

THE CITY OF STREETSBORO, OHIO
SPECIAL SERVICE COMMITTEE MEETING AGENDA

Monday, June 17, 2024

TIME: 6:00 p.m.
PLACE: Streetsboro City Council Chambers
CHAIR: Anthony Lombardo 440-669-6922
VICE-CHAIR: Jon Hannan 330-931-5451

1. **Call to Order**
2. **Roll Call**
3. **Special Business**
Work Session to Discuss T-7612 Amend Code Regarding Nuisance Properties (Bill Miller, Andrei Nova)
4. **Announcements**
City Hall will be closed on Wednesday, June 19, 2024 for Juneteenth. Meeting packets will be distributed the next day.
There will be a Public Hearing – Tax Budget, a Finance Committee, and a Regular Council Meeting on Monday, June 24, 2024, starting at 7:00 p.m. in Council Chambers.
5. **Adjournment**

RECORD OF ORDINANCE

Tabled 5-13-21
 adeline walk
 Lamm

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____

AN ORDINANCE RE-NAMING CHAPTER 531 OF PART FIVE (GENERAL OFFENSES CODE) OF THE CODIFIED ORDINANCES, AMENDING SECTIONS 531.01, 531.02, 531.03, 531.04, 531.05, 531.06 AND 531.99 THEREOF, ENACTING NEW SECTION 531.07 THEREOF, AND REPEALING CHAPTER 553 THEREOF, RELATING TO NUISANCE PROPERTIES AND NUISANCE ABATEMENT PROCEDURES.

WHEREAS, the Mayor recommends renaming Chapter 531 of the Codified Ordinances, as follows (new text underlined; deleted text in ~~strikethrough~~):

Chapter 531
Litter Nuisance Properties

and,

WHEREAS, the Mayor recommends amending Sections 531.01, 531.02, 531.03, 531.04, 531.05, 531.06, and 531.99 of the Codified Ordinances, to read in full as follows (new text underlined; deleted text in ~~strikethrough~~):

531.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) ~~“Authorized private receptacle” means a litter storage and collection receptacle as required and authorized in the City by Chapter 941.~~ “Building materials” means lumber, drywall, plywood, brick and concrete masonry units, stone, roofing, siding, flooring materials, insulation, pipe, wire, and bulk materials used in construction such as drywall compound, concrete, sand, gravel, aggregate, asphalt cement, etc.

(b) “Director” means the Director of Public Service.

(c) “Building parts” means doors, windows, plumbing fixtures, cabinets, light fixtures, and heating, ventilation and air conditioning equipment.

~~(b)(d)~~ “Garbage” means discarded the matter, substance, or waste resulting from the growing, handling, storage, preparation, cooking, selling, serving, and/or consumption of food, including animal products (including fat and bones), fowl, fish, fruits and vegetables, grains, legumes, and condiments, including animal and bird feeds as well as contaminated containers used to prepare, serve or sell such matter.

(e) “Household appliances and equipment” means refrigerators, ranges, microwave ovens, dishwashers, clothes washers, dryers and other built-in and countertop appliances, and audio-visual equipment.

(f) “Motor vehicle” includes those vehicles defined in Ohio Revised Code Section 4501.01(B), as well as recreational vehicles as defined in Ohio Revised Code Section 4501.01(Q), motorcycles as defined in Ohio Revised Code Section 4501.01(ZZ), and mini-trucks as defined in Ohio Revised Code Section 4501.01(BBB).

(g) ~~“Litter” “Refuse” means garbage, refuse and rubbish, as defined herein, and all other waste material, including appliances, used or discarded building materials, roofing material, used or discarded siding material, used or discarded building parts lumber, broken concrete, broken asphalt, bricks, drywall, unauthorized signs within City rights of way, tree and shrub stumps, limbs, clippings, branches, and other waste building materials, which, if thrown, stored, or deposited, as herein prohibited, tends to create a danger to public health, safety, and welfare.~~ “Litter” also includes abandoned property. For purposes of this chapter, abandoned property shall include, but is not limited to, property left on any public right of way for a period of forty eight hours or longer. “Litter” shall not include material that is deposited pursuant to a valid permit issued by the Building Inspection Division. “Litter” Refuse shall not include leaves placed in the street adjacent to the right of way in compliance with the City leaf program. For purposes of this section “signs” has the same meaning as in Codified Ordinance §1159.04.

