

PLANNING COMMISSION AGENDA
VILLAGE OF PERRY

Wednesday- November 19, 2025, 6:00 PM

Planning Commission 6:00 PM

1. Roll Call
2. Review of Ordinance No. 2025-10 Regarding Mailing Notices
3. Discussion of Property Maintenance Code
4. Other zoning topics, lot splits, etc.
5. Adjournment

ORDINANCE NO. 2025-10

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF PERRY TO PROVIDE FOR MORE EFFICIENT SERVICE OF ZONING CODE AND VIOLATION NOTICES AND DECLARING AN EMERGENCY

WHEREAS, the Village of Perry seeks to improve the efficiency and reliability of notice procedures related to zoning code-related notices and violations; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PERRY, COUNTY OF LAKE, STATE OF OHIO:

Section 1. Amendment to 1094-B-18 Written Notice to Destroy Weeds, Remove Litter

Section 1094-B-18 of the Zoning Code of the Village of Perry is hereby amended to read as follows:

1094-B-18 Written Notice to Destroy Weeds, Remove Litter.

A. The Mayor, upon information that noxious weeds, grass or other types of vegetation have not been cut as required by this Chapter, shall issue a written notice of violation to the resident owner, lessee, agent or tenant having charge of or responsibility for maintenance of the lots or lands by personal service. Personal service shall be made by any police officer, service aide or other authorized agent of the Village. Service of notice shall be made upon nonresidents by USPS Priority Mail, Express Mail or an equivalent commercial mail service.

B. The Mayor, upon information that litter has been allowed to accumulate in violation of this Chapter, shall issue a notice of violation to the owner and, if different, upon the lessee, occupant, agent or tenant having charge of or responsibility for maintenance of lots or lands by USPS Priority Mail, Express Mail or an equivalent commercial mail service, that such litter shall be collected and removed within five (5) days after service of the notice.

C. If the address of the owner, occupant, lessee, agent or tenant having charge of or responsibility for such lands is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

D. Every notice either to cut weeds or remove litter shall state that if the notice is not complied with within the time limit provided therein, in addition to the penalty provided in this Chapter, costs incurred by the Village in cutting such growth or removing such litter shall be entered upon the tax duplicate and shall be a lien upon such lands.

Section 2. Amendment to 1094-B-19 Cost of Village Removal

Section 1094-B-19 of the Zoning Code of the Village of Perry is hereby amended to read as follows:

1094-B-19 Cost of Village Removal.

When the Mayor causes weeds and other undesirable vegetation to be cut or land cleaned of litter, as provided in this Chapter, a statement of the costs thereof shall be mailed to the owner of such land by **USPS Priority Mail, Express Mail or an equivalent commercial mail service**. Such statement of cost shall include the following costs to the Village:

- A. Administration and supervision;
- B. Transportation of equipment;
- C. Equipment rental;
- D. Equipment operator; and
- E. Incidental labor.

(Note: The minimum fee to be charged shall in no case be less than forty dollars (\$40.00) for the first hour or portion thereof and thirty dollars (\$30.00) for each additional hour or portion thereof.)

Section 3. Amendment to 1330-1 Appointment and Organization

Section 1330-1 of the Zoning Code of the Village of Perry is hereby amended to read as follows:

1330-1 Appointment and Organization.

The Commission shall be composed of five (5) members who reside in the incorporated area of the Village, and shall include the Mayor, who shall act as Chairman of the Commission, a member of the Village Council who shall be appointed by Council from the remainder of said members of Council, and three (3) additional citizens of the Village to be appointed by the Mayor. The terms of the resident members shall be six (6) years, and so arranged that the term of one (1) citizen member will expire every second year.

Members of the Commission shall be removable for nonperformance of duty, misconduct in office, and other reasonable causes by the Mayor upon written charges and after a public hearing has been held before Council regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by **USPS Priority Mail, Express Mail or an equivalent commercial mail service**, or by leaving the same at his place of residence. The member

shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor, and shall be for the unexpired term.

Section 4. Amendment to 1620 Administration and Enforcement

Section 1620 of the Zoning Code of the Village of Perry is hereby amended to read as follows:

1620 Administration and Enforcement

A. Certificate of Occupancy Required. No owner, agent or person having charge of any rental dwelling unit shall rent, lease or permit to be occupied, any rental dwelling unit without a current and valid Certificate of Occupancy issued by the Zoning Inspector or his duly designated representative. An application for the issuance of said Certificate of Occupancy shall be made by said owner, agent or person having charge of any rental dwelling unit in accordance with the provisions of subsection (f), *infra*.

B. Application and Issuance of Certificates of Occupancy Generally.

1. Application for a Certificate of Occupancy shall be made biennially to the Zoning Inspector, or his duly designated representative, on forms provided for said purpose by the office of the Zoning Inspector. Said application shall be accompanied by the required fees as set forth in subsection (g), *infra*. Applications to renew valid Certificates of Occupancy shall be filed with the Zoning Inspector, or his duly designated representative, not less than sixty (60) days prior to the expiration date of the current Certificate of Occupancy.

2. Upon receipt of an application for a Certificate of Occupancy, the Zoning Inspector, or his duly designated representative, shall schedule inspections of the rental dwelling unit as necessary to determine its compliance with this Chapter

C. If a rental dwelling unit is found to be in compliance with this Chapter, a Certificate of Occupancy shall be issued for said rental dwelling unit, which shall be valid for a period not to exceed two (2) years.

