and the Clerk of Council.



## HARBOR CREST TOWNHOUSE SUBDIVISION NO. 1 - IMPROVEMENT PLAN

# Report

**To:** Avon Lake Planning Commission

**From:** Kelly La Rosa, Planning and Zoning Manager

**Date:** October 29, 2025

**Re:** Case No. CPC-25-17, Pulte Homes of Ohio, LLC, Major Subdivision, Improvement Plan for Harbor Crest Townhouse Subdivision No. 1 located at the southeast corner of Walker Road and Avon-Belden Road (State Route 83).

### PROJECT OVERVIEW

Pulte Homes of Ohio, LLC, is seeking approval of the Improvement Plan for Harbor Crest Townhouse Subdivision No. 1, a 73-unit fee-simple townhouse development on approximately 9.35 acres to be constructed in two phases. The request follows the Planning Commission's recommendation on August 5, 2025, for Preliminary Plat approval, consistent with the rezoning adopted in April 2025.

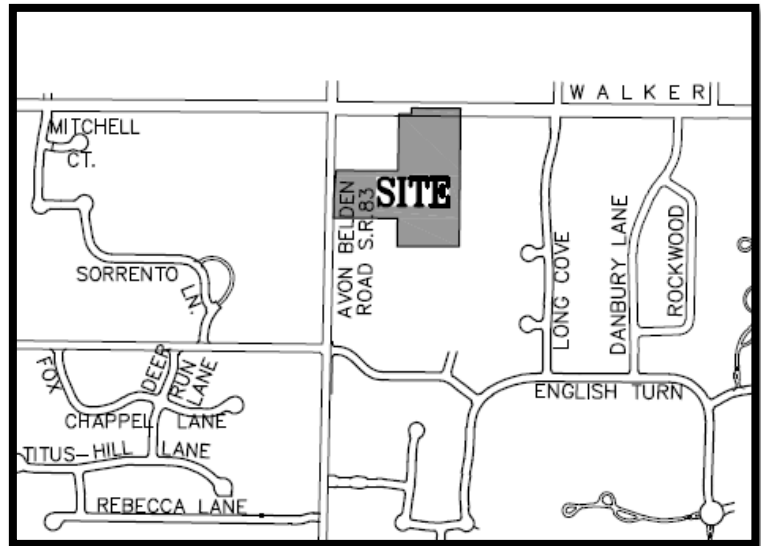


Figure 1: Vicinity Map

This phase establishes the physical and environmental infrastructure framework of grading, utilities, stormwater systems, and private street construction, necessary to initiate the residential development. The proposal demonstrates alignment with adopted municipal plans, including the Comprehensive Land Use Plan (CLUP) and the Master Thoroughfare Plan. It upholds the principle of ensuring development consistent with long-range community goals.



Planning Commission  
Case No. CPC-25-17  
Harbor Crest Subdivision No. 1  
Site Plan Approval  
October 29, 2025  
Page 2 of 5

## PROJECT DESCRIPTION

**Owner:** Pulte Homes of Ohio, LLC, 387 Medina Road, Medina

**Applicant/Engineer:** The Henry G. Rietz Engineering Co., 4214 Rocky River Dr., Cleveland

**Location:** The property is located at the southeast corner of Walker Road and Avon-Belden Road (State Route 83).

**Approvals:** The Planning Commission recommended rezoning the site to R-3 Multi-Family Residence on April 1, 2025, and later approved the Preliminary Plat on August 5, 2025.

**Zoning:** The site is zoned R-3 Multi-Family Residence.

**Land Use:** Townhouse residential use is permitted.

**Density:** The proposed density of 7.8 units per acre is within district standards.

### Comprehensive Plan Alignment:

The Comprehensive Land Use Plan (CLUP) designates this area for Mixed Use and Single-Family Residential development, encouraging a blend of housing types that support a diverse and balanced community fabric. Although the site was subsequently rezoned to R-3 Multi-Family Residence, the proposed townhouse development remains compatible with the CLUP's Mixed-Use and Single-Family designations by introducing a compact, ownership housing form that complements adjacent single-family neighborhoods and promotes balanced residential growth.

