

Bruce Abens, Chairman/Ward 3
Holly Swenk, Committee Member/Ward 1
Clifford Winkel, Committee Member/Ward 4



Buildings & Lands Committee
CITY HALL COUNCIL CHAMBERS
REVISED AGENDA OF AUGUST 18, 2025
6:15 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Building and Lands Committee Meeting Minutes dated August 19, 2024.
(Committee action required)

NEW BUSINESS

- O 2025-110 An Ordinance amending Sections 1268.02, 1270.02, and 1272.04 of the North Ridgeville Zoning Code to update use regulations for automobile service stations and gasoline stations.
(Introduced by Councilman Abens; First Reading on 07-21-2025)
- O 2025-115 An Ordinance amending Chapter 628 *Fair Housing* of the North Ridgeville General Offenses Code.
(Introduced by Mayor Corcoran; First Reading on 08-04-2025)

ADJOURNMENT

**NORTH RIDGEVILLE CITY COUNCIL
BUILDING AND LANDS COMMITTEE MEETING MINUTES
CITY COUNCIL CHAMBERS – 6:00 P.M.
MONDAY, AUGUST 19, 2024**

To Order and Pledge of Allegiance:

Chairman Clifford Winkel called the Building and Lands Committee meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call:

Members present: Chairman Clifford Winkel, Councilman Bruce Abens, and Councilwoman Holly Swenk.

Others Present: Councilman Jason Jacobs, Councilman Eric Shaffer, Councilwoman Georgia Awig, Planning and Development Director Kim Lieber, Law Director Brian Moriarity, and Deputy Clerk of Council Tina Wieber.

Action on Minutes:

Chairman Winkel asked if there were any corrections to the minutes dated March 4, 2024. No discussion was offered. The minutes stand approved as submitted.

Discussion regarding 2024-13:

2024-78 An Ordinance amending Chapter 830 Home Occupations of the North Ridgeville Business Regulation and Taxation Code.
(Introduced by Mayor Corcoran; First Reading on 08-05-2024)

Chair Winkel stated that the purpose of the meeting is to discuss 2024-78, a specific legislative matter. He asked the Planning and Development Director Kim Lieber to explain Ordinance Number 2024-76 and included the memo from Mrs. Lieber as part of the official record.

Here are some highlights of the proposed changes:

- Add to the expressly prohibited uses those types of uses not compatible with residential neighborhoods.
- Reinforce that home occupation should not change the residential character of the dwelling.
- Reinforce that home occupations are to be contained in the dwelling. Home occupations are not to be conducted in accessory buildings.
- Specifically state that home occupations may not involve outdoor storage of materials, goods, supplies, or equipment.
- Provide limits on hours of the day when traffic may be generated by home occupations.
- Change permit fee to application fee so funds are collected at the time of application to cover cost of administrative review.
- Allow CBO to place conditions of permit approval to guard against adverse impacts unique to a particular home occupation.
- Update the penalty language to avoid conflict with state law.

Planning and Development Director Kim Lieber presented a summary covering the following points:

- The Home Occupation update is part of the zoning and business regulations update.
- Received many complaints about businesses operating out of residential areas.
- The billing department and law department are working together to assist in getting Property Owners to become compliant.
- The City has always required residents to apply for a home occupation permit.

- A broad education campaign is needed for occupation permits.

Chair Winkel brought up the point that certain regulations were no longer permitted, including tow truck services, animal care and boarding facilities, contractors, storage yards, machine shops, industrial uses, and the use of toxic, flammable, combustible, and harmful chemicals in residential areas. The legislation also grants the Chief Building Official the authority to impose conditions in order to address any potential concerns that were previously not allowed. Chair Winkel also mentioned that there were no provisions for permit renewals and clarified that the permits were not transferable.

Chair Winkel asked if any members of the Committee had any questions.

Councilwoman Swenk understood that the \$50 application fee for the administrative review process was non-refundable. She then asked if any businesses currently have a permit.

