

CITY OF STRUTHERS, Ohio
Ordinance

NO. 21-056

AN ORDINANCE CREATING CHAPTER 1309 OF THE CODIFIED ORDINANCES OF CITY OF STRUTHERS, OHIO TO PROVIDE FOR THE ADMINISTRATIVE ENFORCEMENT OF PROPERTY CODE VIOLATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, property values and the general welfare of the City are founded, in part, upon the appearance and maintenance of properties;

WHEREAS, there appears to be a need for further emphasis on the maintenance of a number of properties in that certain conditions have been found throughout the City;

WHEREAS, the existence of such conditions are detrimental to the public health, safety and welfare of the residents of the City and contributes substantially and increasingly to the existence of hazards, the diminution of property values, and crime;

WHEREAS, unless corrective measures are undertaken to alleviate such conditions and particularly to avoid future problems in this regard, the public health, safety, and welfare, and specifically the property values and social and economic standards of the City, will be depreciated;

WHEREAS, the enforcement of the provisions of the City’s Codified Ordinances addressing the condition of real property within the City is an important public service and vital to the protection of the public health, safety and welfare;

WHEREAS, there is a need for an alternative method of enforcement, and administrative enforcement will reduce the burden on the judicial system while providing full due process for those alleged to be responsible for violations; and

WHEREAS, administrative enforcement of the provisions of the City’s Codified Ordinances addressing the condition of real property within the City is within the power and authority of the City and will achieve the following goals:

1. To promote and protect the public health, safety and welfare of the residents of the City.
2. To help ensure compliance with the City’s Codified Ordinances and Ohio Revised Code in a timely and efficient manner.
3. To provide for an administrative process to appeal the imposition of administrative citations, fines, penalties and costs that will fully comport with due process and provide those alleged to be in violation with the right to a fair hearing.
4. To provide another method to hold property owners responsible when they fail or refuse to comply with the City’s Codified Ordinances and Ohio Revised.
5. To reduce the burden on the judicial system and minimize the time and expense of defending the alleged violation on the part of the property owner.

NOW, THEREFORE, BE IT ORDINANED by the Council for the City of Struthers, Ohio, $\frac{3}{4}$'s of all members elected thereto concurring, that:

SECTION 1: Chapter 1309 of the City’s Codified Ordinances is hereby created to read as follows:

CHAPTER 1309 ADMINISTRATIVE PROPERTY CODE ENFORCEMENT

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1309.01 AUTHORITY AND ADMINISTRATIVE CITATION FINES

- (a) Any person owning any property in the City who violates any provision of the City's Codified Ordinances and/or Ohio Revised Code addressing the condition of real property within the City may be issued an administrative citation as provided in this Chapter.
- (b) An administrative fine shall be assessed by means of an administrative citation.
- (c) Administrative fines shall be assessed in the following amounts:
 - (i) \$100.00 for a first violation;
 - (ii) \$250.00 for a second violation of the same ordinance within one year from the date of the prior violation;
 - (iii) \$500.00 for a third violation, or any subsequent violation, of the same ordinance within one year from the date of the prior violations.
- (d) All fines imposed under this Chapter shall be payable directly to the City within thirty (30) days from the service of an administrative citation.
- (e) Each and every day that a violation exists constitutes a separate and distinct offense.
- (f) The provisions and procedures set forth in this Chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the City's Codified Ordinances or any other applicable law on the same or related matters. This Chapter shall supplement existing procedures and will provide an alternative, non-exclusive procedure for the enforcement of property code violations. Nothing in this Chapter shall preclude or prohibit the City from resorting to any appropriate legal remedy, and the fines imposed under this Chapter shall be in addition to any other fines, penalties and/or fees imposed for violations of the City's Codified Ordinances and/or state and/or federal law.

1309.02 CONTENTS OF ADMINISTRATIVE CITATION

Each administrative citation shall contain the following information:

- (a) Date of the violation;
- (b) Address of the property in violation of the City's Codified Ordinances and/or Ohio Revised Code;
- (c) The code section(s) violated and a description of the violation;
- (d) The amount of the fine for the violation(s);
- (e) An explanation of how the fine shall be paid and the time period by which it shall be paid;
- (f) A warning that the failure to pay any fine imposed pursuant to this Chapter by the deadline shall result in the assessment of an additional late fee in the amount of \$5.00 per day and could result in the fine and late fee being certified to the County Auditor for collection as real estate taxes and assessments are collected;
- (f) Explanation of the process for appeal; and
- (h) The name and signature of the official issuing the citation.

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1309.03 AUTHORIZATION OF CODE ENFORCEMENT DIRECTOR

The Code Enforcement Director is authorized to administer the provisions of this Chapter.

1309.04 SERVICE

- (a) An administrative citation may be served by any of the following methods:
 - (i) By handing the citation to the property owner;
 - (ii) By leaving the citation at the property owner's usual residence with a person of suitable age and discretion residing with the property owner;
 - (iii) By sending the citation by certified mail to the last known address of the property owner and receiving a return receipt showing delivering of the mailing; or
 - (iv) If service cannot be accomplished under (a)(i), (ii) or (iii) of this section, by posting the citation conspicuously on the subject property.

1309.05 FAILURE TO PAY ADMINISTRATIVE FINE

- (a) The amount of any fine or late fee imposed pursuant to this Chapter shall be deemed a debt owed to the City.
- (b) The failure of any person to pay any fine imposed pursuant to this Chapter by the deadline shall result in the assessment of an additional late fee in the amount of \$5.00 per day.
- (c) The City may pursue any and all legal and equitable remedies to collect unpaid fines or late fees imposed pursuant to this Chapter. Pursuit of one remedy does not preclude the pursuit of any other remedy. Remedies available to the City to collect unpaid fines or late fees include, but are not limited to, the following:
 - (i) Referring the delinquent account to collect;
 - (ii) Certifying the fine or late fee to the County Auditor for collection as other taxes and assessments are collected; and/or
 - (iii) Filing a civil action in a court of competent jurisdiction.

1309.06 APPEAL

- (a) The property owner may appeal the issuance of an administrative citation with City Council by filing a written petition with the Clerk of Council requesting a hearing and setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for such hearing.
- (b) The petition shall be filed within fourteen (14) days of the date of the citation and shall be accompanied by a non-refundable fee of Twenty-five Dollars (\$25.00).
- (c) Upon receipt of the petition, the Clerk of Council shall set a date for a hearing before City Council. Upon setting the hearing, the Clerk of Council shall notify the petitioner of the date, time and place by sending written notice of the hearing at least seven (7) days prior to the hearing by United States regular mail to the address for petitioner contained in the petition. At the hearing, the petitioner shall be given the opportunity to be heard and to show cause as to why the administrative citation should be denied or modified.
- (d) If the petitioner does not appear for the hearing, the appeal shall be dismissed, the administrative citation shall be upheld.

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SECTION 2: All ordinances, or parts thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the passage 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 those formal actions were in meetings open in the public, in compliance with law.

SECTION 4: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety and, thus, shall take full force and effect immediately upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 13th DAY OF October, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

Michael S. Patrick
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 13th DAY OF October, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 13th DAY OF October, 2021.

Catherine Cercone Miller
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 10/21/2021-10/28/2021

Megan R. Shorthouse
CLERK OF COUNCIL