~~(d)(h)~~ “Person” means any individual, firm, partnership, association, corporation, limited liability company or organization of any kind.

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 644-224-3535 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

~~(e)(i) "Private premises" or "premises" means any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or temporarily or continuously uninhabited or vacant and includes any yard, grounds, walk, driveway, sidewalks and abutting property between the property line and the curb line, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure. "Parcel of land" means any parcel of real property recognized by the Portage County Auditor for tax or assessment purposes, even if tax-exempt, but does not include publicly-owned parcels, the public right-of-way, or dedicated public grounds.~~

~~(j) "Owner" means the person, corporation, partnership, limited liability company, or other entity identified on the tax duplicate of the Portage County Auditor as the record title owner of a parcel of land coming within the purview of this Chapter.~~

~~(f) "Refuse" means all putrescible and non putrescible solid wastes, (except body wastes), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.~~

~~(g)(k) "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes such as paper (including newspaper, magazines, paperback books, etc.) paperboard, plastic, polystyrene and other packaging materials and containers, wrappings, cigarettes, cardboard and cardboard boxes, tin cans metal, plastic and glass containers, yard waste clippings, leaves, wood, glass, textiles including clothing, mattresses, bedding, carpet, drapery, crockery and similar materials.~~

~~(l) "Litter" means uncontained rubbish, including prepared food and drink containers, that may be carried, scattered, or disbursed by normal wind conditions.~~

~~(m) "Long-term" for the purposes of Section 531.02, means more than one year; the time is measured from the commencement of any outdoor storage, notwithstanding that some materials may have been stored for less than one year.~~

531.02 LITTER ON OCCUPIED PRIVATE PROPERTY, DECLARATION OF NUISANCE.

~~No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.~~

~~The following conditions are hereby declared to be nuisances:~~

~~(a) Grass, weeds, and any other non-woody plants having grown eight inches (8") tall or higher:~~

- ~~(1) On any parcel of land within a platted residential subdivision,~~
- ~~(2) On any portion of any parcel of land that is within fifty feet (50') of an occupied residential structure, and~~
- ~~(3) On any portion of any parcel of land that is within thirty feet (30') of any public right-of-way or any private right-of-way that is open to the public.~~

~~(b) Trees, brush, or other woody plants, growing on any parcel of land, that:~~

- ~~(1) Obstruct any portion of a public right-of-way,~~
- ~~(2) Present a risk, due to unstable conditions, of falling into a public right-of-way, and~~
- ~~(3) In the opinion of the City Engineer, obstruct traffic sightlines necessary for safe vehicular travel.~~

~~(c) Long-term outdoor storage of refuse, new or used building materials, new or used building parts, signs, junk motor vehicles, motor vehicle parts, trailers, household appliances or equipment, indoor furniture, pallets, fencing, bins, tanks and other bulk containers, construction equipment, material handling equipment, road maintenance machines, equipment and tools, landscaping machines, equipment and tools, public utility fixtures and equipment, ladders, scaffolding, tools, or other unusable personal property, on any parcel of land not principally used for agricultural purposes.~~

~~(d) Abandoned, unsecured buildings.~~

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

(e) Outdoor storage or deposition of hazardous materials or hazardous wastes (other than those regulated under Chapter 1507 of these Ordinances) that may become airborne or waterborne in such a manner that they may migrate off the parcel of land on which they are stored.

(f) Accumulations of litter of such extent that normal wind conditions may cause the litter to migrate to adjacent properties or public streets or rights-of-way.

531.03 OWNER TO MAINTAIN PREMISES FREE OF LITTER, FINDING OF PUBLIC NUISANCE APPLICABLE TO PARTICULAR PROPERTIES; NOTICE TO ABATE; SERVICE.

~~The owner or person in control of any private property shall at all times maintain the premises free of litter. However, this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

(a) Whenever the Zoning Inspector finds nuisance conditions defined under Section 532.02 to exist on any parcel of land, the Zoning Inspector shall issue a written Notice of Finding of Public Nuisance and Order to Abate ("Finding and Order" or "Notice") to the owner. The Notice shall:

- (1) Specifically identify the nature of the nuisance, with reference to the applicable subsection of Section 531.02.
- (2) Order the owner, occupant, and/or person in charge control of the parcel to abate the nuisance completely and thoroughly, in compliance with any specific instructions contained in the Notice.
- (3) Specify a reasonable time in which to abate the nuisance, which shall take into account the nature and extent of the violation.
- (4) Advise the owner and/or person in control of the right to appeal the Notice to the Board of Zoning and Building Appeals, and
- (5) Advise the owner, occupant, and/or person in control of the abatement remedies that may be employed by the City of Streetsboro following the failure to abate the nuisance in conformance with the Notice.

