

*Note: These minutes were compiled by extracting certain facts the essence of testimony from an audiotape made of this meeting. Complete detail and verbatim statements can be heard and transcribed from the tape. The tape is available in the office of the Department of Planning and Zoning for a nominal fee.*

## **STREETSBORO PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Tuesday, March 8, 2022  
7 PM**

**Call to Order** – Chairperson Pavlick called the meeting to order at 7:00 pm.

### **Pledge of Allegiance and Invocation**

**Roll Call:** Deb Covert, Ron Good, Ted Hurd, Jerome Pavlick, Marty Richmond, and Brian Salyer were present.

Curt Gallo was absent.

Also present: Mayor Glenn Broska, John H. Cieszkowski, Jr. AICP Planning and Zoning Director; Paul A. Janis, Assistant Law Director, Jimmy Hoppel, AICP Assistant Planner and Planning Commission Clerk, Bridget Pavlick

### **Disposition of Minutes:** February 8, 2022 Regular Meeting

Mr. Good made a motion to accept the September 14, 2021 Regular Meeting minutes as presented with second by Mr. Hurd. By voice vote, motion carried.

**Old Business-** none

**Sign Review- Chapter 1159** – None

### **10375 St. Rt. 43 – Natural Essentials**

Site Plan Amendment-25,740 sf Expansion

Randy Parsons and Ben Seger, MPG Architects, 3660 Embassy Parkway, Fairlawn, Ohio.

The company plans to add on to the existing building. The new section of the building will be used for additional product lines that will be moved from a nearby location and the original section will be used for manufacturing.

Mr. Cieszkowski commented that he had extensive meetings with the applicant to address this application. He indicated that his staff report had only minor conditions noted. The question was asked if the renderings that were presented just now matched the existing part of the building. It was stated that yes it would coordinate and be harmonious with the existing structure. It was also asked if there was a landscape plan for the landscaping along State Route 43. Mr. Cieszkowski indicated that there was but the

bulk of the landscaping was concentrated adjacent to the building. There are a few plantings along the State Route 43 right-of-way.

**MOTION: Ms. Covert**

I hereby move on this 8th day of March 2022 the Streetsboro Planning and Zoning Commission approve a site plan amendment for Natural Essentials, 10375 State Route 43, Parcel #35-005-00-00-010-005 to construct a 25,740 sq. ft. expansion to the existing facility per site plan received February 7, 2022. Subject to administrative review and approval of conditions attached hereto as noted in the Planning and Zoning Director's memo dated February 21, 2022. No construction shall commence until a zoning certificate has been paid for and issued by the Planning and Zoning Department and a building permit has been paid for and issued by the Building Department. With the stipulation that before any occupancy permits are issued, a final inspection is made to ensure compliance with all City requirements and the approved site plan. If future expansion or signage for the project is indicated on the site plan it will not be approved at this time. Seconded by Mr. Salyer. Upon Roll Call vote motion carried: Yes 6- No 0.

**9475 St. Rt. 14 – Clean Express Auto Wash**

Site Plan Amendment adding 2 new vacuums at the head of the existing off-street parking spaces closest to St. Rt. 14

Jason Fenton, 13375 National Road, Suite D, Etna, Ohio 43068.

Applicant would like to add two vacuums to the 10 that exist on the site. These two new vacuums would be located toward State Route 14. The new vacuums would be black to match the existing vacuums.

Mr. Cieszkowski indicated in his staff report that he recommended approval as it is presented. Discussion centered on whether the traffic flow within the site would change. Often times if people are using the vacuums and leaving, they would have to wait and sometimes move against the traffic pattern. The applicant stated that there would be no changes other than to add the two vacuum stations in the parking spots closest to State Route 14.

