

CITY OF OBERLIN, OHIO

ORDINANCE NO. 19-44 AC CMS

AN ORDINANCE AMENDING SECTION 521.12 OF THE OBERLIN CODIFIED ORDINANCES TO PROVIDE FOR ITS ENFORCEMENT BY THE CITY MANAGER OR DESIGNEE, TO PROVIDE A MEANS OF APPEAL, TO EXPAND THE CONDITIONS THAT CONSTITUTE A PUBLIC NUISANCE AND DECLARING AN EMERGENCY

WHEREAS, Council deems it to be in the interest of the citizens of the City of Oberlin that Section 521.12 of the Oberlin Codified Ordinances be amended to provide for its enforcement by the City Manager or designee, to provide a means of appeal from the determination of the City Manager or designee and to include the accumulation of yard waste, branches and bottles as additional conditions that constitute a public nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1: That Section 521.12 of the Oberlin Codified Ordinances be and is hereby amended as it set forth in Exhibit A attached hereto.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the amending 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, including Section 121.22 of the Ohio Revised Code.

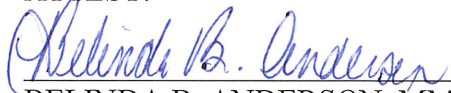
Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department to wit: to provide for the immediate enforcement of Section 521.12 of the Oberlin Codified Ordinances and shall take effect immediately upon passage.

PASSED: 1st Reading: July 1, 2019 (E)

2nd Reading:

3rd Reading:

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 07/01/2019

EFFECTIVE DATE: 07/01/2019

Exhibit A
(Ordinance No. 19-44 AC CMS)

521.12 PUBLIC NUISANCES.

(a) Notice to Abate; Compliance. No person shall suffer, permit or allow to exist within the City any act, thing or condition of a kind which has been or may hereafter be defined by ordinance as a public nuisance.

Whenever the City Manager or designee determines that a public nuisance exists, the City Manager or designee shall cause the owner, tenant or person in charge of such property upon which such public nuisance exists to be served with a notice of such determination and an order to abate the public nuisance on or before fifteen (15) days after the date of such notice. The owner, tenant or person in charge of such property may appeal the determination of the City Manager or designee to the Oberlin Housing Renewal Commission pursuant to Chapter 1173 of the Oberlin Codified Ordinances. Notice, as described herein, shall consist of the mailing of such notice to the owner and to the tenant or person in charge of the property by registered or certified mail, return receipt requested, and by personal service or by posting the notice in a conspicuous place upon such property for a period of five (5) days.

Whoever fails to comply with such notice shall be deemed guilty of a minor misdemeanor and each day of such noncompliance shall constitute a separate offense.

- (b) Public Nuisance Defined. The following shall be deemed to constitute a public nuisance within the City:
- (1) The erection, continuance, use or maintenance of a building, structure or place for the exercise of a trade, employment or business, either upon public or private property, or the keeping or feeding of any animal which, by causing noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public;
 - (2) The storage of a motor vehicle in an inoperative or unlicensed condition upon public or private property for more than fifteen days without being obscured from public view;
 - (3) The storage of garbage and/or offal, which means and includes all refuse and waste of animals, fish, fowl, fruit and vegetable matter or accumulations in the use and preparation of food for the table, or which has been discarded and abandoned and is of no future use or value to the owner for domestic consumption, contrary to the rules and regulations of the Lorain County Board of Health;
 - (4) The suffering, permitting, allowing to remain or maintaining of rubbish, discarded yard waste, refuse or junk, which includes but is not limited to wire, chips, shavings, leaves, branches, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, weeds, paper, circulars, handbills, boots, shoes or ashes, or discarded or abandoned iceboxes, refrigerators, washing machines or other airtight or semi-airtight containers or any other waste material upon public or private property contrary to these Codified Ordinances or regulations of the Board of Health; and
 - (5) The maintenance or allowance of building materials upon public or private property constitutes a public nuisance if such building materials, which include all residue from building construction and new building materials, are not removed or utilized in construction within thirty days after such materials are placed upon a premises. However, if construction is initiated upon such premises and such building materials are to be used in the construction, then such building materials shall be allowed to remain upon such premises for a period of time not to exceed thirty days after the completion of the construction. For the purpose of the prevention of rodents and other unsanitary conditions, any storage of building materials or deposit of the same upon any property shall consist of building materials being placed at least six inches off the ground at any time.

(c) Enforcement. Whenever any public nuisance exists, at the request of Council, the Law Director shall institute proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement or abatement of the public nuisance. This section shall not relieve any person from criminal prosecution or punishment under these Codified Ordinances or any other criminal law enforced in the City.

(d) Remedy of City. If the owner or person having charge of any premises within the City upon which exists a public nuisance fails to comply with any notice established herein or fails to prohibit the existence of such public nuisance, the City has the authority to take whatever action is necessary to abate the public nuisance, including, but not limited to, entering upon any private property, with the consent of the owner, tenant or person

in charge of such property, or by other lawful process, and expending or furnishing labor and materials necessary to abate the public nuisance. All such expenses and costs shall be paid out of City funds appropriated therefor, and the City Treasurer shall thereafter cause such expenses to be certified to the County Auditor. Such amounts shall thereupon be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry thereon, to be collected in the same manner as taxes and assessments.