Mrs. Lieber remarked that there are businesses that do not have home occupation permits. The plan is to engage in an education campaign in a newsletter and social media. The goal is to encourage voluntary compliance.

Councilman Shaffer inquired if the legislation would apply to internet-based home businesses.

Mrs. Lieber confirmed that the code does cover such businesses, with the City requesting information on their operations to ensure there is no impact on the neighborhood.

Chair Winkel added that the legislation does restrict vehicles from street parking. He believed it could address the Amazon trucks issue.

Councilman Abens inquired about whether there would be any grandfathering provisions in the legislation.

Mrs. Lieber clarified that while they can track when a property has been rezoned or changed to a specific district, she does not believe that grandfathering would apply to home occupations.

Councilman Shaffer raised a question about whether a church operating out of a house would fall under the scope of the legislation.

Mrs. Lieber explained that a church would have to go through the Planning Commission process, and the City would have to verify if it is a business.

No other discussion from the administration.

Moved by Swenk and seconded by Abens to send Ordinance Number 2024-78 back to City Council for consideration as submitted.

A voice vote was taken, and the motion carried.

Yes – 3 No – 0

Adjournment:

The meeting was adjourned at 6:19 p.m.

Date Approved:

Fijabi Gallam, MMC
Assistant Clerk of Council

- (3) Appliance store (major appliances, e.g. T.V., washing machine, and radio sales).
~~(4) Automobile service station~~
 (4) ~~(5)~~ Automobile repair and accessory sales.
 (5) ~~(6)~~ Boat and marine sales.
 (6) ~~(7)~~ Camping trailer sales and service.
 (7) ~~(8)~~ Cemetery (minimum of ten acres); mortuary; crematory.
 (8) ~~(9)~~ Church and professional building.
 (9) ~~(10)~~ Clinic and professional building.
 (10) ~~(11)~~ Drive-in bank.
 (11) ~~(12)~~ Drive-in ice cream and soda sales.
 (12) ~~(13)~~ Drive-in restaurant.
 (13) ~~(14)~~ Drive-in theater.
 (14) ~~(15)~~ Farm, fruit and produce stand (adequate off-street parking shall be provided to take care of all customers).
 (15) ~~(16)~~ Florist shop and retail sales.
 (16) ~~(17)~~ Food locker.
 (17) ~~(18)~~ Funeral home.
 (18) ~~(19)~~ Furniture store.
 (19) ~~(20)~~ Garden and nursery center.
 (20) ~~(21)~~ Gift and novelty shop.
 (21) ~~(22)~~ Greenhouse.
 (22) ~~(23)~~ Grocery and meat market.
 (23) ~~(24)~~ Heating and plumbing materials (sales, yard).
 (24) ~~(25)~~ Heavy equipment sales.
 (25) ~~(26)~~ Laboratory (medical or dental).
 (26) ~~(27)~~ Lumber yard; builders materials and supplies.
 (27) ~~(28)~~ Monument sales.
 (28) ~~(29)~~ Motel and hotel.
 (29) ~~(30)~~ Office building.
 (30) ~~(31)~~ Parking lot (subject to the provisions of Chapter 1284).
 (31) ~~(32)~~ Pet store.
 (32) ~~(33)~~ Customary accessory uses.
 (33) ~~(34)~~ Any permitted use in a B-2 Central Business District.

(b) Conditional Uses. The following uses shall be deemed to be conditional uses in this district.

- (1) Bars and taverns.
 (2) Bowling alleys, provided that the building used for such purposes shall be not less than 100 feet from any residential district.
 (3) Swimming clubs and other commercial recreation and amusements.
 (5) Kennels.
 (6) Car washes, provided that there shall be a separation distance of one (1) mile between car wash businesses where the car wash is the primary use. Separation distances shall be measured by a straight line connecting the closest distance between the lots. The separation requirement shall have no application where a car wash is an accessory use.
 (7) Automobile service station, provided that there shall be a separation distance of one (1) mile between automobile service station businesses where the automobile service station is the primary use on the lot. Separation distances shall be measured by a straight line connecting the closest distance between the lots. The separation requirement shall have no application where an automobile service station is an accessory use.