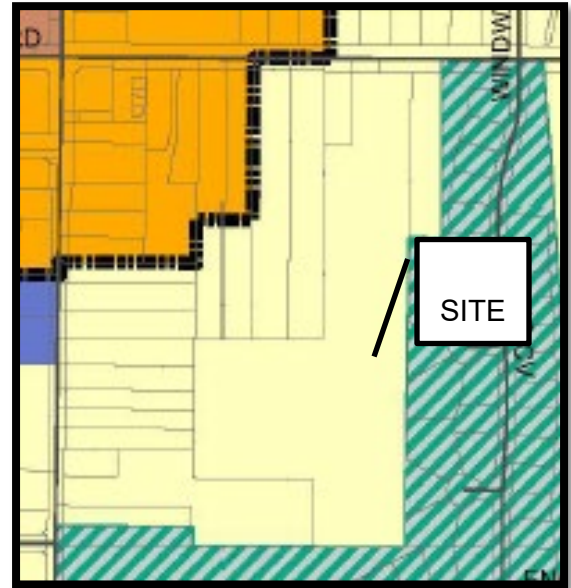


Figure 2: Excerpt from Avon Lake Zoning Map

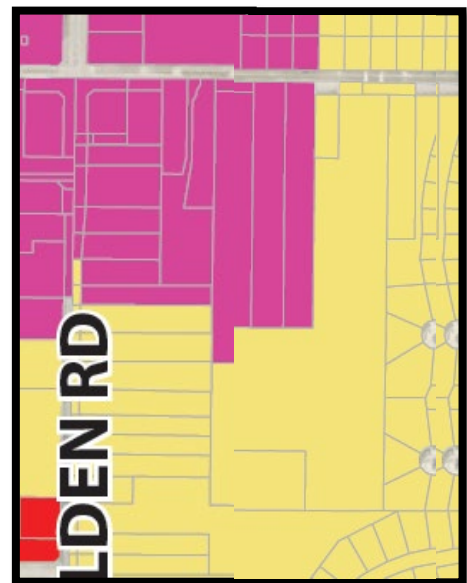
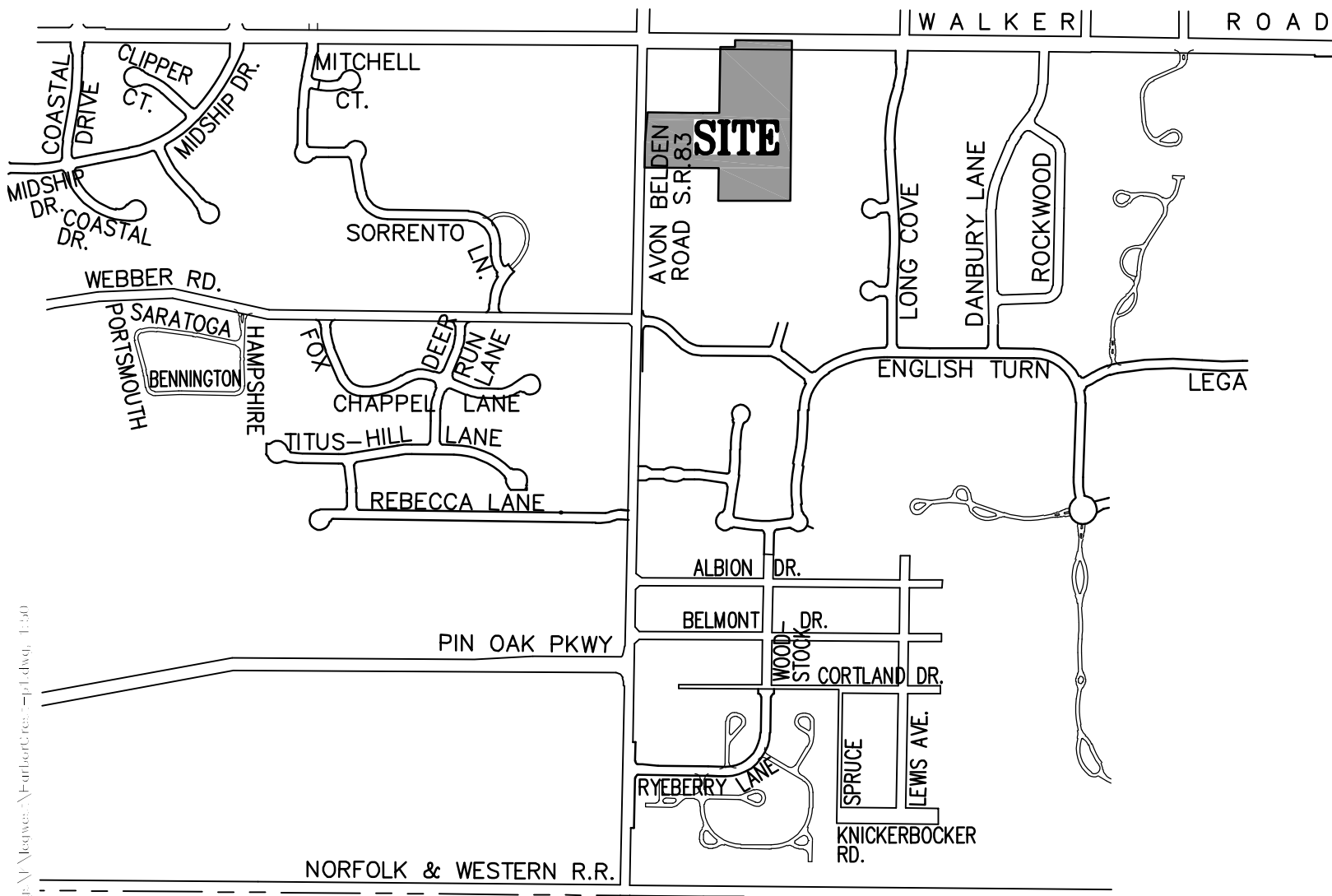


Figure 3: Excerpt from Avon Lake CLUP

# HARBOR CREST SUBDIVISION VICINITY MAP

BEING PART OF AVON TOWNSHIP SECTION NO. 17 NOW IN THE  
CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO





## HARBOR CREST TOWNHOUSE SUBDIVISION NO. 2 - IMPROVEMENT PLAN

# Report

**To:** Avon Lake Planning Commission

**From:** Kelly La Rosa, Planning and Zoning Manager

**Date:** October 29, 2025

**Re:** Case No. CPC-25-18, Pulte Homes of Ohio, LLC, Major Subdivision, Improvement Plan for Harbor Crest Townhouse Subdivision No. 2 located at the southeast corner of Walker Road and Avon-Belden Road (State Route 83).

### PROJECT OVERVIEW

Pulte Homes of Ohio, LLC, requests Planning Commission approval for the Harbor Crest Townhouse Subdivision No. 2, representing the second and final phase of construction for a 73-unit fee-simple townhouse development on approximately 9.35 acres.

Phase 1 established infrastructure for the northern portion of the project, including 31 townhouse units, internal private streets, and the stormwater management basin.

Phase 2 completes the subdivision improvements by extending utilities, roadways, and drainage infrastructure to serve the remaining 42 townhouse units located along Audry Lane within the approved preliminary subdivision.

This phase is consistent with the rezoning and preliminary plat approvals previously granted by the Planning Commission and City Council (August 5, 2025), and adheres to the site's approved density restriction of no more than 73 total units

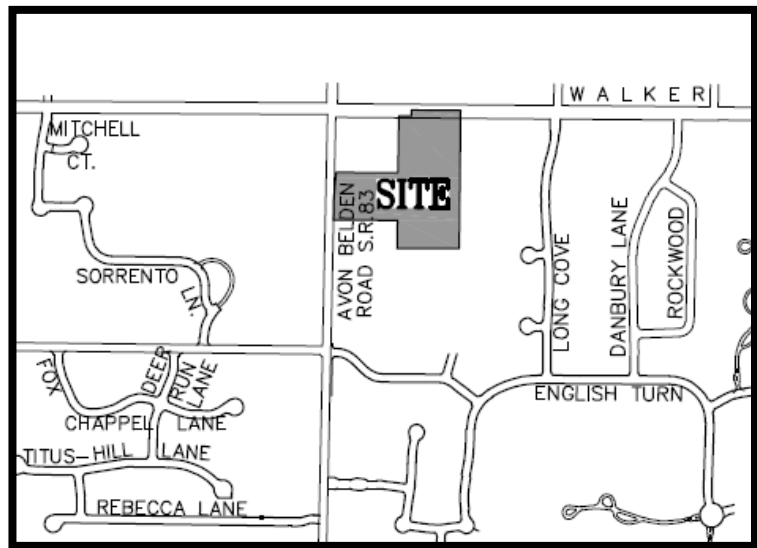


Figure 1: Vicinity Map



Planning Commission  
Case No. CPC-25-18  
Harbor Crest Subdivision No. 2  
Site Plan Approval  
October 29, 2025  
Page 2 of 5

## PROJECT DESCRIPTION

**Owner:** Pulte Homes of Ohio, LLC, 387 Medina Road, Medina

**Applicant/Engineer:** The Henry G. Rietz Engineering Co., 4214 Rocky River Dr., Cleveland

**Location:** The property is located at the southeast corner of Walker Road and Avon-Belden Road (State Route 83).

**Approvals:** The Planning Commission recommended rezoning the site to R-3 Multi-Family Residence on April 1, 2025, and later approved the Preliminary Plat on August 5, 2025.

