

ORDINANCE NO. 2023-12
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE
AMENDING CERTAIN CODIFIED ORDINANCES RELATING TO CERTIFIED
MAIL NOTIFICATION TO ALSO PERMIT EXPRESS MAIL AND OTHER FORMS
OF DELIVERY WITH A SIGNED RECEIPT OR PROOF OF DELIVERY**

WHEREAS, it has become necessary to revise various codified ordinance provisions relating to the permissible methods of notification to also permit notification by express mail, or any other commercial carrier service requiring a signed receipt or proof of delivery; and

WHEREAS, Village Council deems it in the best interest of the Village and its residents to amend the various Code Sections as are more fully set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. Various sections of the Village's Codified Ordinances as currently enacted be amended to read as are fully set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, including MVCO Sections 101.02; 303.10; 739.08; 743.09; 743.10; 743.14; 903.02; 1125.06; 1337.02; 1353.08; 1353.09; 1353.11; 1355.03; 1357.02; 1363.04; and 1387.03.

SECTION 2. Any sections of the Codified Ordinances in conflict herewith, are hereby and herein repealed and amended accordingly. All other provisions of the Village's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2023

Second Reading: _____, 2023

Third Reading: _____, 2023

PASSED: _____, 2023

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA, ESQ.
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

1. 101.02 GENERAL DEFINITIONS.

...(p) "Registered mail" includes *certified mail* and "*certified mail*" includes registered mail. (ORC 1.02(G)) "Certified mail" includes United States express mail and any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery.

2. 303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.

...Council, the chief of a law enforcement agency, a state highway patrol trooper or the Municipal Zoning Authority, may send notice by *certified mail* with return receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

3. 739.08 REVOCATION OF PERMIT OR REGISTRATION.

...Written notice shall be given to the registrant in person or by *certified mail*, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, immediately upon such revocation. (Ord. 2006-04. Passed 3-20-06.)

4. 743.09 NOTICE.

...Within fifteen calendar days after a complaint has been received by the Board, the Administrator shall serve, or cause to be served, in person, or by *certified mail*, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, a copy of the complaint on the person (hereinafter referred to a "respondent") alleged to have violated Section 743.04 . Along with the service of the complaint, the Administrator shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this chapter.

5. 743.10 INVESTIGATION.

...Within thirty calendar days after a complaint has been received by the Board, the Administrator shall conduct an investigation of the complaint and shall determine either that:

(a) There are reasonable grounds to believe that a violation of Section 743.04 has occurred, in which case the Administrator shall then initiate the conciliation process of Section 743.11 ; or

(b) There are reasonable grounds to believe that a violation of Section 743.04 has not occurred, in which case the Administrator shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five days, by serving a copy of the notice of dismissal by *certified mail*,

express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, on the parties.

6. 743.14 HEARING; DECISIONS.

...The order shall be served upon the parties by certified mail, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, within fifteen days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs. (Ord. 98-12. Passed 2-16-98.)

7. 903.02 INSPECTION PROCEDURE.

...(c) Such notice shall be served on the property owners or their agents by certified mail, returned receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery. If such notice is returned undelivered, then such notice may be served by ordinary mail which shall be deemed completed when the fact of mailing is entered on record. If the ordinary mail envelope is returned undelivered, then such copy shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published once in a newspaper of general circulation within the Municipality.

8. 1125.06 ENFORCEMENT.

...However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

9. 1337.02 ABANDONED AND INOPERATIVE GASOLINE SERVICE STATIONS.

...Whenever the Building Commissioner and Service Director shall find any gasoline service station to be abandoned within the meaning of this section, he shall give notice in the same manner as service of summons in civil cases, or by certified mail, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within sixty days after service of the notice, either by placing the station in operation in accordance with the ordinances of the Municipality or adapting and using all buildings and land on the premises for another purpose or purposes permitted by the ordinances of the Municipality, removing the pumps and signs, abandoning underground storage tanks in accordance with accepted safe practice as prescribed by the National Fire Protection Association in Appendix C to N.

10. 1353.08 NOTICE OF VIOLATION TO OWNER.

...(c) The notice shall be given by **certified mail**, return receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery. If the person to whom a notice is addressed cannot be found within Cuyahoga County after reasonable search, then the notice shall be sent by registered mail to the tax mailing address of the person as shown by the records of the Auditor of Cuyahoga County, and a copy of the notice shall be posted in a conspicuous place on the dwelling or structure to which it relates.

11. 1353.09 HEARING BEFORE ARCHITECTURAL REVIEW BOARD.

...A copy of the decision shall be sent by **certified mail** to the owner, return receipt requested, express mail or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery. (d) If the Board determines that the owner is in violation of this chapter, its decision shall specify the particular sections of this chapter which have been violated and shall give the owner a period of time deemed by the Board to be reasonable, based on the extent of repairs required and other relevant factors, to complete specified repairs or improvements or to demolish and remove the dwelling or structure or a portion thereof.

12. 1353.11 HEARING BEFORE COUNCIL.

...(b) Council shall schedule a hearing within a reasonable time after an appeal has been filed and shall notify the owner of the time and place of hearing by **certified mail**, return receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery.

13. 1355.03 NOTICE OF VIOLATION.

...The notice shall be in writing and shall be served upon the owner, either personally, or by leaving it at his last known place of residence or business or by sending it by **certified mail**, return receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, to his last known place of residence or business or if such place is unknown, then a copy may be sent, by **certified mail**, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, to the tax mailing address of the owner as shown by the records of the Auditor of Cuyahoga County.

14. 1357.02 NOTICE TO ABATE NUISANCE CONDITION.

...(c) Any notice to be served upon the owner pursuant to this section shall be by delivering it personally to the owner; leaving it at the owners usual place of business or residence, by **certified mail**, express mail, by commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, by posting it in a conspicuous place on the real estate involved, or by publishing it once in a newspaper of general

circulation within the Municipality, if notice cannot be served in any other matter provided herein.

15. 1363.04 REMOVAL OF GARBAGE, RUBBISH, ETC.

...Such notice and order shall be by certified mail, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, addressed to the owner at his last known address. (b) Action Upon Noncompliance. Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of the garbage, rubbish, refuse, litter or other waste material, or fill within ten days after receipt of written notice provided for in subsection (a) hereof, or within fifteen days after the mailing of such notice in the event the same is returned to the Municipality by the United States Post Office Department upon its inability to make delivery thereof to such owner or agent at his last known address, the Building Commissioner, or his authorized assistant, is authorized to collect or otherwise dispose of the garbage, rubbish, refuse, litter or other waste material by the Municipality.

16. 1387.03 NOTICE OF VIOLATION.

...(b) If the person to whom a notice of violation is addressed cannot be found within the County after a reasonable and diligent search, then notice shall be sent by registered

or certified mail, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt or proof of delivery, to the last known address of such person and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates.