

# RECORD OF ORDINANCES

Ordinance No. 2017-8

September 25, 2017

## City of Bellbrook

### Ordinance No. 2017-8

#### **An Ordinance Amending Chapter 1450 “Property Maintenance Code” of the Bellbrook Municipal Code.**

WHEREAS, the City of Bellbrook has enacted Chapter 1450 of the Bellbrook Municipal Code which is entitled “Property Maintenance Code”; and

WHEREAS, the purpose of Chapter 1450 is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Chapter 1450 of the Bellbrook Municipal Code to allow for the assessment of civil penalties for violations of the Property Maintenance Code.

#### **Now, Therefore, The City of Bellbrook Hereby Ordains:**

Section 1. That the following amendments to Chapter 1450 “Property Maintenance Code” of the Bellbrook Municipal Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

§1450.11. - Notices and orders.

(a) Informal resolution of violation. The Code Official may, at his or her discretion, attempt to informally resolve violations or suspected violations of this Code without issuing the notices and orders in the manner prescribed below. The Code Official shall be encouraged to utilize this procedure to the extent practical to achieve compliance with this Code.

(b) Formal resolution of violations; notice.

(1) When the Code Official is unsuccessful in achieving compliance with this Code using the informal procedure prescribed above, or, at his or her discretion, does not utilize the informal procedure described above, then the Code Official shall utilize the following formal procedure to resolve a violation or suspected violation of this Code.

(2) Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has condemned any structure or equipment under the provisions of this Code, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the Code Official has condemned the property or part thereof, the Code Official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

# RECORD OF ORDINANCES

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(c) Form of notice. Such notice prescribed above shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why it is being issued;
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code; ~~and~~

(5) Include a statement that civil and criminal penalties may be assessed if the repairs and improvements required are not completed by the stated date;

~~[(5)]~~ (6) Inform the property owner of the right to appeal to the Bellbrook Property Review Commission. If a property owner desires such an appeal, a notice of appeal must be filed with the Code Official within twenty (20) days from receipt of the notice.

~~[(6)]~~ (7) When applicable, include a statement of the right to file a lien.

(d) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail to the last known address; or
- (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(e) Service on occupant. When a condemnation order is served on an occupant other than the owner or person responsible for compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.

(f) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in this Code.

(g) Transfer of ownership. No owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, shall sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of

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Ordinance No. 2017-8

September 25, 2017

violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§1450.99. - Violations: legal and equitable remedies.

(a) Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

(b) Any person failing to comply with a notice of violation or order served in accordance with this Code shall be deemed guilty of a misdemeanor of the fourth degree and shall not be fined more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, and the violation shall be considered a strict liability offense.

(c) If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

(d) Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be certified to the County Auditor for collection, the same as other taxes and assessments are collected.

(e) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(f) In addition to any other remedy or penalty provided in the Property Maintenance Code or the Ohio Revised Code, an owner who fails to comply with a notice of violation or order served in accordance with this Code may incur a civil penalty.

(g) The Code Official shall provide notice to the owner of a civil penalty in accordance with Section 1450.11 Notices and Orders.

(h) Any violation of the Property Maintenance Code that is a first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.

(i) Any violation of the Property Maintenance Code that is a second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.

(j) Any violation of the Property Maintenance Code that is a third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.

~~(k)~~ (k) Nothing herein contained shall prevent the City from taking such other lawful action as necessary to prevent or remedy any violation.

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

# RECORD OF ORDINANCES

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PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:  
Patricia N. Campbell, Municipal Attorney