**Zoning:** The site is zoned R-3 Multi-Family Residence.

**Land Use:** Townhouse residential use is permitted.

**Density:** The proposed density of 7.8 units per acre is within district standards.

### Comprehensive Plan Alignment:

The Comprehensive Land Use Plan (CLUP) designates this area for Mixed Use and Single-Family Residential development, encouraging a blend of housing types that support a diverse and balanced community fabric. Although the site was subsequently rezoned to R-3 Multi-Family Residence, the proposed townhouse development remains compatible with the CLUP's Mixed-Use and Single-Family designations by introducing a compact, ownership housing form that complements adjacent single-family neighborhoods and promotes balanced residential growth.

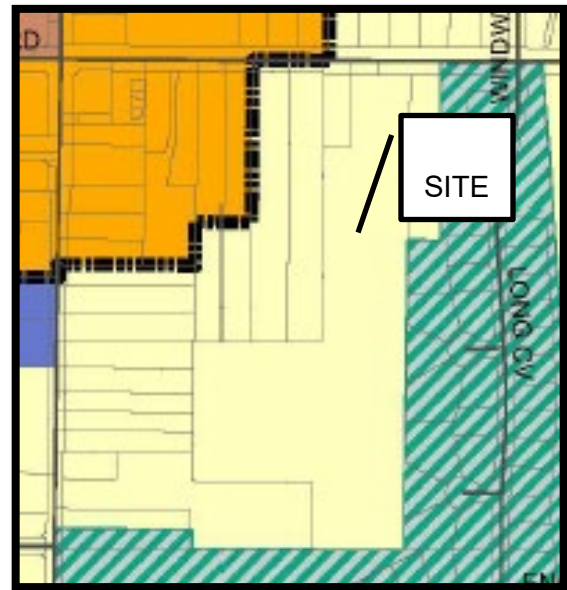


Figure 2: Excerpt from Avon Lake Zoning Map

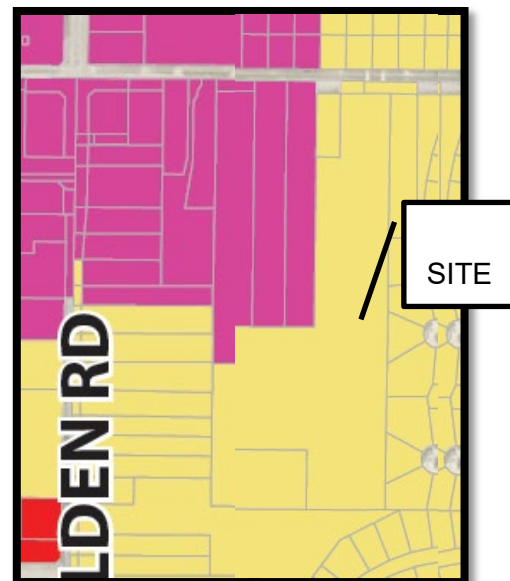
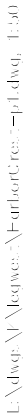


Figure 3: Excerpt from Avon Lake CLUP

BEING PART OF AVON TOWNSHIP SECTION NO. 17 NOW IN THE  
CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO



## § 220.05 STANDING COMMITTEES.

(a) Within 19 days following the President of Council's election, the Council-elect shall meet ~~again~~ to discuss **standing** committee assignments, with Chairpersons recommended by the Council President-elect. Such assignments shall be confirmed by a majority of the members of Council at their organizational meeting.

(b) The following standing committees shall perform the duties prescribed in this section.

### **(1) Building and Utilities Committee.**

A. All ordinances, resolutions and other matters relating to **the Communications and Technology Department, the city-owned cable access channels and studio, including telephones, radios, computer hardware or software, social media, city website, marketing, technology, community outreach,** water, storm, sanitary, and combined sewers, additions, repairs, and improvements of storm, sanitary, and combined sewers, hydrants, electrical lines, gas lines, index of line breaks, installations of sewers to enclose open ditches, and sewage disposal, sewer assessments and such matters referred to the Building and Utilities Committee under the jurisdiction of the city and Avon Lake Regional Water, are the responsibility of the Building and Utilities Committee for study, **investigation** and ~~report~~ **recommendation** to Council.

B. The Chair**person** of the Buildings and Utilities Committee will attend Avon Lake Regional Water public meetings when possible.

**C. One member of the Building and Utilities Committee shall serve as an ex officio, non-voting member of the Avon Lake Communications and Technology Commission.**

~~D. Reviews the Building Department's goals and objectives and goals, public transportation, railroad crossings, including construction and renovation of buildings, issues pertaining to water and gas and shoreline protection. In addition, maintenance of ditches catch basins, electrical light and power matters shall be considered and recommended.~~

~~D. E.~~ Reviews city utility contracts with power distribution, including street lights.

~~E. F.~~ Works with other committees related to renewable energy.

**G. Oversees issues of informational technology within the Council Chamber and the city, including network security, radios and all other communications.**

### **(2) Economic Development Committee.**

A. All ordinances, resolutions and other matters relating to economic development and involving the Community Development Department, including, but not limited to, retaining existing businesses and attracting new businesses to Avon Lake shall be referred to the Economic Development Committee for study, investigation and recommendation to

Council, except that such referral on a particular matter may be waived by the ~~President of~~ Council **President** upon the Mayor's request and advice that timely consideration of such matter by Council is necessary or appropriate.

- B. Work with members of the Community Improvement Corporation.
- C. **Reviews the Recreation Department goals and objectives along with recreational programming (includes youth and senior services and other recreational activities).**
- D. **Proposes arts and humanities programming.**
- E. **Oversees and advises all matters related to Public Transportation.**

### **(3) Finance Committee.**

A. All ordinances, resolutions, and other matters relating to finances, indebtedness, appropriations, payment of moneys and taxation, and all matters involving the office of the Finance Director and insurance and pensions of employees, shall be referred to the Finance Committee for study, investigation, and reporting to ~~members of~~ Council.

B. **Quarterly reviews and compares expenditures against the established budget to identify and analyze possible fiscal trends that may affect the City's financial position.** ~~As provided in Chapter 270, members of the Finance Committee shall also serve as members of the Audit Commission.~~

C. Oversees the ongoing review of **the** city budget, annual appropriations, bond issues, levies, and possible legal issues affecting the city.

D. Reviews the goals and objectives of the Finance Department.

### **(4) Human Resources Committee.**

A. All ordinances, resolutions and other matters relating to the hiring or promotion of new or existing employees, the grade and step increases of qualifying city employees, the determination of grades and steps for newly created positions, the writing or amending of job descriptions and other matters involving the office of Human Resources pertaining to Chapter 258 shall be referred to the Human Resources Committee for a **study, investigation and** recommendation to ~~members of~~ Council.