- (c) Similar uses as determined in accordance with Chapter 1210, except for the following uses which are expressly prohibited:
- (1) Self-storage facilities.

SECTION 2. That *Section 1270.02 Permitted and Conditional Uses* in the B-4 Commercial Parkway District of the Zoning Code be amended as follows:

1270.02 PERMITTED AND CONDITIONAL USES.

- (a) A building or premises may be used for the following purposes in a B-4 Commercial Parkway District:
- (1) Automotive center (sales and service).
 - (2) Automobile service stations. **Provided that there shall be a separation distance of one (1) mile between automobile service stations businesses where the automobile service stations is the primary use. Separation distances shall be measured by a straight line connecting the closest distance between the lots. The separation requirement shall have no application where an automobile service station is an accessory use.**
 - (3) Automobile repairs (minor and major).
 - (4) Clinics and professional office buildings.
 - (5) Convention halls, auditoriums, and assembly halls.
 - (6) Gifts and novelties sale.
 - (7) Hotels.
 - (8) Laboratories (medical and dental).
 - (9) Motels.
 - (10) Night clubs, including the sale of alcoholic beverages.
 - (11) Restaurants, including drive-ins.
 - (12) Cabins and campground rentals.
 - (13) Other similar uses which serve the long-distance motoring public.
- (b) The following uses shall be deemed to be conditional uses in this district.
- (1) Boat and marine sales; construction equipment (sales and service).
 - (2) Camping trailers and mobile homes (sales only).
 - (3) Car washes, provided that there shall be a separation distance of one (1) mile between car wash businesses where the car wash is the primary use. Separation distances shall be measured by a straight line connecting the closest distance between the lots. The separation requirement shall have no application where a car wash is an accessory use.
 - (4) Farm implements (sales and service).
 - (5) Heavy equipment sales.
 - (6) Truck service.
 - (7) Truck terminals.
- (c) Single-family residential uses shall be specifically prohibited in the B-4 District, except for the dwellings of resident watchman and hotel and motel operators whose work requires their continual presence on the premises.
- (d) Similar uses as determined in accordance with Chapter 1210, except for the following uses which are expressly prohibited:
- (1) Self-storage facilities.

SECTION 3. That *Section 1272.04 Permitted and Conditional Uses* in the B-5 Architectural Business District of the Zoning Code be amended as follows:

1272.04 PERMITTED AND CONDITIONAL USES.

(a) A building or premises may be used for the following purposes in a B-5 Architectural Business District:

- (1) Ambulance service.
- (2) Antique store.
- (3) Apparel and accessories store.
- (4) Appliances (household).
- (5) Art gallery.
- (6) Automobile accessory store, sales, and service.
- (7) Bakery.
- (8) Banks (see also loan and finance offices).
- (9) Barber shop.
- (10) Barber and beauty shop supply store.
- (11) Beauty shop.
- (12) Bed and breakfast inns.
- (13) Blueprinting.
- (14) Bicycle shop.
- (15) Book store.
- (16) Business equipment and supply.
- (17) Business or trade school.
- (18) Camera and photographic equipment supply store.
- (19) Child care center.
- (20) Churches and temples.
- (21) Candy, nut, and confectionary store.
- (22) Clinic (dental or medical).
- (23) Dairy bar.
- (24) Dairy products store (bottling operations excluded).
- (25) Dance studio.
- (26) Delicatessen.
- (27) Department store.
- (28) Discount center and store.
- (29) Drug store.
- (30) Dry cleaning (custom and self-service).
- (31) Dry goods store.
- (32) Eating place, grill.
- (33) Egg and poultry store.
- (34) Floor covering.
- (35) Florist; gift shop.
- (36) Funeral home and cemetery.
- (37) Furniture; household furnishings.
- (38) Garden and lawn supplies store.
- (39) Grocery store and meat market (supermarket).
- (40) Hardware and sporting goods.
- (41) Hobby shop.
- (42) Motel.
- (43) Health salon.