**Motion: Ms. Covert.**

I hereby move on this 8th day of March 2022 the Streetsboro Planning and Zoning Commission approve a site plan amendment for Express Clean Auto Wash, 9475 State Route 14, Parcel #35-043-00-00-003-004, to add 2 new vacuums to match the existing black vacuums at the head of the existing off-street parking spaces closest to SR 14 per site plan received 2-07-22. No construction shall commence until a zoning certificate has been paid for and issued by the Planning and Zoning Department and a building permit has been paid for and issued by the Building Department. With the stipulation that before any occupancy permits are issued a final inspection is made to ensure compliance with all City requirements and the approved site plan. If future expansion or signage for the project is indicated on

**the site plan it will not be approved at this time. Seconded by Mr. Good. Upon Roll Call vote, motion carried. Yes 6 – No 0.**

**Zoning Text Amendment – Section 1107.10 (Violations) of Title Five, Part Eleven (Planning and Zoning) Relating to Civil Enforcement of the Zoning Code**  
Paul A. Janis, Assistant Law Director.

**Motion: Ms. Covert**

**I hereby move on this 8th day of March 2022 the Streetsboro Planning and Zoning Commission consider a text amendment to Section 1107.10 (Violations) of Title Five, Part Eleven (Planning and Zoning) Relating to Civil Enforcement of the Zoning Code. Seconded by Mr. Good. Upon Roll Call vote, motion carried. Yes 6 – No 0.**

Paul A. Janis, Assistant Law Director

As the sponsor of this Text Amendment change, Mr. Janis stated that in his prior position as Law Director with the City, it was felt that since the city did not have in-house zoning inspectors or in-house building inspectors this civil component was not as important as it is right now since we now have an in-house zoning inspector and in-house building inspector. There is more of an opportunity for enforcement now. He felt that this amendment was needed to add another tool to the toolbox as far as enforcement capabilities were concerned. This amendment would give the city the ability to apply civil penalties to violators wherein a civil lawsuit could be filed that has the court order the violator to rectify the violation.

The discussion continued with Mr. Janis explaining how this amendment would enhance the City's ability to enforce our code but make it so the courts would order the defendant to fix the issue as well as other remedies under the law. As stated, it is one more layer available to the city. Mr. Janis explained the differences between the criminal system and the civil system and the different legal remedies each offered and why it is beneficial to be able to utilize both systems in our code.

**Motion: Ms. Covert**

**I hereby move on this 8th day of March 2022 the Streetsboro Planning and Zoning Commission in accordance with Section 1109.02(a) of the Codified Ordinances of the City of Streetsboro, recommend approval of a zoning text amendment to City Council for Section 1107.10 (Violations) Relating to Civil Enforcement of Zoning Code. A report supporting the proposed zoning text amendment is hereto attached to this recommendation as required. Seconded by Mr. Good. Upon Roll Call vote motion carried. Yes 6 – No 0.**

#### **Reports, Communications and Correspondence-**

Mr. Cieszkowski thanked Mayor Broska for introducing Jimmy Hoppel to the Commission prior to the meeting. He stated that he was very proud to also introduce Jimmy and have him join the department. Jimmy would attend meeting in Mr. Cieszkowski's absence.

**Citizens' Comments-**

Paul Yupa, 8749 Seasons Road. On the moveable text signs, I know that the school is intent on having the city move forward in adopting that. I think the city needs to be very cautious moving forward with that. The city should do something that if it is adopted, it is something that can be enforced.

**Commission Member Comments-**

Discussion by Commission members regarding EMC signage and the resurrection of this particular topic within the city.

The Chairman welcomed Jimmy.

Mr. Hurd thanked Mayor Broska for the insight to hire more professionals to help lessen the load and allow the departments to expand.

**Announcements:** The next Regular Planning and Zoning Commission meeting will be held Tuesday April 12, 2022 at 7PM at the Streetsboro Municipal Building (555 Frost Road).

**Adjournment**

There being no further business before this Commission a motion to adjourn was made by Mr. Covert and seconded by Mr. Good and the meeting was adjourned at 7:55 pm.

Attest:

\_\_\_\_\_  
Bridget Pavlick,  
Planning & Zoning Clerk


  
\_\_\_\_\_  
Jerome Pavlick, Chairperson

Exhibit A.1



**MPG**  
MANN · PARSONS · GRAY  
ARCHITECTS

SOUTH EAST PERSPECTIVE





**MPG**  
MANN · PARSONS · GRAY  
ARCHITECTS

WEST PERSPECTIVE

AN ORDINANCE AMENDING SECTION 1107.10 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE), AND SECTIONS 1311.03, 1311.05, AND 1311.98 OF TITLE ONE, AND 1344.99 OF TITLE FIVE, PART THIRTEEN (BUILDING CODE), OF THE CODIFIED ORDINANCES, RELATING TO CIVIL ENFORCEMENT OF THE ZONING, BUILDING AND HOUSING AND PROPERTY MAINTENANCE CODES, AND REPEALING SECTIONS 1311.04, 1345.04, 1345.99, AND 1346.99 THEREOF.

WHEREAS, the Planning Commission recommends amending Sections 1107.10, 1311.03, 1311.05, 1311.98 and 1344.99 of the Codified Ordinances to read in full as follows (new text underlined; deleted text in ~~strikethrough~~):

#### 1107.10 VIOLATIONS.

(a) No person shall move, locate, erect, construct, reconstruct, enlarge, change, raze, maintain or use any building, or use any land in violation of any provision of this Zoning Ordinance or amendments thereto.

(b) The owner of each premises or parcel of land subject to this Zoning Code shall be responsible for compliance with the standards set forth herein, and for the abatement or elimination of any violation found on the owner's premises or parcel of land, regardless of whether certain responsibilities may also be placed on the lessees, tenants, operators or agents of such owner, and regardless of any agreement between the owner and any other person or entity. "Owner," for the purposes of this Section, means the record title owner of the parcel as identified on the Portage County tax duplicate, and any heirs, successors and assigns of such owner.

~~(b)~~(c) Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall be filed with the Zoning Inspector and shall state the causes and basis of the complaint. The Zoning Inspector shall record such complaint, investigate and take action as provided for violations of this Zoning Ordinance within thirty days from date of receipt of the complaint.

~~(e)~~(d) Any person found by the Zoning Inspector to be violating the provisions of this ordinance, and the owner of the involved premises or parcel, shall be notified in writing by certified regular mail at the parcel's address, and at the tax mailing address of the parcel's owner, if different from the parcel's address. In addition, the Notice of Violation ("NOV") shall be posted, if possible, at a location near the main entrance of the premises. Each NOV issued under the authority of this Section shall:

- (1) Identify the section of the Zoning Code of which the premises or parcel is in violation and the specific conditions that are the basis of the determination that a violation is occurring,
- (2) Order the owner and/or person in charge of the premises or parcel to abate the violation and identify the specific conditions that must be corrected in order to constitute abatement,
- (3) Specify a reasonable time for compliance with the order to abate,
- (4) Advise the owner and/or person in control of the right to appeal the NOV to the Board of Zoning and Building Appeals,
- (5) Advise the owner and/or person in control of the civil and criminal enforcement actions that may follow the failure to comply with an abatement order contained in an NOV.

~~given thirty days from the date of issuance to correct the violation(s). Any person to whom an NOV is directed shall have standing to appeal the NOV to the Board of Zoning and Building Appeals pursuant to Section 1105.11.~~

(e) If the violation is not fully abated or corrected within thirty days of the date of the property owner's receipt of the notice as indicated on the return mail certificate, the time frame specified in the NOV, and in the absence of any appeal of the NOV, then ~~Council, the Mayor, the Law Director, the Service Director,~~ the Zoning

~~Inspector or any property owner especially damaged by the violation may institute initiate any remedy provided by law any of the enforcement provisions provided in this Zoning Code.~~

(ef) In addition to the criminal penalties specified in Section 1107.11, the Law Director is authorized to institute any appropriate civil action to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain or require correction or abatement of violations of this Zoning Code, or to prevent the unlawful use of any building, structure or land. The Law Director is further authorized to litigate to judgment, settle, compromise, and/or dismiss any action brought under the authority of this Section, and to initiate such further actions as are necessary in aid of execution on any and all such judgments or settlements.