B. All ordinances, resolutions and other matters relating to negotiations of wage and salary increases for city employees, and the provision of fringe benefits for such employees and special programs, shall be considered and recommended by the Human Resources Committee to members of Council.

C. The **Human Resources** Committee shall include among its members the Chairpersons of the Finance and Public Safety and Health Committees. A member of the Board of Municipal Utilities and a member of the Civil Service Commission shall serve as ex officio **non-voting** members, ~~without a vote.~~

D. Reviews the goals and objectives of the Human Resources Department.

**(5) Communications, Environmental, and Recreational Programming ~~Environmental~~ Committee.**

A. All ordinances, resolutions and other matters relating to natural resources and environmental protection, ~~shoreline protection, preservation and conservation of Lake Erie, recycling, yard waste, waste collection and contract, leaf humus, branch pickup and woodchips, compost, and inventory of brownfields~~ shall be referred to the Communications, Environmental, and Recreational Programming ~~Environmental~~ Committee for ~~study~~, investigation and recommendation to Council.

~~B. All ordinances, resolutions and other matters relating to the Communications and Technology Department, and the city-owned cable access channels and studio, including telephones, computer hardware or software, social media, city website, marketing and community outreach shall be referred to the Communications, Environmental, and Recreational Programming Committee for investigation and recommendation to Council.~~

~~B. One member of the Communications, Environmental, and Recreational Programming ~~Environmental~~ Committee shall serve as an ex officio, non-voting member of the Environmental Affairs Advisory Board.~~

~~C. One member of the Communications, Environmental, and Recreational Programming Committee shall serve as an ex officio member of the Avon Lake Communications and Technology Commission.~~

~~—E. Reviews city website and all forms of social media communications and community outreach and noted technology.~~

~~D. Reviews the Recreation Department objectives and goals along with recreational programming (includes youth and senior services and other recreational activities).~~

~~E. Proposes green renewable energy and alternative energies.~~

~~H. Oversees issues of informational technology within Council Chamber and the city including network security, radios and all other communications.~~

~~I. Continue reviewing and lobbying to protect the shores of Lake Erie.~~

~~J. Proposes arts and humanities programming.~~

**(6) Public Service Committee.**

A. Referrals to Committee. All ordinances, resolutions and other matters relating to the construction, maintenance and acquisition of facilities, buildings, infrastructure, lands, shoreline, trees, and other vegetation owned by the city or proposed to be acquired by the city, the lease or sale of facilities, buildings, infrastructure and lands not needed for municipal purposes, and ~~matters relating to streets, bike paths, sidewalks, planning,~~

~~zoning and city buildings and lands including parks shall be referred to the Public Service Committee for study, investigation and report to members of Council.~~

All ordinances, resolutions, and other matters relating to the maintenance and acquisition of city-owned or proposed city-owned facilities, infrastructure, lands, trees, and other vegetation; the lease or sale of facilities, buildings, infrastructure, and lands not needed for municipal purposes; the maintenance of ditches and catch basins; development or subdivision engineering; street or bridge construction; and all matters relating to streets, bike paths, sidewalks, planning, zoning, and the maintenance of city buildings, lands, and parks shall be referred to the Public Service Committee for study, investigation, and recommendation to Council.

B. ~~Oversight of right-of-way infrastructure.~~ The **Public Service** Committee shall oversee all matters pertaining to the **engineering design**, construction, repair, maintenance and inspection of streets, bike paths and sidewalks, street cleaning, ~~waste collection and disposal~~, street and highway improvements, grading, assessments, and other matters within the ~~rights~~-of-way.

C. ~~Oversight of public services and facilities.~~ The **Public Service** Committee shall oversee operations relating to public services, including, but not limited to:

1. ~~Maintaining an inventory of brownfields~~, historic properties, and historic districts.
2. Recommending the acquisition and replacement of equipment, vehicles and materials used by the Public Works Department, Recreation Department, City Engineer, **and** Community Development Department ~~and Building Department~~.
3. ~~Responsibility for the maintenance of~~ **Maintaining** public parks, playgrounds, and beaches.

D. ~~Department review.~~ The **Public Service** Committee shall review and monitor the ~~objectives and goals~~ **and objectives** of the Community Development Department, Engineering Department, and Public Works Department.

E. ~~Property review.~~ The **Public Service** Committee shall oversee matters related to property inspection, **urban forest**, and ~~enforcement of building and~~ maintenance codes.

F. ~~Arts and humanities (infrastructure/facilities).~~ The Committee shall be responsible for matters related to the arts and humanities as they pertain to infrastructure and city facilities.

## **(7) Public Safety and Health Committee.**

A. ~~All ordinances, resolutions and other matters relating to the Police Department and the Fire Department including, but not limited to, inspections, traffic regulations, pedestrian safety, emergency community preparedness, school safety, bike safety, and works with nuisances and safety in the city, shall be referred to the Public Safety and Health Committee for investigation. In addition, a review of the noted departments'~~

~~objectives and goals. In addition, the Committee will promote safety awareness, review and update procedures, conduct inspections, and make recommendations to enhance the overall health and safety of the workplace.~~

All ordinances, resolutions and other matters relating to the Police Department and Fire Department, including but not limited to inspections, railroads, public and senior transportation, traffic regulations, pedestrian safety, emergency community preparedness, school safety, bike safety, nuisances and overall public safety within the city, shall be referred to the Public Safety and Health Committee for study, investigation and recommendation to Council. In addition, the Public Safety and Health Committee shall promote safety awareness, review and update procedures, conduct inspections and make recommendations to enhance the overall health and safety of the workplace and community.

- B. Reviews the Police Department and Fire Departments' goals and objectives.
- C. The Public Safety and Health Committee shall organize National Incident Management System (NIMS) Training for elected officials and conduct a citywide emergency response practice exercise to ensure all employees are prepared in the event of an actual emergency.
- D. The Public Safety and Health Committee shall request that the Lorain County Emergency Management Agency review and critique the city's exercise and provide feedback for improvement.
- E. ~~Works with~~ Includes Homeland Security, emergency community preparedness, school safety, bike safety, and works with ~~and~~ the Lorain County Board of Health on services and health-related issues in the community.
- ~~€~~ F. Reviews and studies all emergency vehicles, emergency communication matters, emergency response apparatus, and special task forces.

## **§ 220.05 STANDING COMMITTEES.**

(a) Within 19 days following the President of Council's election, the Council-elect shall meet to discuss standing committee assignments, with Chairpersons recommended by the Council President-elect. Such assignments shall be confirmed by a majority of the members of Council at their organizational meeting.

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B. The Chairperson of the Buildings and Utilities Committee will attend Avon Lake Regional Water public meetings when possible.