- (44) Rest home.
- (45) Jewelry store.
- (46) Laboratory (dental and medical).
- (47) Laundry (custom and self-service).
- (48) Lighting fixture sales.
- (49) Liquor store (sale by package only).
- (50) Libraries.
- (51) Loan and finance offices (see also banks).
- (52) Locksmith.
- (53) Luggage store.
- (54) License bureau.
- (55) Museum.
- (56) Music store; pianos, radio, and television.
- (57) Newspaper publishing sales and service.
- (58) Novelty shop.
- (59) Office (any office in which chattels or goods, wares, or merchandise are not commercially created, exchanged, or sold).
- (60) Office supply store.
- (61) Night club.
- (62) Optician and optometrist shops.
- (63) Paint and wallpaper store; art supplies.
- (64) Parking lot, either publicly or privately owned and operated.
- (65) Post office.
- (66) Plumbing and heating shop and supplies (enclosed storage only).
- (67) Professional services.
- (68) Pressing, altering, and repair of wearing apparel.
- (69) Printing and publishing, including processes related thereto.
- (70) Private clubs and lodges; YMCA; commercial recreation; fraternal societies.
- (71) Public utility offices and salesrooms.
- (72) Repair, rental, and servicing of any product, the sale of which is permitted in this District.
- (73) Restaurant.
- (74) Resale shop; used clothing and furniture.
- (75) Shoe store (sales and repair).
- (76) Sign painting shop.
- (77) Surgical supplies store.
- (78) Surplus store.
- (79) Telephone exchange and office.
- (80) Theater and theatrical studio.
- (81) Toy store.
- (82) Travel agency.
- (83) Variety and notions store.
- (84) Wall and floor coverings store.
- (85) Cemetery.
- (86) Drive-in bank.
- (87) Drive-in ice cream.
- (88) Drive-in restaurant.
- (89) Farm, fruit, and produce stand.
- (90) Gift and novelty shop.
- (91) Office building.

- (92) Pet store, pet cemetery with flat markers only.
- (93) Customary accessory uses.
- (94) Assisted living for the elderly.
- (95) Planned unit development.
- (96) Animal clinic or animal hospital.

- (b) The following uses shall be deemed to be conditional uses in this district.
 - (1) Bowling alleys shall be deleted, except as part of a larger planned unit commercial development (PUD), with buffer strip.
 - (2) Swimming clubs and other commercial recreation and amusements, with buffer strip.
 - ~~(3) Automobile service station, with buffer strip.~~
 - ~~(4) RESERVED~~
- (c) Residences can co-exist at the same location when living quarters are maintained with a minimum of 1,040 square feet.
- (d) Existing structures converted to a business shall be grandfathered with regard to setback, side yard, and rear yard requirements, but must have "Theme Design" on three prominent sides of the building to respect the architectural theme of the District.
- (e) Similar uses as determined in accordance with Chapter 1210, except for the following uses which are expressly prohibited:
 - (1) Self-storage facilities.

SECTION 4. That, in all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

APPROVED: _____

MAYOR

EXHIBIT A**CHAPTER 628 FAIR HOUSING¹****628.01 Scope**

The provisions of this chapter shall apply to all housing located within the territorial limits of the City.

(Ord. 2401-89, 11-6-89)

628.02 Designation of policy

It is hereby declared to be the continuing policy of the City to do all things necessary and proper to secure for all its citizens their right to equal housing opportunities, regardless of their race, color, creed, sex, marital status, religious belief, national origin, age or handicap.