### **1311.03 NOTICE OF VIOLATION; DESIGNATION OF RESIDENT AGENT; MAIL AND POSTING OF NOTICE.**

(a) Whenever the Building Director finds any dwelling building, structure or premises or any improved real estate, or any part thereof, to be in violation of the provisions of this Building Code, or finds work that should be authorized under a permit being done without a permit, the Building Director shall give cause to be given or mailed issue a written Notice of Violation ("NOV") to the owner, agent or operator of such building, work, structure or premises a written notice stating the violation therein. As used in this section, "owner" includes a lessee or occupant that has retained an agent, operator or contractor to prosecute work subject to this Building Code. Such a Notice of Violation shall:

- (1) Identify the section of the Building Code of which the building, structure, or premises is in violation and the specific conditions that are the basis of the determination that a violation is occurring.
- (2) Order the owner, agent, contractor and/or person in charge of the work, the building, structure or premises to obtain proper permits and/or bring the work, the building, structure or premises into compliance with the provisions of this Building Code.
- (3) Specify a reasonable time in which to bring the building or the work into compliance with the Building Code.
- (4) Advise the owner and/or person in control of the right to appeal the NOV to the Board of Zoning and Building Appeals.
- (5) Advise the owner and/or person in control of the civil and criminal enforcement actions that may follow the failure to comply with an abatement order contained in an NOV.

(b) The NOV shall be served on the owner of the premises and on any of the owner's known agents, operators or contractors in control of the premises, the building or the affected work. The owner may be served by regular mail at the tax mailing address of the owner, and/or at the premises involved. Agents, operators, contractors or other persons in charge of the work may be given personal service, or may be served by regular mail at their last known business address. A contractor registered under Chapter 1307 of these Ordinances will be deemed served by regular mail at the business address on file with such registration. In addition, in all cases the NOV will be posted as close as possible to the main entrance of the premises. The inability to obtain service on one responsible party shall not affect the validity of service on other responsible parties. Such notice shall order the owner, agent or operator within a stated reasonable time, but not less than ten (10) days, to repair, improve, or demolish the structure or premises concerned, or in the case. Such delivery or mailing shall be deemed legal service of notice.

~~If the owner of any improved real estate is not a resident of Portage County, or a contiguous county, such owner shall designate and file with the Building Director the name, address and telephone number of an agent who is a resident of Portage County for~~



~~the purpose of receiving all notices of inspection, orders, or otherwise from the City of Streetsboro relative to such improved real estate. Service notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent by certificate of mailing of the last known address of the owner. Notice may also be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such posted notice without the written permission of the Building Director.~~

#### **1311.05 NONCOMPLIANCE WITH NOTICE.**

(a) ~~Whenever the owner, agent, occupant or operator of a structure or premises of a premises or any known agent, operator or contractor of the owner in control of the premises, the building or the affected work~~ fails, neglects or refuses to comply with any notice of the Building Director or his designated representative, the Building Director or such designated representative may issue a notice to such owner, agent, ~~occupant or operator, or contractor~~ ordering the building, structure or premises, or part thereof, to be vacated, repaired or improved within ten (10) days, except in cases of emergency, or the Building Director or his designated representative may advise the Law Director of the circumstances and request the Law Director to institute an appropriate criminal or civil action at law to compel compliance, or both. Such notice shall be delivered by mail and ~~or~~ posted in the same manner as provided in Section 1311.03.

(b) ~~Whenever the owner, agent, operator or occupant of a structure or premises of a premises or any known agent, operator or contractor of the owner in control of the premises, the building or the affected work~~ fails neglects or refuses to comply with a notice to vacate issued by the Building Director, the Building Director may enforce the orders of such notice of vacation and cause the structure or premises or part thereof, to be vacated in accordance with the terms of such notice.

(c) ~~Whenever the owner, agent or operator of a structure of a premises or any known agent, operator or contractor of the owner in control of the premises, the building or the affected work~~ fails, neglects or refuses to comply with a notice to demolish such building, structure or part thereof, or a secondary or appurtenant structure, issued in accordance with the provisions of this Building Code and when such building, structure or part thereof is determined by the Building Director to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Building Director may request the Law Director to institute legal proceedings to, or to take such other action as may be necessary to abate the nuisance. The Building Director shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1311.03.