C. One member of the Building and Utilities Committee shall serve as an ex officio, non-voting member of the Avon Lake Communications and Technology Commission.

D. Reviews the Building Department's goals and objectives, including construction and renovation of buildings, issues pertaining to water and gas. In addition, electrical light and power matters shall be considered and recommended.

E. Reviews city utility contracts with power distribution, including street lights.

F. Works with other committees related to renewable energy.

G. Oversees issues of informational technology within the Council Chamber and the city, including network security, radios and all other communications.

### **(2) Economic Development Committee.**

A. All ordinances, resolutions and other matters relating to economic development and involving the Community Development Department, including, but not limited to, retaining existing businesses and attracting new businesses to Avon Lake shall be referred to the Economic Development Committee for study, investigation and recommendation to Council, except that such referral on a particular matter may be waived by the Council President upon the Mayor's request and advice that timely consideration of such matter by Council is necessary or appropriate.

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C. Oversees the ongoing review of the city budget, annual appropriations, bond issues, levies, and possible legal issues affecting the city.

D. Reviews the goals and objectives of the Finance Department.

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A. All ordinances, resolutions and other matters relating to the hiring or promotion of new or existing employees, the grade and step increases of qualifying city employees, the determination of grades and steps for newly created positions, the writing or amending of job descriptions and other matters involving the office of Human Resources pertaining to Chapter 258 shall be referred to the Human Resources Committee for a study, investigation and recommendation to Council.

B. All ordinances, resolutions and other matters relating to negotiations of wage and salary increases for city employees, and the provision of fringe benefits for such employees and special programs, shall be considered and recommended by the Human Resources Committee to members of Council.

C. The Human Resources Committee shall include among its members the Chairpersons of the Finance and Public Safety and Health Committees. A member of the Board of Municipal Utilities and a member of the Civil Service Commission shall serve as ex officio non-voting members.

D. Reviews the goals and objectives of the Human Resources Department.

**(5) Environmental Committee.**

A. All ordinances, resolutions and other matters relating to natural resources and environmental protection, shoreline protection, preservation and conservation of Lake Erie, recycling, yard waste, waste collection and contract, leaf humus, branch pickup and

woodchips, compost, and inventory of brownfields shall be referred to the Environmental Committee for study, investigation and recommendation to Council.

B. One member of the Environmental Committee shall serve as an ex officio, non-voting member of the Environmental Affairs Advisory Board.

C. Proposes green renewable energy and alternative energies.

#### **(6) Public Service Committee.**

A. All ordinances, resolutions, and other matters relating to the maintenance and acquisition of city-owned or proposed city-owned facilities, infrastructure, lands, trees, and other vegetation; the lease or sale of facilities, buildings, infrastructure, and lands not needed for municipal purposes; the maintenance of ditches and catch basins; development or subdivision engineering; street or bridge construction; and all matters relating to streets, bike paths, sidewalks, planning, zoning, and the maintenance of city buildings, lands, and parks shall be referred to the Public Service Committee for study, investigation, and recommendation to Council.

B. The Public Service Committee shall oversee all matters pertaining to the engineering design, construction, repair, maintenance and inspection of streets, bike paths and sidewalks, street cleaning, street and highway improvements, grading, assessments, and other matters within the rights-of-way.

C. The Public Service Committee shall oversee operations relating to public services, including, but not limited to:

1. Maintaining historic properties, and historic districts.
2. Recommending the acquisition and replacement of equipment, vehicles and materials used by the Public Works Department, Recreation Department, City Engineer, and Community Development Department.
3. Maintaining public parks, playgrounds, and beaches.

D. The Public Service Committee shall review and monitor the goals and objectives of the Community Development Department, Engineering Department, and Public Works Department.

E. The Public Service Committee shall oversee matters related to property inspection, urban forest, and maintenance codes.

#### **(7) Public Safety and Health Committee.**

A. All ordinances, resolutions and other matters relating to the Police Department and Fire Department, including but not limited to inspections, railroads, public and senior transportation, traffic regulations, pedestrian safety, emergency community preparedness, school safety, bike safety, nuisances and overall public safety within the city, shall be referred to the Public Safety and Health Committee for study, investigation and recommendation to Council. In addition, the Public Safety and Health Committee shall

promote safety awareness, review and update procedures, conduct inspections and make recommendations to enhance the overall health and safety of the workplace and community.

- B. Reviews the Police Department and Fire Departments' goals and objectives.
- C. The Public Safety and Health Committee shall organize National Incident Management System (NIMS) Training for elected officials and conduct a citywide emergency response practice exercise to ensure all employees are prepared in the event of an actual emergency.
- D. The Public Safety and Health Committee shall request that the Lorain County Emergency Management Agency review and critique the city's exercise and provide feedback for improvement.
- E. Works with Homeland Security, and the Lorain County Board of Health on services and health-related issues in the community.
- F. Reviews and studies all emergency vehicles, emergency communication matters, emergency response apparatus, and special task forces.

## CHAPTER 1484

### Short-Term Rental Property

- 1484.01 Purpose.
- 1484.02 Short-Term Rental Registration Certificate.
- 1484.03 Limitations on Short-Term Rental Properties.
- 1484.04 Fees.
- 1484.05 Owner Responsibilities.
- 1484.06 Inspections.
- 1484.07 Nuisance.
- 1484.08 Change of Ownership or Control.
- 1484.09 Hosting Platforms.
- 1484.10 Hearing and Appeals.
- 1484.11 Severability.
- 1484.12 Enforcement.
- 1484.13 Notice of Violations.
- 1484.98 Definitions.
- 1484.99 Penalty; legal action.

#### 1484.01 PURPOSE.

The purpose and intent of this Chapter is to regulate the peace, health, safety, and wellness of the public, including the Owners, Transient Guests, and neighboring property owners or occupants of any Short-Term Rental Property; to ensure the continued vibrancy, character, and charm of the City of Avon Lake as a community; to protect and preserve the quality, character, and tranquility of residential neighborhoods; to protect property values, and to preserve the availability of affordable housing stock for permanent residents of the City of Avon Lake.

#### 1484.02 SHORT-TERM RENTAL REGISTRATION CERTIFICATE.

(a) Required. Effective \_\_\_\_\_, 2025, the City created a Short-Term Rental Property Registration System for the City of Avon Lake that requires an Owner of Short-Term Rental Property to register with the City on an annual basis each and every individual Short-Term Rental Property in the City.

(1) Beginning on the effective date of this Ordinance, every Short-Term Rental Property must be issued a Short-Term Rental Registration Certificate before being used, advertised, promoted, offered, listed with a Hosting Platform, or otherwise made available for use as Short-Term Rental Property. It shall be *prima facie* evidence of use as a Short-Term Rental Property if a Transient Guest is found to be occupying a Residential Premises or the Residential Premises is advertised on a Hosting Platform.