(Ord. 2401-89 Passed 11-6-89)

628.03 Definitions

As used in this chapter:

- (a) "Board" means the Fair Housing Board, as established by this chapter.
- (b) "Discrimination," "discriminating" and "discriminate" mean to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, sex, marital status, religious belief, national origin, age or handicap.
- (c) "Familial status" means one or more individuals who have not attained the age of eighteen years, being domiciled with:
 - (1) A parent or another person having legal custody of such an individual or individuals; or
 - (2) The designee of such parent or other persons having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen.
- (d) "Handicap" means, with respect to a person:
 - (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
 - (2) A record of having such an impairment; or
 - (3) Being regarded as having such an impairment.

The term "handicap" does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)) and Section 624.01(b) of this General Offenses Code.

¹State law reference(s)—Ohio Civil Rights Commission - see Ohio R.C. 4112

Cross reference(s)—Block Grant Grievance Board - see ADM. Ch. 268; Interfering with civil rights - see GEN. OFF. 606.20; Ethnic intimidation - see GEN. OFF. 636.21

- (e) "Housing" includes any building, facility or structure, or portion thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, groups or families, and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.
- (f) "Lending institution" means any bank, insurance company, savings and loan association or other person or organization regularly engaged in the business of lending money or guaranteeing loans.
- (g) "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
- (h) "Real estate agent" includes any real estate broker, real estate salesman or an agent thereof, or any other person, partnership, association or corporation who or which, for consideration, sells, purchases, exchanges, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange or rental of real property, or holds himself or herself out as engaged in the business of selling, purchasing, exchanging, renting or otherwise transferring any interest in real property.

(Ord. 2401-89, 11-6-89)

628.04 Unlawful housing practices

- (a) It shall be an unlawful housing practice and a violation of this chapter:
 - (1) For any person or real estate agent:
 - A. To discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in a housing unit.
 - B. To discriminate against any person by refusing to negotiate on, or making false representations on the availability of, the housing unit which is for sale, lease, sublease or rental.
 - C. To include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing.
 - D. To discriminate in the furnishing of any facilities, repairs, improvements or services or in the terms, conditions, privileges or tenure of occupancy of any person.
 - (2) For any lending institution to discriminate in lending money, guaranteeing loans, accepting a deed, trust or mortgage or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing, or discriminate in the fixing of the rates, terms, conditions or provisions of any such financial assistance.
 - (3) For any person or real estate agent, with respect to any prohibited act specified in this chapter, to publish or circulate, or cause to be published or circulated, any notice, statement, listing or advertisement, or to announce a policy or to make any record, in connection with the prospective sale, lease, sublease, rental or financing of any housing, which indicates reliance, determination or decision based on race, color, creed, sex, marital status, age, religious belief, national origin or handicap.
 - (4) For any person or real estate agent to assist in, compel or coerce the doing of any act declared to be an unlawful housing practice under this chapter, or to obstruct or prevent enforcement or compliance with the provisions of this chapter, or to attempt, directly or indirectly, to commit any act declared by this chapter to be an unlawful housing practice.
 - (5) For any person or real estate agent:
 - A. To induce or attempt to induce the sale, transfer of interest, or listing for sale, of any housing by making representations regarding the existing or potential proximity of real property owned,

used or occupied by any person of any particular race, color, creed, religious belief, national origin or handicap, by direct or indirect methods.

- B. To make any representations to a prospective purchaser or lessee that any housing in a particular block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to the racial, color, religious, national or ethnic composition of such block, neighborhood or area.
 - C. To induce or attempt to induce the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, color, religious belief or national origin in the area will or may result in:
 - i. The lowering of property values.
 - ii. A change in the racial, color, religious, national or ethnic composition of the block, neighborhood or area in which the property is located.
 - iii. An increase in criminal or antisocial behavior in the area.
 - iv. A decline in quality of the schools serving the area.
 - (6) For any person or real estate agent to cause or coerce, or attempt to cause or coerce, retaliation against any person because such person has lawfully opposed any act or failure to act that is a violation of this chapter, or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this chapter.
 - (7) To deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing, or to discriminate against a person in the terms or conditions of such access, membership or participation.
 - (8) To do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities.
 - (b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.
- (Ord. 2401-89, 11-6-89)