(d) ~~Any owner of any such property as to which an order or notice to repair, improve, demolish or vacate has been issued~~ No person who has received a notice provided for in this section or Section 1103.03 shall not sell or enter into an agreement to sell or lease or otherwise transfer control of such the subject building or premises without first disclosing the existence of such notices property unless such order of the Building Director has been disclosed and displayed to the prospective purchaser, or lessee, or transferee. such owner has received notice from the Building Director of satisfactory compliance with such order or notice from the Building Director or other duly constituted authority that such order has been withdrawn or canceled

#### **1311.98 PENALTY.**

(a) The contractors, owners, ~~tenants~~ operators, or persons in charge of any building or premises where anything in violation of this Building Code is placed or exists, and any person who violates or causes or knowingly permits any violation of this Code in buildings or on premises under his charge or control, and any person who violates any provision of this Code or fails to comply therewith shall, for each violation or noncompliance, be deemed guilty of a misdemeanor of the first degree, unless otherwise specifically indicated, and punished as provided in Section 501.99 of the Codified Ordinances. Each day of such violation or failure to comply shall constitute a separate

offense. In the event of any conflict in the penalty provisions of this Building Code, the most severe shall govern the violation.

(b) In addition to the criminal penalties specified in this Section, the Law Director is authorized to institute any appropriate civil action to prevent the unlawful construction or alteration or demolition of any building or structure; to restrain or require correction or abatement of violations of this Building Code, or to prevent the unlawful occupancy of any building or premises. The Law Director is further authorized to litigate to judgment, settle, compromise, and/or dismiss any action brought under the authority of this Section, and to initiate such further actions as are necessary in aid of execution on any and all such judgments or settlements.

#### **1344.99 PENALTIES.**

(a) Any party failing to come into compliance as required by this code shall be guilty of a minor misdemeanor for each day of noncompliance and shall be subject to a maximum daily fine of one hundred dollars (\$100.00) in the event the noncompliance extends beyond a period of thirty (30) days, or extends beyond the time period allowed by any court order, then the continued offense shall constitute a misdemeanor of the first degree and shall be punishable by a maximum fine of one thousand dollars (\$1,000.00), incarceration in the county jail for a maximum period of six (6) months, or both.

(b) In addition to the criminal penalties specified in this Section, the Law Director is authorized to institute any appropriate civil action to require compliance with any provision of the Housing and Property Maintenance Code, to enjoin any violation of any lawful order issued under this Code, and to require abatement of any nuisance or other unlawful condition identified in the enforcement of this Code. The Law Director is further authorized to litigate to judgment, settle, compromise, and/or dismiss any action brought under the authority of this Section, and to initiate such further actions as are necessary in aid of execution on any and all such judgments or settlements.

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

SECTION 1: Sections 1107.10, 1311.03, 1311.05, 1311.98 and 1344.99 of the Codified Ordinances of the City of Streetsboro are hereby amended to read in full as follows:

#### **1107.10 VIOLATIONS.**

(a) No person shall move, locate, erect, construct, reconstruct, enlarge, change, raze, maintain or use any building, or use any land in violation of any provision of this Zoning Ordinance or amendments thereto.

(b) The owner of each premises or parcel of land subject to this Zoning Code shall be responsible for compliance with the standards set forth herein, and for the abatement or elimination of any violation found on the owner's premises or parcel of land, regardless of whether certain responsibilities may also be placed on the lessees, tenants, operators or agents of such owner, and regardless of any agreement between the owner and any other person or entity. "Owner," for the purposes of this Section, means the record title owner of the parcel as identified on the Portage County tax duplicate, and any heirs, successors and assigns of such owner.

(c) Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall be filed with the Zoning Inspector and shall state the causes and basis of the complaint. The Zoning Inspector shall record such complaint, investigate and take action as provided for violations of this Zoning Ordinance within thirty days from date of receipt of the complaint.