(2) All Short-Term Rental Property must be in full compliance at all times with all applicable provisions of the Codified Ordinances of the City of Avon Lake.

(b) Each Short-Term Rental Property must display the Short-Term Rental Registration Certificate at a conspicuous place inside the property.

**Commented [GE1]:** "Visible" could mean "visible inside a drawer or closet."

(1) No Owner of a Short-Term Rental Property shall allow a Short-Term Rental Property to be used, advertised, promoted, offered, listed or made available for use to Transient Guests if the Short-Term Rental Registration Certificate has been suspended, revoked, or denied, nor shall an Owner display a Short-Term Rental Registration Certificate that has expired or been suspended, revoked, denied, altered, or defaced.

(2) No person shall make a Short-Term Rental Property available for use by Transient Guests if such Short-Term Rental Property is in violation of any applicable provision of the City of Avon Lake's health code, building code, zoning regulations, or any covenant, condition, or restriction enacted in accordance with Chapter 5312 of the Ohio Revised Code, if applicable.

(c) Issuance.

(1) The Application for a Short-Term Rental Registration Certificate required by this Chapter shall be made by an Owner by supplying the information required on the Application supplied by the Department and agreeing to comply with all requirements of this Chapter. Applications may be submitted at any time, subject to the limitations and restrictions set forth in **1484.03**.

(2) A Short-Term Rental Registration Certificate shall not be issued to an Owner unless the Owner or an Authorized Representative can arrive at and access the Short-Term Rental Property within one (1) hour whenever such property is being used by a Transient Guest.

(3) Upon submission of the Application (or renewal Application), the Department shall schedule a Life Safety Inspection, in accordance with Section **1484.06** of these Codified Ordinances, of the Residential Premises prior to issuing or renewing a Short-Term Rental Registration Certificate.

(4) No Short-Term Rental Registration Certificate shall be issued or renewed until the Department completes a Life Safety Inspection of the Residential Premises and determines that the Residential Premises complies with all applicable health, building, and safety codes and the requirements of this Chapter.

(5) After the Life Safety Inspection is completed and the Residential Premises is found to be in full compliance with all applicable building, health, and safety codes, the Department shall issue or renew a Short-Term Rental Registration Certificate for such Residential Premises which shall contain the following information:

A. the name, email address, and telephone number of the Owner or Authorized Representative responsible for maintenance of the Short-Term Rental Property and ensuring compliance with this Chapter;

B. the address of the Short-Term Rental Property;

C. the expiration date of the Short-Term Rental Registration Certificate; and

D. the maximum occupancy of the Short-Term Rental Property.

(6) Upon obtaining a Short-Term Rental Registration Certificate, the Owner shall comply with the provisions of this Chapter.

(d) Notwithstanding any contrary provision of this Chapter, any Short-Term Rental Occupancy Certificate that expires, is revoked, or becomes invalid for any reason is not assignable nor renewable and shall require a new Application for use as a Short-Term Rental Property for all purposes under this Chapter.

(e) Limitations on Assignment. Except as otherwise provided in Section **1484.08**, a Short-Term Rental Registration Certificate may not be sold, transferred, or assigned to any property other than the Short-Term Rental Property for which it was issued.

(f) Term. A Short-Term Rental Registration Certificate issued pursuant to this chapter shall be valid for twelve (12) months from the date the Short-Term Rental Registration Certificate is issued or until revoked in accordance with **1484.02(d)** of the Codified Ordinance.

#### **1484.03      LIMITATIONS ON SHORT-TERM RENTAL PROPERTIES.**

(a) Beginning on the effective date of this Ordinance, there shall be no more than one (1) Short-Term Rental Property per 1000 feet, measured at the property lines or 6 parcels, whichever is greater.

(1) Subsection (a) of this Section shall not apply to invalidate or cancel any otherwise lawfully existing Short-Term Rental Property that was in existence prior to the effective date of this Section provided that such properties comply with all other applicable provisions of this Chapter.

(2) Until such time as the density of Short-Term Rental Properties falls below the restrictions set forth in this Section, no new Applications for Short-Term Rental Certificates will be processed for properties which would otherwise violate this Section.

(b) Subject to limitations found elsewhere in this Chapter, Renewal Applications shall continue to be accepted and Short-Term Rental Registration Certificates issued in accordance with Section **1484.02** provided that the Application for a Renewal Short-Term Rental Certificate is submitted to the Department before the expiration of the existing Short-Term Rental Registration Certificate.

(c) No Short-Term Rental Property which had a Short-Term Rental Registration Certificate revoked under Sections **1484.02(d)(3)-(6)** shall be eligible for issuance of a Short-Term Rental Registration Certificate for a period of two (2) years from the date of revocation unless a change in ownership or control of the Residential Premises has occurred, as determined by the Department in its reasonable discretion.

#### **1484.04      FEES.**

All fees set forth in this Chapter shall be approved and adopted by City Council in accordance with the City's Charter and the Codified Ordinances. The effective date of any changes to such fees shall be in accordance with **Chapter II, Section 9 of the Charter** unless a different date is set forth in the adopting Ordinance.

**Commented [GE2]:** You have to continue allowing any STR operating as of the date of this ordinance to continue operating until such time as the STR authority is abandoned, revoked, or fails to renew.

#### **1484.05 OWNER RESPONSIBILITIES.**

(a) In addition to general requirements that all Short-Term Rental Property be in full compliance with all applicable laws, statutes, regulations, and ordinances, the following additional responsibilities are applicable to an Owner of Short-Term Rental Property:

(1) The Owner of every Short-Term Rental Property shall be responsible for the maintenance thereof in good repair and in a safe and sanitary condition in compliance with the applicable requirements of **Part Fourteen** of the Codified Ordinances and the requirements established by the City administratively.

(2) The Owner shall prepare and maintain a parking plan to designate off-street parking for the use of all vehicles associated with the Short-Term Rental Property in accordance with **Chapter 1234** of the Codified Ordinances.

(3) The Owner or Authorized Representative shall be required to be physically present in person at the Short-Term Rental Property within sixty (60) minutes of any notification by a member of law enforcement, the fire department, or emergency assistance of any kind relating to a Call for Service to the Short-Term Rental Property.

(4) The Owner shall provide proof of procurement and maintenance of general liability and premises liability insurance for the Short-Term Rental Property as may be periodically requested by the Department, which insurance(s) shall meet all of the following requirements:

A. Provide coverage of not less than One Million Dollars (\$1,000,000) and issued in accordance with Chapter 3902 of the Ohio Revised Code.

B. Provide notice of cancellation of insurance to the Department at least ten (10) days prior to cancellation.

(5) Failure to maintain insurance required by this section shall result in a revocation of the Short-Term Rental Registration Certificate.