Any owner or other person to whom a Finding and Order is directed shall have standing to appeal the Finding and Order to the Board of Zoning and Building Appeals pursuant to Section 1105.11.

(b) The Notice shall be served on the owner of the applicable parcel of land. Service may be made in accordance with the procedures applicable to zoning violations. If the parcel is occupied or under the control of persons or entities and not the owner, service shall be made on those persons or entities as well. However, the inability to obtain service on a responsible party or parties other than the owner shall not invalidate any action of the City to recover its costs for abatement of a nuisance under this Chapter. Service is presumed if the owner is served by certified mail at the tax mailing address of the owner identified on the records of the Portage County Auditor, or upon a statutory agent of the owner as identified on the records of the Ohio Secretary of State. If certified mail is returned "refused," the Zoning Inspector may obtain service by the use of regular mail.

531.04 LITTER ON VACANT PRIVATE PROPERTY, TIME FOR ABATEMENT; APPEALS.

~~No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.~~

(a) The time specified in a Finding and Order for the owner to abate a nuisance shall commence upon service of the Finding and Order. The date upon which the abatement must be completed as specified in the Finding and Order is the "Compliance Date." The compliance date shall not be less than twenty (20) calendar days following service, except in the case of tall grass or weeds cited under subsection 531.02(a), in which case the compliance date may be as few as five (5) calendar days following service.

(b) An owner or other person subject to a Finding and Order may appeal the finding or the abatement order to the Board of Zoning and Building Appeals ("Board"). An appeal may be filed not later than twenty (20) days following service of the Finding and Order. The Board may affirm, reverse, or modify the Finding and Order in accordance with

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

its authority under Section 1105.08(a) of these Ordinances. The Board's decision may be reviewed only in accordance with Chapter 2506 of the Ohio Revised Code.

(c) The time to file an appeal and the time to abate the nuisance shall both commence on the date of service of the Finding and Order. However, the Director may proceed to abate the nuisance with City forces if an appeal is not filed as of the Compliance Date. An appeal is not rendered moot by such action.

531.05 CLEARING OF LITTER BY CITY, DURATION OF FINDING.

~~(d) Notice to Remove. The Director of Public Service is authorized to notify the owner of any open or vacant private property or any other private property within the City or the agent of such owner to properly dispose of litter located on such owner's premises that is dangerous to public health, safety, or welfare. Such notice shall be personally delivered to such owner or his agent or shall be posted at the residence or place of business of such owner or his agent if personal service cannot be obtained.~~

~~(e) Action Upon Noncompliance. On the failure, neglect, or refusal of any owner or agent notified to properly dispose of litter dangerous to the public health, safety, or welfare within forty-eight hours after service, as provided in subsection (a) hereof, the Director of Public Service shall cause such litter to be removed and may employ the necessary labor to perform such work or cause it to be done by the City.~~

~~(f) Expenses as a Lien. All expenses so incurred by the Director of Public Service and the cost of such notice shall be reported to the Director of Finance, who shall mail a statement thereof to the owner of the land, if his address is known. If after 30 days such amount remains unpaid, the Director of Finance shall certify the total amount of the expense, the name of the owner of the land, and a sufficient description of the premises, to the Auditor of Portage County, to be entered upon the tax duplicate, to be a lien on the land from the date of entry, to be collected as other taxes and assessments returned to the City, pursuant to Ohio R.C. 731.54. The remedy provided for herein shall be in addition to the penalties provided in Section 941.99.~~

Unless specified herein, a finding of a public nuisance shall expire upon abatement of the nuisance or a decision of the Board or a court of proper jurisdiction terminating the finding.

531.06 MULTIPLE OFFENSES. DUTY TO PREVENT AND ABATE NUISANCES; REMEDY FOR NONCOMPLIANCE.

~~A separate offense shall be deemed committed each day during or on which a violation of any of the provisions of this chapter occurs or continues.~~

(a) Every owner of a parcel of land within the City shall maintain such land, or cause such land to be maintained, free from the nuisance conditions defined in this Chapter.

