

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-53 AC CMS

AN ORDINANCE AMENDING CHAPTER 1173 OF THE OBERLIN CODIFIED ORDINANCES TO ADDRESS TERM LIMITS FOR THE COMMISSION MEMBERS, DESIGNATE THE CODE ADMINISTRATOR AS THE CODE OFFICIAL RESPONSIBLE FOR THE APPEALS PROCESS, ADD APPEALS OF HISTORIC PRESERVATION COMMISSION DECISIONS UNDER THE JURISDICTION OF THE HOUSING RENEWAL COMMISSION, CLARIFY THE JURISDICTION OF THE HOUSING RENEWAL COMMISSION AND ADD APPEALS OF HOUSING RENEWAL COMMISSION DECISIONS ARE MADE TO THE COURT OF COMMON PLEAS.

WHEREAS, the Housing Renewal Commission recently conducted a review of the regulations contained in Chapter 1173 Housing Renewal Commission because of concerns that certain sections needed to be updated to reflect current staffing and how appeals and building code variances should be handled; and,

WHEREAS, after its review, the Commission determined that modifications need to be made to the regulations in Chapter 1173; and,

WHEREAS, it is recommended by the Housing Renewal Commission and City staff that the amendments to Chapter 1173 as set forth in Exhibit A be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1: That the amendments to Chapter 1173 of the Oberlin Codified Ordinances as are set forth in Exhibit A be and are hereby adopted.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

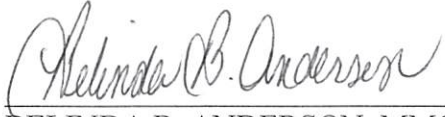
SECTION 3: That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading: September 3, 2019


2nd Reading: September 16, 2019 (Effective in 30 days)

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 09/17/2019

EFFECTIVE DATE: 09/16/2019

CHAPTER 1173

Housing Renewal Commission

1173.01 Composition, appointment and terms.

1173.02 Hearings, officers, quorum and rules.

1173.03 Appeals; hearing procedure.

1173.04 Jurisdiction; variances.

1173.05 Appeal of Commission's decision.

1173.06 Further Commission powers.

CROSS REFERENCE

Appeals - see Ohio R.C. Ch. 2506

1173.01 COMPOSITION, APPOINTMENT AND TERMS.

The Housing Renewal Commission shall consist of five members appointed by Council for terms of three years each with preference given to those with experience in the building trades.

1173.02 HEARINGS, OFFICERS, QUORUM AND RULES.

The hearings of the Housing Renewal Commission shall be public and held at the call of the chairman and at such times as the Commission may determine. The Commission shall organize annually and elect a chairman, vice-chairman and secretary. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of Chapters 1151 and 1187 of the Codified Ordinances, and keep a record of its proceedings showing the action of the Commission and the vote of each member upon each question considered. The presence of three members shall be necessary to hold a meeting. Concurrence of three members of the Commission shall be necessary to reverse any ruling of the Code Administrator of Historic Preservation Commission. The Commission shall hear an appeal of any owner of property or building contractor adversely affected by a decision of the Code Administrator or Historic Preservation Commission. The chairman or acting chairman of the Commission shall have the power to administer oaths during any public hearing.

1173.03 APPEALS; HEARING PROCEDURE.

Appeals may be taken to and before the Housing Renewal Commission by any person aggrieved by an order of any officer, department, board or bureau of the City in the enforcement of Chapter 1151, Chapter 1187, Section 521.22 or such other chapter of the Oberlin Codified Ordinances as may be authorized by Council from time to time.. The appeal shall be taken within ten days from the date of the decision by filing the following with the office of the Code Administrator of the City:

- (a) A notice of appeal specifying the grounds thereof;
- (b) The name and address of the appellant or his/her agent; and
- (c) A detailed plan and description of the proposed building, addition or remodeling question.

The Code Administrator, when the foregoing have been filed with him/her, shall immediately transmit the same to the chairman of the Commission together with the other papers constituting the records, plus a concise written statement of the reasons for his/her actions citing a specific ordinance or ordinances justifying his/her action.

The Commission shall fix a reasonable time for a hearing to be held on the appeal and give notice of the hearing by certified mail, return receipt requested, upon those property owners or contractors named in the appeal, process an additional notice by a legal ad published once in a newspaper having a general circulation in the City, all of such notices to be sent and/or published at least two weeks before the date set for the hearing.

Any party to the appeal may present such witnesses as they may desire. Any persons so testifying shall do so under oath and both the appellant and appellee shall not only have the right to present testimony, but also have the right of cross examination.

The entire record of the proceedings shall be taken by a registered professional court reporter and shall be transcribed into typewritten form.

Upon the conclusion of all testimony, the Commission may go into executive session for discussion. The Commission shall render its decision in public session within fifteen days from the date of the hearing. Upon failure to render a decision, the order of the Code Administrator or the decision of the Historic Preservation Commission shall be deemed to be upheld.

Each party receiving notice of the Commission meeting shall also receive notice of its decision.

(Ord. 11-22 AC CMS. Passed 4-18-11.)

1173.04 JURISDICTION; VARIANCES.

(a) Authority. Upon hearing an appeal, the Housing Renewal Commission shall have the following authority provided the appeal has been perfected in accordance with the provisions of Section 1173.03:

(1) To review the actions of the Code Administrator of Historic Preservation Commission from which the appeal is taken and render a determination as to whether the actions of the officer or Commission are in accordance with the ordinances of the City. If the Commission finds that the actions are not in accordance with City ordinances, it shall reverse the actions and render findings and judgment in accordance with such ordinances.

1173.05 APPEAL OF COMMISSION'S DECISION.

Further Appeal Action. The property owner, after the decision of the Housing Renewal Commission has been made, shall have the right to further appeal to the Court of Common Pleas as provided in the Administrative Appeals Act of the State Legislature.

1173.06 FURTHER COMMISSION POWERS.

It shall further be the power of the Housing Renewal Commission to:

(a) Annually review with the Chief Building Official and Residential Building Official, the Building Code of the City, and

(b) Report and recommend to Council any amendment, deletion or addition to the Building Code the Commission deems necessary.

(Ord 11-22 AC CMS. Passed 4-18-11.)