#### **(b) Records.**

(1) The Owner or Authorized Representative shall maintain a registry of Transient Guests for a period of at least three (3) years from the date such Transient Guests occupied the Short-Term Rental Property which shall include the following:

A. The name and address of the persons who entered into the rental agreement for use of the Short-Term Rental Property;

B. The date(s) each such Transient Guest had use or occupancy of the Short-Term Rental Property;

C. The number of persons scheduled to stay for the night of the Rental Period; and

D. The rate charged per each rental period.

(2) The Owner or Authorized Representative shall provide the records required by this section upon request by a member of law enforcement, the Department, or in accordance with any lawful order issued by a Court or tribunal having jurisdiction thereof.

(3) The Owner or Authorized Representative shall be deemed to comply with this provision if such records are kept and maintained by a Hosting Platform which is identified and disclosed to the City on the initial Application or any renewal Application.

(c) No Owner shall lease a Short-Term Rental Property to a Transient Guest if the Transient Guest's use of the Short-Term Rental Property would violate Section 2950.034 of the Ohio Revised Code.

#### **1484.06 INSPECTIONS.**

(a) License Issuance and Renewal Inspections:

(1) Prior to issuing or renewing a Short-Term Rental Registration Certificate, or in the event of the transfer and assignment of a valid a Short-Term Rental Registration Certificate, the Department shall conduct a Life Safety Inspection of the Residential Premises within fourteen (14) days from the date the Application is received by the City (or in the event a waiting list is maintained by the Department pursuant to Section **1484.03(b)**, within fourteen (14) days of when the Owner is notified by the Department that the new Application is being considered).

(2) Within fourteen (14) days of completing a Life Safety Inspection, an Inspection Report shall be issued to the Owner of the Short-Term Rental Property.

(3) The Department shall maintain a copy of the Life Safety Inspection Report for each Short-Term Rental Property for a period of three (3) years. Copies of all reports of Life Safety Inspections shall be made available to the public in accordance with §149.43 of the Ohio Revised Code.

(b) Violations enumerated in the Inspection Report shall be abated by the Owner of the Short-Term Rental Property within thirty (30) days from the date of the Inspection Report. A reinspection shall be required to verify that the violations have been corrected. The Owner of the Short-Term Rental Property shall contact the Department to schedule the required reinspection, which shall occur within forty-five (45) days from the date the Inspection Report is issued. A reinspection fee set in accordance with Section **1484.04** shall be paid at the time a reinspection is scheduled.

(c) Failure to correct any violations contained within the Inspection Report within thirty (30) days from the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of a Short-Term Rental Registration Certificate and/or penalties or other legal action in accordance with Section **1484.99**.

(d) Failure to permit a reinspection of the Short-Term Rental Property within forty-five (45) days of the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of the Short-Term Rental Registration Certificate and/or penalties or other legal action in accordance with Section **1484.99**.

(e) Upon display of the proper credentials, any member of the Department, law enforcement, fire department, emergency assistance, or public health official shall be permitted to inspect the Short-Term Rental Property to ensure compliance with this Chapter.

(1) In the event access to Short-Term Rental Property is refused, an officer or employee of the entity requesting to inspect the Short-Term Rental Property may, with the assistance of the Law Director, obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property.

(2) In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an Owner, Authorized Representative, or occupant to consent to a warrantless inspection of private property.

(3) A repeated failure to permit inspection may be cause for revocation of the Short-Term Rental Registration Certificate.

#### **1484.07 REVOCATION OR LAPSE.**

The Department shall revoke a Short-Term Rental Registration Certificate for any of the following:

- (a) the Owner provides any material misrepresentation of fact on the Application;
- (b) the Short-Term Rental Registration Certificate is not timely renewed;
- (c) noncompliance with the requirements of this Chapter;
- (d) failure to correct any deficiency identified in the Inspection Report within thirty (30) days of the date the Inspection Report is issued;
- (e) failure to collect and remit taxes required by **Chapter 886** of the Codified Ordinances;
- (f) upon a determination by a Court of competent jurisdiction that the Short-Term Rental Property has become a nuisance pursuant to Chapter 662 of the Codified Ordinances or other controlling Ohio law.

#### **1484.08 CHANGE OF OWNERSHIP OR CONTROL.**

(a) Any person selling or otherwise relinquishing ownership or control of a Short-Term Rental Property, including an Authorized Representative or Owner, shall notify the Department of the proposed effective date of the change in ownership or control.

(b) In order to transfer and assign a valid Short-Term Rental Registration Certificate, the Owner and holder of the Short-Term Rental Registration Certificate shall notify the Department of the change in ownership and control. The notice required by this section shall be in writing and shall include the following:

- (1) the name, address, email address, and telephone number of the new Authorized Representative or Owner;
- (2) the name, address, email address and telephone number of the previous Authorized Representative or Owner;
- (3) the person or entity maintaining the records required to be maintained by Section 1484.05(e).
- (4) the effective date of such change in ownership or control.

(c) Within fourteen (14) days of acquiring the Short-Term Rental Property (as evidenced by the new Owner receiving recorded legal title to same), the new Owner shall complete an

Application for purposes of the new Owner acknowledging the rights, duties and obligations of an Owner under this Chapter, including permitting the Department to conduct a Life Safety Inspection in accordance with **Section 1484.06** of this Chapter. The new Owner shall be required to pay a reinspection fee in accordance with the Codified Ordinances of the City.

(d) A failure to notify the Department in accordance with this Section within fourteen (14) calendar days of any change of ownership or control (as evidenced by the new Owner receiving recorded legal title to same) will result in a violation of this Chapter and a revocation of the Short-Term Rental Registration Certificate and/or penalties or other legal action in accordance with **Section 1484.99**.

#### **1484.09      HOSTING PLATFORMS.**

(a) Listing, Advertising, or Promoting. No Hosting Platform shall list, advertise, promote, or accept reservations for any Short-Term Rental Property within the City of Avon Lake that does not have a Short-Term Rental Registration Certificate. Upon notification by the Department that the Short-Term Rental Registration Certificate has expired or been revoked, the Hosting Platform shall remove or deactivate that Short-Term Rental Property from all listings, advertisements, or promotions of any kind within three (3) business days.

(b) Records Required. To the extent the Hosting Platforms collects the information required to be kept and maintained by an Owner or Authorized Representative in accordance pursuant to **Section 1484.05(b)** of this Chapter, it shall maintain such information for a period of three (3) years for all Short-Term Rental Properties that are leased to Transient Guests through such Hosting Platform, and shall provide such records upon request in accordance with **Section 1484.05(b)**.

(c) Taxation. All Hosting Platforms are subject to taxation in accordance with **Chapter 886** of the Codified Ordinances.