628.05 Posting of notices

- (a) Every real estate agent shall post, in a conspicuous location in that portion of his or her place of business normally used by him or her for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit residential building containing more than two units shall post, at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of the housing business normally used by him or her for negotiating the rental of a housing unit therein, a notice prepared by the Fair Housing Board which contains the following language, printed in black on a light-colored background, in not less than fourteen-point type:

"It is a violation of the Fair Housing Law of the City of North Ridgeville, State of Ohio, for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling, to:

- (1) Deny housing to any person because of race, color, creed, sex, marital status, religious belief, national origin, age, handicap or familial status.
- (2) Discriminate against any person because of that person's race, color, creed, sex, marital status, age, religious belief, national origin or handicap, with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

If you believe you have been discriminated against, contact the City of North Ridgeville Fair Housing Board, the Ohio Civil Rights Commission or the U.S. Department of Housing and Urban Development."

- (b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2401-89, 11-6-89; Ord. 3192-96, 11-18-96)

628.06 Filing of reports

- (a) On or before January 1, 1990, every owner of twenty-five or more rental housing units located in one or more buildings in the City shall file with the Fair Housing Board a written report providing information set forth in the following paragraphs for the three-month period beginning October 1, 1989. For each three-month period thereafter, every such owner shall file with the Board, within thirty days after the end of the three-month period, an additional written report.
- (b) Reports filed hereunder shall be signed by the owner of the building or his or her authorized agent, shall be on a form to be supplied by the Board on request, and shall contain the following information:
- (1) The name and address of each building, the name and address of the owner, the name and address of the managing agent, the name and address of the resident custodian, the total number of units in each building, excluding units rented or available for rent only to employees of the owner or of a managing agent, the approximate rental range for a one, two and three-bedroom apartment if the building contains such a unit, and the number of units occupied on the last day of the three-month period, or January 1, 1990, for the initial report, by one or more black persons and by one or more Spanish-surnamed persons.
 - (2) The total number of applicants for rental units in each building during the three-month period, and the number of such applicants who were black persons and Spanish-surnamed persons. For purposes hereof, the term "applicant" means a person who personally appears before the owner or a managing agent, whether at the building involved or at an office of the owner or of a managing agent, for the purpose of renting a unit, whether or not such person submits a written application.
 - (3) The total number of units in each building which were rented during the period, and the number of such units which were rented to one or more black persons and to one or more Spanish-surnamed persons. For purposes hereof, a unit is rented during the period if, during the period, it becomes occupied by a new tenant who had not previously resided in the building.
 - (4) Report forms supplied by the Board shall include a request for voluntary information concerning minority employment practices of the owner or agent signing the report and concerning advertising by the owner or agent in media directed primarily to minority persons.
- (c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2401-89, 11-6-89)

628.07 Fair housing board

- (a) There is hereby established the Fair Housing Board, to consist of three members who are qualified electors of the City and who shall not hold any public office at the Municipal, County, State or Federal level at any time while a member of the Board. Any duly appointed Board member who is running for any public office shall be automatically disqualified from further membership on the Board. The day the Board member files petitions with the County Board of Elections shall be the date of the disqualification. No Board member shall be appointed who is employed in any real estate or lending institution.
- (b) The Board members shall be appointed by the Mayor. Of the members first appointed, one shall hold office for a term of one year; one shall hold office for a term of two years; and one shall hold office for a term of three years. Their successors shall be appointed for terms of three years. The Mayor shall fill all vacancies by

appointment for the unexpired term. A Board member whose term has expired shall be eligible for re-appointment to the Board.

