

TEMPORARY ORDINANCE NO. 8-19

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, CHAPTER 903 – SIDEWALKS, SECTION 903.08 – RIGHT TO APPEAL, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

WHEREAS, Ohio Revised Code Chapter 2505 provides thirty (30) days for the filing of a notice of appeal from an administrative decision; and

WHEREAS, Lancaster Codified Ordinance Chapter 903 – Sidewalks, provides twenty (20) days for the filing of a notice of appeal in Section 903.08 – Right to Appeal; and

WHEREAS, the Fifth District Court of Appeals has previously held that twenty (20) days is not sufficient time for the filing of a notice of appeal; and

WHEREAS, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to comply with the requirements of the Ohio Revised Code and the prior holding of the Fifth District Court of Appeals; and

WHEREAS, the City must pass an ordinance to bring the Streets, Utilities, and Public Services Code into compliance;

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

SECTION 1. That Part Nine – Streets, Utilities, and Public Services Code, Title One – Streets and Sidewalks, Chapter 903 – Sidewalks, Section 903.08 – Right to Appeal is hereby repealed and replaced pursuant to Exhibit “A” attached hereto.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to comply with the requirements of the Ohio Revised Code and the prior holding of the Fifth District Court of Appeals.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2019 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

EXHIBIT A
Temporary Ordinance 8-19

903.08 RIGHT TO APPEAL.

Any person effected by a decision of the Service-Safety Director or his authorized designee with respect to this Chapter shall have the right to appeal to the Structural Board of Appeals as set forth in Section 1303.06. Any appeal must be made, in writing, within ~~20~~ **thirty (30)** days following service of the decision, notice or order upon which the appeal is being made.

(Ord. 4-16. Passed 2-22-16.)