#### **1484.10      HEARING AND APPEALS.**

Subject to **Section 1484.03**, any person who has been denied, or refused a Short-Term Rental Registration Certificate, or whose Short-Term Rental Registration Certificate has been revoked pursuant to **Section 1484.02(d)** may appeal such decision to the [Board of Building and Zoning Appeals-Lorain County Court of Common Pleas](#) as provided in [Section 2506.01 1214.11](#) of the [Codified OrdinancesOhio Revised Code](#).

#### **1484.11      SEVERABILITY.**

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

#### **1484.12      ENFORCEMENT.**

No person shall violate any provision of this chapter or any rule or regulation promulgated thereunder or fail to comply therewith or with any written notice or written order issued thereunder by the Department.

#### **1484.13 NOTICE OF VIOLATIONS**

(a) Upon discovery of a violation of this Chapter, the Department shall issue a written notice of the violation to the Owner.

(b) The notice required in this Section shall be delivered by one or more of the following methods:

(1) certified mail delivery (return receipt requested), which shall be deemed effective as of the date of receipt identified on the return receipt or as noted by the U.S. Postal Service;

(2) courier service, which shall be deemed effective as of the date of receipt as identified by the courier service;

(3) hand or personal delivery, which shall be effective when delivered to an adult at the Owner's address;

(4) facsimile delivery, which shall be is effective when the facsimile transmission has been transmitted to the facsimile number provided for that purpose and the Department has received confirmation of the facsimile transmission;

(5) electronic mail delivery is effective when the electronic mail has been sent to the Owner's electronic mail address without notice of rejection of message.

(c) It is not a defense to any subsequent enforcement action that the notice provided by the Department was not actually delivered to the Owner provided that one of the methods of delivery set forth in Section **1484.13(b)** was attempted in good faith by the Department but was not accomplished through no fault of the Department.

#### **1484.98 DEFINITIONS.**

As used in this chapter:

(a) "Application" means the submission of all information required by this Chapter, and payment of the required fees, for registering a Residential Premises as new Short-Term Rental Property or to obtain a Renewal Short-Term Rental Certificate. For avoidance of doubt, a new Short-Term Rental Property shall be considered a Short-Term Rental Property for which the Owner of has failed to maintain a valid or renewable Short-Term Rental Registration Certificate.

(b) "Authorized Representative" means any individual, person, firm, partnership, corporation or company, other than an Owner, acting on behalf of an Owner of a Short-Term Rental Property responsible for ensuring compliance with all provisions of this Chapter and registered as the Owner's Authorized Representative with the Department.

(1) For purposes of this Chapter, actions taken by an Authorized Representative acting on behalf of the Owner shall have the same legal force and effect as if such acts were taken by the Owner.

(2) No Owner shall be absolved of individual liability solely on the basis that acts were taken by an Authorized Representative and not the Owner.

(c) "Department" shall mean and refer to the Building ~~and Zoning~~ Department of the City of Avon Lake.

(d) "Hosting Platform" means any person or entity in any form, format, or media that, in exchange for a fee, assists, facilitates, or provides a means through which an Owner may offer Residential Premises as Short-Term Rental Property and through which a Transient Guest can arrange use of a Short-Term Rental Property, whether the payment for the use of the Short-Term Rental Property is directly to the Owner or to the Hosting Platform.

(e) "Inspection Report" means the report issued by the Department containing the results of the Life Safety Inspection.

(f) "Life Safety Inspection" means that inspection performed by the Department prior to issuing or renewing a Short-Term Rental Registration Certificate, which may include but is not limited to the following:

- (1) Check for and test smoke detectors and carbon monoxide detectors;
- (2) Check for removal of and receptacles for all refuse, garbage and debris;
- (3) Check for presence of accessible dry chemical fire extinguishers of a minimum 5-lb. ABC class;
- (4) Confirm that a map denoting emergency evacuation routes is posted in a clearly conspicuous location.
- (5) Determine maximum occupancy for overnight Transient Guests which shall be limited to:

- A. Two (2) persons per Residential Premises plus;
- B. Two (2) persons per bedroom as designated in compliance with the Residential Code of Ohio.

(g) "Owner" means an individual, corporation, firm, partnership, association, organization, or any other person or entity (jointly or in combination) who has legal title to a Residential Premises. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, vendee interest in a land contract, an estate for life or for years, in the Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have legal or equitable title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.

(h) "Renewal Short-Term Rental Certificate" means the Short-Term Rental Registration Certificate issued to a Residential Premises that was previously identified as a Short-Term Rental Property if the Application is approved prior to the date of expiration identified on the Short-Term Rental Registration Certificate.

(i) "Residential Premises" means any building; or the part of a building consisting of a self-contained, residential living space that is used or intended to be used by one (1) or more persons for overnight accommodations, including any adjacent or attached structures, grounds, areas, and

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facilities for the use of such persons. For purposes of this Chapter, a Residential Premises shall include at least one room containing a toilet, shower/tub, and sink, a separate area for preparing and consuming food for the use of the persons using that specific residential living space, and at least one (1) means of ingress and egress outside of the building or (in the case of a multi-family dwelling) into the common area of that building containing the residential living space. For purposes of this Chapter, any residential premises capable of being rented out as separate living spaces to unrelated persons shall each constitute a separate Residential Premises and may not be combined under a single Certificate.

(j) “Transient Guest” means each person who, in exchange for money or other financial compensation, leases, rents, or otherwise occupies Residential Premises for fewer than thirty (30) consecutive days.

(k) “Short-Term Rental Registration Certificate” means the certificate issued with respect to a Short-Term Rental Property evidencing compliance with the requirements of this Chapter.

(l) “Short-Term Rental Property” means any Residential Premises being utilized or otherwise made available to a Transient Guest within the City, if such Residential Premises is used by or made available to a Transient Guest for a period in excess of a combined period of thirty (30) days in any calendar year. “Short-Term Rental Property” does not include any Residential Premises which is the primary residence of the Owner if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of thirty (30) days in a calendar year. For purposes of this section, “made available” means each date the Short-Term Rental Property is listed or advertised on a Hosting Platform as being available for use or rent by Transient Guests.

#### **1484.99      PENALTY; LEGAL ACTION.**

(a) Except as otherwise expressly provided for elsewhere under the Codified Ordinances or the Ohio Revised Code, whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) or a maximum imprisonment term of six (6) months or both. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single guest stay and may be noticed and heard in a single action.

(b) The imposition of any penalty as provided for in this chapter shall not preclude the City from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful use of property, require repair or maintenance, restrain, correct or abate a violation, prevent the occupancy of a Residential Premises, declare a property a nuisance in accordance with Chapter 662 of the Codified Ordinances, revoke a Short-Term Rental Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.