- (c) The executive secretary of the Board shall be appointed by the Mayor and shall be an employee of the City.
- (d) The Mayor may recommend to Council the removal of any member of the Board for neglect of duty or malfeasance in office. Council may remove a member of the Board from office by a vote of two-thirds of its membership only after having first given to such member a copy of the charges against him or her and an opportunity to be publicly heard in person or by counsel in his or her own defense. Any such removal shall be final.
- (e) Two members of the Board shall constitute a quorum for the purpose of conducting the business thereof. A vacancy on the Board shall not impair the right of the other members to exercise all powers of the Board.
- (f) Each member of the Board shall serve without salary, but shall be paid necessary and actual expenses incurred in performing the business of the Board.
- (g) The Board is charged with the following duties to implement the stated policy of this chapter:
 - (1) To investigate all complaints of unlawful housing practices which are filed with it.
 - (2) To initiate complaints of unlawful housing practices on the basis of auditing or testing carried out by its staff or volunteers authorized by the Board.
 - (3) To endeavor, by conciliation, to resolve such complaints.
 - (4) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and, in connection therewith, to require the production, for examination, of any books or papers relating to any matter under investigation or in question before the Board.
 - (5) To render at least once a year to the Mayor and to Council a full written report of all its activities and recommendations.
 - (6) To recommend to the Mayor, when it deems it to be necessary, educational and other programs designed to promote the purposes of this chapter.
 - (7) To adopt rules and procedures for the conduct of its business.
 - (8) To do such other acts as are necessary and proper in order to perform those duties with which it is charged under the terms of this chapter.

(Ord. 2401-89, 11-6-89)

628.08 Procedures re complaints; decisions of board; enforcement

- (a) Any person subjected to an unlawful housing practice may file, within 360 days of the alleged violation, with the Fair Housing Board, a complaint, in writing, sworn to or affirmed, which shall state the name and address of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Board. The Board may also corroborate or initiate complaints on the basis of testing carried out by its staff or volunteers authorized by the Board.
- (b) Upon the filing of a complaint, the Executive Secretary of the Board shall make such investigation as he or she deems appropriate to ascertain facts and issues. If the Executive Secretary determines that there are reasonable grounds to believe a violation has occurred, he or she shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal, and nothing said or done during such initial conferences shall be made public by the Board, any member of the Board or its staff unless the parties agree thereto in writing.

- (c) The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be signed on behalf of the Board by its Chairperson.
- (d) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Commission or the Ohio Civil Rights Commission in any investigation under this chapter.
- (e) If the Executive Secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this chapter, he or she shall so inform the Board, and the Board may, in its discretion, dismiss such complaint or order such further investigation as may be necessary, provided that the Board shall not dismiss such complaint without first affording the complainant an opportunity to appear before the Board.
- (f) If the Executive Secretary, with respect to a matter which involves a violation of this chapter, fails to conciliate a complaint after the parties have, in good faith, attempted such conciliation, fails to effect an informal conciliation agreement or a formal consent agreement, or determines that a complaint is not susceptible of conciliation, he or she shall notify the Board immediately, and the Board shall thereafter schedule a public hearing to determine whether a violation of this chapter has been committed. The Board shall serve upon the respondent a statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of the hearing. The respondent or his or her authorized counsel may file such statements with the Board prior to the hearing date as it deems necessary in support of its position. The hearing shall be open to the public, except that the respondent may request, in writing, a private hearing. The determination of such request shall be discretionary with the Board. The hearing shall be held not less than fifteen days after service of the statement of charges and the summons. The summons so issued shall be signed by two members of the Board, and the issuance of such summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this chapter. The interested parties may, at their option, appear before the Board in person or by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The Executive Secretary shall keep a full record of the hearing, which record shall be public and open to inspection by any person. Upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, if any, at such cost as the Board deems appropriate.
- (g) If, at the conclusion of the hearing, the Board determines, upon a preponderance of the evidence, that the person complained against has violated this chapter, the Board shall, after consultation with the Law Director in executive session, state its findings and order the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of this chapter, with notice that if the Board determines that the person complained against has not, after fifteen calendar days following service of the Board's order, complied with the order, the Board shall recertify the matter to the Law Director for enforcement.
- (h) Upon recertification to the Law Director for enforcement, he or she shall seek compliance by appropriate civil action brought in the name of the Fair Housing Board of the City before a court of competent jurisdiction. Where the court, in any such proceeding, determines that there has been a violation of this chapter, the court shall award compensatory damages and, where appropriate, punitive damages, along with attorney fees. The court may also order such other relief as it deems necessary or appropriate.
- (i) If, at the conclusion of the hearing, the Board shall determine, upon a preponderance of the evidence of the record, that the person complained against has not violated this chapter, the Board shall state and make public its findings and issue its order dismissing the complaint.

