

1st reading 4-3-19
2nd reading 4-10-19
3rd reading 5-1-19
Voted On 5-1-19
Ayes 6 Nays 0
PASSED DEFEATED

ORDINANCE NO. 2019-11

**AN ORDINANCE
AMENDING SECTIONS 1323.05 AND 1331.09 OF THE CODIFIED
ORDINANCES OF ORANGE VILLAGE TO CLARIFY THE
ENTRY POLICY OF THE VILLAGE'S BUILDING
DEPARTMENT.**

WHEREAS, Article V, Section 6 of the Village Charter requires the Building Department be responsible for enforcing all applicable building and zoning codes in the Municipality and to perform such other duties as a provided by ordinance or resolution of Council; and

WHEREAS, Sections 1323.05 and Section 1331.09 contain differing policies for the Building Department's authority to enter onto private property; and

WHEREAS, Council desires to amend, clarify and update the entry policies stated in the Codified Ordinance to make them conform with the current practices of the Building Department, which comply with the Fourth Amendment of the U.S. Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Section 1323.05 Right of Entry, of the Codified Ordinances is hereby amended to read and provide, in its entirety, as follows:

"1323.05 NO RIGHT OF ENTRY.

~~The Building Commissioner and his or her deputies, assistants or employees assigned by him or her, or persons assigned to cooperate with him or her by other departments of the Village, so far as may be necessary for the performance of their duties, shall have the right to enter upon a building site or premises, a new or unoccupied building, a building under construction, repair, alteration or removal, or a building alleged to be unsafe, a menace to life or limb or damaged or menaced by fire, upon showing their badges of office. No person shall interfere with such inspectors in the performance of their duties.~~ **Nothing contained in this chapter shall be deemed to confer a right of entry upon the Village, its officials or employees, without permission of the owner or occupant, a warrant, or as otherwise authorized by law."**

SECTION 2. That existing Section 1331.09 No Right of Entry, of the Codified Ordinances is hereby amended to read and provide, in its entirety, as follows:

"1331.09 NO RIGHT OF ENTRY.


Nothing contained in this chapter shall be deemed to confer a right of entry upon the Village, its officials or employees, without **permission of the owner or occupant, a warrant, or as otherwise authorized by law.** ~~probable cause.~~"

SECTION 3. That existing of the Codified Ordinances of Orange Village and any ordinance or any part of any ordinance in conflict with this Ordinance are repealed to the extent of the conflict.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation 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 Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 1, 2019



Council President

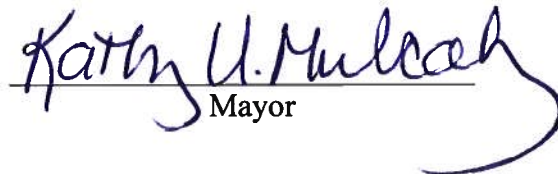
Submitted to the Mayor for approval on this 1st day of May, 2019

Approved by the Mayor this 1st day of May, 2019

ATTEST:



Clerk of Council



Mayor