(b) Upon the failure, neglect, or refusal of any owner to abate a nuisance on or before the Compliance Date, and as required by a Finding and Order properly served on such owner, the Director shall cause such nuisance to be abated in conformance with the Finding and Order, and except as provided in subsection (c) below, may employ the necessary labor to perform such work or cause it to be performed by City forces.

(c) Where a nuisance involves abandoned or junk motor vehicles, recreational vehicles, motorcycles, or mini-trucks, abatement of these items by City forces shall proceed only pursuant to Chapter 304 of the Codified Ordinances.

(d) In the event of a timely appeal, the owner shall conduct the abatement in conformance with the resolution determined by the Board or as finally determined in any further appeal, unless the Director causes the nuisance to be abated prior to the resolution of an appeal. The appeal is not rendered moot by such action.

(e) After all opportunity for appeal has been exhausted, and in the absence of a successful appeal, all abatement expenses incurred by the Director shall be reported to the Director of Finance, who shall mail a statement thereof to the owner of the subject parcel of land. If after 30 days such amount remains unpaid, the Director of Finance shall certify the total amount of the expense to the Portage County Auditor, to be entered upon the tax duplicate as a lien on the land from the date of entry, and to be collected as taxes and

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20 _____

assessments, pursuant to Ohio R.C. 731.54. The remedy provided for herein shall be in addition to the penalties provided in Section 531.99.

531.99 PENALTY.

Whoever violates any provision in this Chapter 531 is guilty of a misdemeanor of the third degree, ~~except that whoever violates the unauthorized sign within the City rights of way provision is subject to a warning for the first offense (a subsequent offense is subject to the penalty).~~

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, that:

SECTION 1: The title of Chapter 531 of the Codified Ordinances is hereby amended to read in its entirety as follows:

Nuisance Properties

SECTION 2. Existing Sections 531.01, 531.02, 531.03, 531.04, 531.05, 531.06, and 531.99 of the Codified Ordinances are hereby amended to read in full as follows:

531.01 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Building materials" means lumber, drywall, plywood, brick and concrete masonry units, stone, roofing, siding, flooring materials, insulation, pipe, wire, and bulk materials used in construction such as drywall compound, concrete, sand, gravel, aggregate, asphalt cement, etc.

(b) "Building parts" means doors, windows, plumbing fixtures, cabinets, light fixtures, and heating, ventilation, and air conditioning equipment.

(c) "Director" means the Director of Public Service.

(d) "Garbage" means discarded matter, substance, or waste resulting from the growing, handling, storage, preparation, cooking, selling, serving, and/or consumption of food, including animal products, fowl, fish, fruits, vegetables, grains, legumes, and condiments, as well as contaminated containers used to prepare, serve, or sell such matter.

(e) "Household appliances and equipment" means refrigerators, ranges, microwave ovens, dishwashers, clothes washers, dryers and other built-in and countertop appliances, and audio-visual equipment.

(f) "Litter" means uncontained rubbish, including prepared food and drink containers, that may be carried, scattered, or disbursed by normal wind conditions.

(g) "Long term," for the purposes of Section 531.02, means more than one year; the time is measured from the commencement of any outdoor storage, notwithstanding that some materials may have been stored for less than one year.

(h) "Motor vehicle" includes those vehicles defined in Ohio Revised Code Section 4501.01(B), as well as recreational vehicles as defined in Ohio Revised Code Section 4501.01(Q), motorcycles as defined in Ohio Revised Code Section 4501.01(ZZ), and mini-trucks as defined in Ohio Revised Code Section 4501.01(BBB).

(i) "Owner" means the person, corporation, partnership, limited liability company, or other entity identified on the tax duplicate of the Portage County Auditor as the record title owner of a parcel of land coming within the purview of this Chapter.

(j) "Parcel of land" means any parcel of real property recognized by the Portage County Auditor for tax or assessment purposes, even if tax-exempt, but does not include publicly-owned parcels, the public right-of-way, or dedicated public grounds.

(k) "Person" means any individual, firm, partnership, association, corporation, limited liability company or organization of any kind.

(l) "Refuse" means garbage and rubbish, as defined herein, and all other waste material, including appliances, used or discarded building materials, used or discarded building parts, tree and shrub stumps, limbs, clippings, branches, and other waste building

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3358 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

materials. Refuse shall not include leaves placed adjacent to the right of way in compliance with the City leaf program.