(Ord. 2401-89, 11-6-89)

628.09 Other remedies of complainants

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.

(Ord. 2401-89, 11-6-89)

628.10 Intimidation in connection with housing

- (a) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any of the following:
 - (1) Any person because of race, color, religion, sex, familial status, as defined in Ohio R.C. 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any housing accommodations, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations.
 - (2) Any person because that person is or has been doing, or in order to intimidate that person or any other person or any class of persons from doing either of the following:
 - A. Participating, without discrimination on account of race, color, religion, sex, familial status, as defined in Ohio R.C. 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry, in any of the activities, services, organizations, or facilities described in division (a)(1) of this section;
 - B. Affording another person or class of persons opportunity or protection so to participate.
 - (3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, familial status as defined in Ohio R.C. 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry, in any of the activities, services, organizations, or facilities described in division (a)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
- (b) Whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.

State law reference(s)—ORC 2927.03

EXHIBIT B:**CHAPTER 628 FAIR HOUSING****628.01 Scope**

The provisions of this chapter shall apply to all housing located within the territorial limits of the City.

628.02 Designation of policy

It is hereby declared to be the continuing policy of the City to do all things necessary and proper to secure for all its citizens their right to equal housing opportunities, regardless of their race, color, sex, national origin, familial status, religion, disability, ancestry or military status.

628.03 Definitions

As used in this chapter:

- (a) "Discriminating housing practice" means an act that is unlawful under any State or Federal statute regulation, executive order or directive regarding equal access to housing financing, listing opportunities or any other practices impeding the equal accessibility of housing to all persons regardless of race, color, sex, national origin, familial status, religion, disability, ancestry or military status.
- (b) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
- (c) "Family" includes a single individual.
- (d) "Financial institution" means any bank, credit union, insurance company, savings and loan association or other entity or organization that makes or purchases loans or provides other financial assistance that operates or has a place of business in the City.
- (e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts or unincorporated organizations.
- (f) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

628.04 Discrimination in the sale or rental of housing

No person shall engage in the following practices regarding any property of whatever kind within the City:

- (a) To refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, otherwise make unavailable or deny, a dwelling to any person because of race, color, sex, national origin, familial status, religion, disability, ancestry or military status.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, national origin, familial status, religion, disability, ancestry or military status.
- (c) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, sex, national origin, familial status, religion, disability, ancestry or military status, or an intention to make any such preference, limitation or discrimination.

(d) To represent to any person because of race, color, sex, national origin, familial status, religion, disability, ancestry or military status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, national origin, familial status, religion, disability, ancestry or military status.

628.05 Discrimination in the financing of housing

No financial institution shall deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of race, color, sex, national origin, familial status, religion, disability, ancestry or military status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

628.06 Enforcement

(a) The discrimination practices prohibited herein not only have a serious adverse impact upon the individual or group subjected to such practices but also cause a severe and adverse impact on the public welfare of the citizens of the City through denying its citizens the benefits of a diverse community and by projecting an image that the City countenances such illegal practice. The City, through its Law Department, may at the direction of the Mayor or Council take such actions as are necessary to enforce the provisions of this chapter including, but not limited to, engaging the services of other government or nonprofit agencies to assist in education and enforcement and filing court actions against violators of this chapter enjoining such illegal practices.

(b) The City is empowered to aid, at the request of State, Federal or individual complainants, in the investigation and enforcement of the provisions of this chapter or of any related State or Federal law whether enacted at this time or subsequent to the enactment of this chapter.