D. If upon inspection of the rental dwelling unit, it is determined that a violation of this Chapter exists, notice of said violation shall be given to the owner, agent or person having charge of the rental dwelling unit. The owner, agent or person having charge shall obtain the proper permits as required by these Codified Ordinances, the Lake County Building Department and the laws of the State of Ohio to correct the noted violations. No Certificate of Occupancy shall be issued until the violations have been corrected and the repairs inspected and approved.

E. In addition to the aforesaid biennial inspection, an application for a Certificate of Occupancy shall also be made to the Zoning Inspector, or his duly designated representative, not less than ten (10) days after a change in ownership or a change in tenancy has been completed.

F. Application and Issuance of Certificates of Occupancy for Existing Occupancies. On or before the 1 day of January, 2010, the owner, agent or person having charge of each rental dwelling unit shall submit to the Zoning Inspector, or his duly designated representative, an application for a Certificate of Occupancy for each rental dwelling unit. Units occupied at the time of the adoption of this Chapter may continue to be occupied until such time as an inspection has been made by the Zoning Inspector, or his duly designated representative, after which all rental dwelling units shall comply with all of the provisions of this Chapter.

G. Fees. A fee, as shall be determined by Council, shall be charged for the inspections provided for in this Chapter of each rental dwelling unit at the time of application and/or change of ownership. The Zoning Inspector shall certify to Council, on an annual basis, the cost of the inspection, and this amount shall then be used as the fee for the inspection.

H. Duties of the Zoning Inspector. It shall be the duty of the Zoning Inspector, or his duly designated representative, to enforce the provisions of this Chapter as herein provided.

I. Notice of Violations.

1. Whenever the Zoning Inspector, or his duly designated representative, determines that a rental dwelling unit or any part thereof, is in violation of any provision of this Chapter, said inspector shall give written notice, either by personal service or by **USPS Priority Mail, Express Mail or an equivalent commercial mail service**, to the owner or agent responsible for the subject rental dwelling unit. Such delivery or mailing shall be deemed legal service of notice.

2. If the owner, agent or person having charge to whom a notice of violation is addressed cannot be found after a reasonable and diligent search, then notice shall be sent by **USPS Priority Mail, Express Mail or an equivalent commercial mail service**, to the last known tax mailing address of the owner of the premises, and a copy of the notice shall be posted in a conspicuous place at the rental dwelling unit to which it relates. If the notice is returned undelivered, a copy of the notice shall be published once in a newspaper of general circulation within Lake County, Ohio, and a copy of such notice shall be posted at the subject rental dwelling unit as aforesaid. No person shall remove or deface such copy of notice so posted without the written permission of the Zoning Inspector. Such mailing, publishing and posting shall be deemed legal service of notice.

3. The aforesaid notice shall include, but need not be limited to, a description of the rental dwelling unit deemed in violation of this Chapter, a statement of the particulars which makes said structure in violation, and an order, in sufficient particulars, requiring the owner or agent to repair, improve or demolish the rental dwelling unit as the facts may warrant.

J. Correction of Violation. All alterations or repairs to an existing rental dwelling unit which are caused directly or indirectly by the enforcement of this Chapter shall be completed in accordance with the applicable procedures and provisions of these Codified Ordinances, the Lake County Building Department, and all other applicable laws, statutes, codes, ordinances, resolutions, rules, regulations, and/or guidelines.

K. Failure to Correct or Comply. Whenever the owner, agent or person having charge of a rental dwelling unit fails, neglects or refuses to comply with any notice of the Zoning Inspector, or his duly designated representative, within the time period specified in any notice of violation, said owner, agent or person having charge shall be considered to be in violation of this Chapter, and the Village of Perry, Ohio, shall proceed at law and/or equity to compel compliance and/or prosecute said violation.

Section 5. Amendment to 1870 Violation Notices; Correction.

Section 1870 of the Zoning Code of the Village of Perry is hereby amended to read as follows:

1870 Violation Notices; Correction.

A. Statement to Correct Violation. Upon verifying that a violation of this Property Maintenance Code has occurred, the code Official shall give a written statement to the property owner or other party defined in subsection (c) hereof, that unless the violation is corrected within seven (7) working days, an official violation notice shall be issued. The Code Official shall also notify the property owner or other party defined in subsection (c) hereof that the latter may appeal the Village's determination that a violation exists, or request a review of the time period within which the violation must be corrected, before the PRB. At the end of the seven (7) day waiting period, the Code Official shall re-inspect the subject property to determine if the violation has been corrected. If the violation has not been corrected, then a notice of violation ("notice") shall be issued in the manner described below.

B. Contents of Notice. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued;
4. Include a compliance order ("order") allowing a reasonable time (normally ten (10) working days) for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code, and:

5. Include an explanation of the owner's right to appeal the Village's determination that a violation exists, or request a review of the time period within which the violation must be corrected before the Board.

C. Service of Notice. Such notice specified in subsection (b) hereof shall be served upon the owner, occupant, operator, lessee, agent or other responsible party by **USPS Priority Mail, Express Mail or an equivalent commercial mail service**, provided, however, that such notice shall also be deemed to be properly served upon such owner, occupant, operator, lessee, agent or other responsible party if a copy thereof is served in a manner provided for service of process under the Ohio Rules of Civil Procedure.

Section 6.

This Ordinance shall be codified as part of the Zoning Code of the Village of Perry and shall take effect upon its adoption and publication as required by law.

Section 7.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8.

That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, to ensure timely enforcement of zoning regulations and prevent delays in addressing violations. Therefore, this Ordinance shall take effect immediately upon its passage.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage;

JAMES GESSIC, MAYOR

ADOPTED: _____

ATTEST: _____

JOHN H. ROSKOS, FISCAL OFFICER