(m) "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes such as paper (including newsprint, magazines, paperback books, etc.) paperboard, plastic, polystyrene and other packaging materials and containers, cardboard and cardboard boxes, metal, plastic and glass containers, yard waste, wood, glass, textiles including clothing, mattresses, bedding, carpet, drapery, crockery, and similar materials.

531.02 DECLARATION OF NUISANCE.

The following conditions are hereby declared to be nuisances:

- (a) Grass, weeds, and any other non-woody plants having grown eight inches (8") tall or higher:
 - (1) on any parcel of land within a platted residential subdivision,
 - (2) on any portion of any parcel of land that is within fifty feet (50') of an occupied residential structure, and
 - (3) on any portion of any parcel of land that is within thirty feet (30') of any public right-of-way or any private right-of-way that is open to the public.
- (b) Trees, brush, or other woody plants, growing on any parcel of land, that
 - (1) obstruct any portion of a public right-of-way,
 - (2) present a risk, due to unstable conditions, of falling into a public right-of-way, and
 - (3) in the opinion of the City Engineer, obstruct traffic sightlines necessary for safe vehicular travel.
- (c) Long-term outdoor storage of refuse, new or used building materials, new or used building parts, signs, junk motor vehicles, motor vehicle parts, trailers, household appliances or equipment, indoor furniture, pallets, fencing, bins, tanks and other bulk containers, construction equipment, material handling equipment, road maintenance machines, equipment and tools, landscaping machines, equipment and tools, public utility fixtures and equipment, ladders, scaffolding, tools, or other unusable personal property, on any parcel of land not principally used for agricultural purposes.
- (d) Abandoned, unsecured buildings.
- (e) Outdoor storage or deposition of hazardous materials or hazardous wastes (other than those regulated under Chapter 1507 of these Ordinances) that may become airborne or waterborne in such a manner that they may migrate off the parcel of land on which they are stored.
- (f) Accumulations of litter of such extent that normal wind conditions may cause the litter to migrate to adjacent properties or public streets or rights-of-way.

531.03 FINDING OF PUBLIC NUISANCE APPLICABLE TO PARTICULAR PROPERTIES; NOTICE TO ABATE; SERVICE.

- (a) Whenever the Zoning Inspector finds nuisance conditions defined under Section 532.02 to exist on any parcel of land, the Zoning Inspector shall issue a written Notice of Finding of Public Nuisance and Order to Abate ("Finding and Order" or "Notice") to the owner. The Notice shall:
 - (1) Specifically identify the nature of the nuisance, with reference to the applicable subsection of Section 531.02,
 - (2) Order the owner, occupant, and/or person in control of the parcel to abate the nuisance completely and thoroughly, in compliance with any specific instructions contained in the Notice,
 - (3) Specify a reasonable time in which to abate the nuisance, which shall take into account the nature and extent of the violation,
 - (4) Advise the owner and/or person in control of the right to appeal the Notice to the Board of Zoning and Building Appeals, and

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

- (5) Advise the owner, occupant, and/or person in control of the abatement remedies that may be employed by the City of Streetsboro following the failure to abate the nuisance in conformance with the Notice.

Any owner or other person to whom a Finding and Order is directed shall have standing to appeal the Finding and Order to the Board of Zoning and Building Appeals pursuant to Section 1105.11.

(b) The Notice shall be served on the owner of the applicable parcel of land. Service may be made in accordance with the procedures applicable to zoning violations. If the parcel is occupied or under the control of persons or entities and not the owner, service shall be made on those persons or entities as well. However, the inability to obtain service on a responsible party or parties other than the owner shall not invalidate any action of the City to recover its costs for abatement of a nuisance under this Chapter. Service is presumed if the owner is served by certified mail at the tax mailing address of the owner identified on the records of the Portage County Auditor, or upon a statutory agent of the owner as identified on the records of the Ohio Secretary of State. If certified mail is returned "refused," the Zoning Inspector may obtain service using regular mail.

531.04 TIME FOR ABATEMENT; APPEALS.

(a) The time specified in a Finding and Order for the owner to abate a nuisance shall commence upon service of the Finding and Order. The date upon which the abatement must be completed as specified in the Finding and Order is the "Compliance Date." The compliance date shall not be less than twenty (20) calendar days following service, except in the case of tall grass or weeds cited under subsection 531.02(a), in which case the compliance date may be as few as five (5) calendar days following service.