(d) Any person found by the Zoning Inspector to be violating the provisions of this ordinance, and the owner of the involved premises or parcel, shall be notified in

writing by regular mail at the parcel's address, and at the tax mailing address of the parcel's owner, if different from the parcel's address. In addition, the Notice of Violation ("NOV") shall be posted, if possible, at a location near the main entrance of the premises. Each NOV issued under the authority of this Section shall:

- (1) Identify the section of the Zoning Code of which the premises or parcel is in violation and the specific conditions that are the basis of the determination that a violation is occurring,
- (2) Order the owner and/or person in charge of the premises or parcel to abate the violation and identify the specific conditions that must be corrected in order to constitute abatement,
- (3) Specify a reasonable time for compliance with the order to abate,
- (4) Advise the owner and/or person in control of the right to appeal the NOV to the Board of Zoning and Building Appeals,
- (5) Advise the owner and/or person in control of the civil and criminal enforcement actions that may follow the failure to comply with an abatement order contained in an NOV.

Any person to whom an NOV is directed shall have standing to appeal the NOV to the Board of Zoning and Building Appeals pursuant to Section 1105.11.

(e) If the violation is not fully abated or corrected within the time frame specified in the NOV, and in the absence of any appeal of the NOV, then the Zoning Inspector may initiate any of the enforcement provisions provided in this Zoning Code.

(f) In addition to the criminal penalties specified in Section 1107.11, the Law Director is authorized to institute any appropriate civil action to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain or require correction or abatement of violations of this Zoning Code, or to prevent the unlawful use of any building, structure or land. The Law Director is further authorized to litigate to judgment, settle, compromise, and/or dismiss any action brought under the authority of this Section, and to initiate such further actions as are necessary in aid of execution on any and all such judgments or settlements.

### **1311.03 NOTICE OF VIOLATION; MAIL AND POSTING OF NOTICE.**

(a) Whenever the Building Director finds any ~~dwelling~~ building, structure or premises or any improved real estate, or any part thereof, to be in violation of the provisions of this Building Code, or finds work that should be authorized under a permit being done without a permit, the Building Director shall issue a written Notice of Violation ("NOV") to the owner, agent or operator of such building, work, structure or premises. As used in this section, "owner" includes a lessee or occupant that has retained an agent, operator or contractor to prosecute work subject to this Building Code. Such Notice of Violation shall:

- (1) Identify the section of the Building Code of which the building, structure, or premises is in violation and the specific conditions that are the basis of the determination that a violation is occurring,
- (2) Order the owner, agent, contractor and/or person in charge of the work, the building, structure or premises to obtain proper permits and/or bring the work, the building, structure or premises into compliance with the provisions of this Building Code,
- (3) Specify a reasonable time in which to bring the building or the work into compliance with the Building Code,
- (4) Advise the owner and/or person in control of the right to appeal the NOV to the Board of Zoning and Building Appeals,
- (5) Advise the owner and/or person in control of the civil and criminal enforcement actions that may follow the failure to comply with an abatement order contained in an NOV.

(b) The NOV shall be served on the owner of the premises and on any of the owner's known agents, operators or contractors in control of the premises, the building or the affected work. The owner may be served by regular mail at the tax mailing address of the owner, and/or at the premises involved. Agents, operators, contractors or other persons in charge of the work may be given personal service, or may be served by regular mail at their last known business address. A contractor registered under Chapter 1307 of these Ordinances will be deemed served by regular mail at the business address on file with such registration. In addition, in all cases the NOV will be posted as close as possible to the main entrance of the premises. The inability to obtain service on one responsible party shall not affect the validity of service on other responsible parties.

#### **1311.05 NONCOMPLIANCE WITH NOTICE.**

(a) Whenever the owner of a premises or any known agent, operator or contractor of the owner in control of the premises, the building or the affected work fails, neglects or refuses to comply with any notice of the Building Director or his designated representative, the Building Director or such designated representative may issue a notice to such owner, agent, operator, or contractor ordering the building, structure or premises, or part thereof, to be vacated, repaired or improved within ten (10) days, except in cases of emergency, or the Building Director or his designated representative may advise the Law Director of the circumstances and request the Law Director to institute an appropriate criminal or civil action at law to compel compliance, or both. Such notice shall be delivered by mail and posted in the same manner as provided in Section 1311.03.

