

**ORDINANCE NO. 2020-O-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 1244.01 OF THE VILLAGE ORDINANCES TO AUTHORIZE THE VILLAGE OF JEFFERSON TO EXERCISE ITS RIGHTS OF APPEAL AND DECLARING AN EMERGENCY**

**WHEREAS** the Council of the Village of Jefferson is a statutory village; and

**WHEREAS** Ohio Revised Code §2506.01 gives authority to the local court of common pleas to review all final orders of any board of any political subdivision; and

**WHEREAS** the Village of Jefferson has not previously needed to exercise its rights of appeal under Revised Code §2506.01; and

**WHEREAS** the Village of Jefferson Board of Zoning Appeals operates as a quasi-judicial body; and

**WHEREAS** the Village of Jefferson has a vested interest in ensuring that decisions of the Village Board of Zoning Appeals are not unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record; and

**WHEREAS** the Village of Jefferson believes it is in the best interests of the Village to amend Section 1244.01 to explicitly include the Village's vested right to appeal.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JEFFERSON, COUNTY OF ASHTABULA, AND STATE OF OHIO, THAT:**

**Section 1.** Pursuant to the Ohio Supreme Court case of *City of Willoughby Hills vs. C. C. Bar's Sahara, Inc.* and Revised Code §2506.01, the Village of Jefferson may appeal to the appropriate court any decision of the Board of Zoning Appeals.

**Section 2.** The right of appeal shall also apply to actions already taken by the Board of Zoning Appeals prior to the effective date of this Ordinance.

**Section 3.** Chapter 1244.01 is hereby amended to add subsection (f) which shall read as follows:

(f) *Appeals.* Decisions of the Board of Zoning Appeals may be appealed in accordance with Ohio Revised Code Chapter 2506, including by the Village of Jefferson. In the event the Village desires to appeal a decision of the Board of Zoning Appeals, the Council of the Village of Jefferson must first authorize the appeal by roll call vote.

**Section 4.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**Section 5.** For the reasons set forth above, this Ordinance is declared an emergency ordinance and shall take effect and be in force from and immediately after passage.

**Passed by Council on the \_\_\_\_\_ day of June 2020.**

\_\_\_\_\_ Yeas      \_\_\_\_\_ Nays

Effective Date: \_\_\_\_\_

**AUTHENTICATION:**

\_\_\_\_\_  
Patricia A. Fisher  
Clerk/Treasurer of Council

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Brian Diehl  
President Pro-Tempore

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**APPROVED AS TO LEGAL FORM:**

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Michael E. Hamper III, Esq.  
Village Solicitor