(b) An owner or other person subject to a Finding and Order may appeal the finding or the abatement order to the Board of Zoning and Building Appeals ("Board"). An appeal may be filed not later than twenty (20) days following service of the Finding and Order. The Board may affirm, reverse, or modify the Finding and Order in accordance with its authority under Section 1105.08(a) of these Ordinances. The Board's decision may be reviewed only in accordance with Chapter 2506 of the Ohio Revised Code.

(c) The time to file an appeal and the time to abate the nuisance shall both commence on the date of service of the Finding and Order. However, the Director may proceed to abate the nuisance with City forces if an appeal is not filed as of the Compliance Date. An appeal is not rendered moot by such action.

531.05 DURATION OF FINDING.

Unless specified herein, a finding of public nuisance shall expire upon abatement of the nuisance or a decision of the Board or a Court of proper jurisdiction terminating the finding.

531.06 DUTY TO PREVENT AND ABATE NUISANCES; REMEDY FOR NONCOMPLIANCE.

(a) Every owner of a parcel of land within the City shall maintain such land, or cause such land to be maintained, free from the nuisance conditions defined in this Chapter.

(b) Upon the failure, neglect, or refusal of any owner to abate a nuisance on or before the Compliance Date, and as required by a Finding and Order properly served on such owner, the Director shall cause such nuisance to be abated in conformance with the Finding and Order, and except as provided in subsection (c) below, may employ the necessary labor to perform such work or cause it to be performed by City forces.

(c) Where a nuisance involves abandoned or junk motor vehicles, recreational vehicles, motorcycles, or mini-trucks, abatement of these items by City forces shall proceed only pursuant to Chapter 304 of the Codified Ordinances.

(d) In the event of a timely appeal, the owner shall conduct the abatement in conformance with the resolution determined by the Board or as finally determined in any further appeal, unless the Director causes the nuisance to be abated prior to the resolution of an appeal. The appeal is not rendered moot by such action.

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

(e) After all opportunity for appeal has been exhausted, and in the absence of a successful appeal, all abatement expenses incurred by the Director shall be reported to the Director of Finance, who shall mail a statement thereof to the owner of the subject parcel of land. If after 30 days such amount remains unpaid, the Director of Finance shall certify the total amount of the expense to the Portage County Auditor, to be entered upon the tax duplicate as a lien on the land from the date of entry, and to be collected as taxes and assessments, pursuant to Ohio R.C. 731.54. The remedy provided for herein shall be in addition to the penalties provided in Section 531.99.

531.99 PENALTY.

Whoever violates any provision in this Chapter 531 is guilty of a misdemeanor of the third degree.

SECTION 3. New Section 531.07 of the Codified Ordinances is hereby enacted to read in full as follows:

531.07 EMERGENCIES.

In the event of a bona fide emergency endangering the public health, safety, or welfare, the Zoning Inspector shall designate on the Notice that the matter is an emergency. Upon such a designation, the Service Director may proceed to immediately abate the nuisance in an appropriate manner, including:

- (a) effective boarding of vacant, unsecured, and abandoned buildings,
- (b) partial or complete demolition of unsafe and/or unstable structures threatening adjacent structures or the public right-of-way,
- (c) removal of trees fallen across a public right-of-way, or
- (d) removal of hazardous materials that would otherwise contaminate adjacent properties. The Zoning Inspector shall endeavor to give as much notice to the owner as possible, but the City's cost recovery remedy for the abatement shall remain available, subject to timely appeal.

SECTION 4: Existing Sections 531.01, 531.02, 531.03, 531.04, 531.05, and 531.06 of the Codified Ordinances, as enacted by Ord. No. 1997-150, passed November 24, 1997, are hereby repealed. Existing Section 531.99 of the Codified Ordinances, as amended by Ord. No. 2006-136, passed September 25, 2006, is hereby repealed. Existing Chapter 553 of Part Five of the Codified Ordinances, enacted by Ord. No. 2004-119, passed August 2, 2004, is hereby repealed in its entirety.

SECTION 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 6: This ordinance shall take effect and be in force at the earliest period allowed by law upon its passage and approval by the Mayor.

PASSED: _____
Date Steve Michniak, President of Council

ATTEST: _____
Caroline L. Kremer, Clerk of Council

APPROVED: _____
Date Glenn M. Broska, Mayor

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

Prepared and approved as to legal content by: _____
David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____ Returned: _____

Sponsored by: Director of Public Service