(b) Whenever the owner of a premises or any known agent, operator or contractor of the owner in control of the premises, the building or the affected work fails neglects or refuses to comply with a notice to vacate issued by the Building Director, the Building Director may enforce the orders of such notice of vacation and cause the structure or premises or part thereof, to be vacated in accordance with the terms of such notice.

(c) Whenever the owner of a premises or any known agent, operator or contractor of the owner in control of the premises, the building or the affected work fails, neglects or refuses to comply with a notice to demolish such building, structure or part thereof, or a secondary or appurtenant structure, issued in accordance with the provisions of this Building Code and when such building, structure or part thereof is determined by the Building Director to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Building Director may request the Law Director to institute legal proceedings to, or to take such other action as may be necessary to abate the nuisance. The Building Director shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1311.03.

(d) No person who has received a notice provided for in this section or Section 1103.03 shall sell or enter into an agreement to sell or lease or otherwise transfer control of the subject building or premises without first disclosing the existence of such notices to the prospective purchaser, lessee, or transferee.

#### **1311.98 PENALTY.**

(a) The contractors, owners, operators, or persons in charge of any building or premises where anything in violation of this Building Code is placed or exists, and any person who violates or causes or knowingly permits any violation of this Code in buildings or on premises under his charge or control, and any person who violates any provision of this Code or fails to comply therewith shall, for each violation or noncompliance, be deemed guilty of a misdemeanor of the first degree, unless otherwise specifically indicated, and punished as provided in Section 501.99 of the Codified Ordinances. Each day of such violation or failure to comply shall constitute a separate offense. In the event of any conflict in the penalty provisions of this Building Code, the most severe shall govern the violation.

(b) In addition to the criminal penalties specified in this Section, the Law Director is



authorized to institute any appropriate civil action to prevent the unlawful construction or alteration or demolition of any building or structure; to restrain or require correction or abatement of violations of this Building Code, or to prevent the unlawful occupancy of any building or premises. The Law Director is further authorized to litigate to judgment, settle, compromise, and/or dismiss any action brought under the authority of this Section, and to initiate such further actions as are necessary in aid of execution on any and all such judgments or settlements.

**1344.99 PENALTIES.**

(a) Any party failing to come into compliance as required by this code shall be guilty of a minor misdemeanor for each day of noncompliance and shall be subject to a maximum daily fine of one hundred dollars (\$100.00) in the event the noncompliance extends beyond a period of thirty (30) days, or extends beyond the time period allowed by any court order, then the continued offense shall constitute a misdemeanor of the first degree and shall be punishable by a maximum fine of one thousand dollars (\$1,000.00), incarceration in the county jail for a maximum period of six (6) months, or both.

(b) In addition to the criminal penalties specified in this Section, the Law Director is authorized to institute any appropriate civil action to require compliance with any provision of the Housing and Property Maintenance Code, to enjoin any violation of any lawful order issued under this Code, and to require abatement of any nuisance or other unlawful condition identified in the enforcement of this Code. The Law Director is further authorized to litigate to judgment, settle, compromise, and/or dismiss any action brought under the authority of this Section, and to initiate such further actions as are necessary in aid of execution on any and all such judgments or settlements.

SECTION 2: Existing Sections 1107.10, 1311.03, 1311.04, 1311.05, 1311.98, 1344.99, 1345.04, 1345.99, and 1346.99 of the Codified Ordinances, as enacted or amended by Ord. No. 1989-51, passed August 28, 1989, Ord. No. 1999-02, passed January 11, 1999, are hereby repealed.

SECTION 3: 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 of 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 4: 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 Julie Field, President of Council

ATTEST: \_\_\_\_\_  
Caroline L. Kremer, Clerk of Council

APPROVED: \_\_\_\_\_  
Date Glenn M. Broska, Mayor

Prepared and approved as to legal content by: \_\_\_\_\_  
Franklin Beni, Law Director

Date Submitted to Mayor for Approval: \_\_\_\_\_ Returned: \_\_\_\_\_

Sponsored by: Planning Director