

**CHAPTER 1323**  
**Abatement of Nuisances and Demolition of Structures**

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**CROSS REFERENCE**

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261  
Demolition fee - see BLDG. 1313.09  
Demolition permits in historic district - see BLDG. 1321.08  
Dangerous or hazardous conditions - see FIRE PREV. 1509.03  
Fire prevention abatement - see FIRE PREV. 1509.04 et seq.

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**1323.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply:

- (a) "Demolition material" means all material, including but not limited to, rock, stone, concrete, and asphalt which is used in construction, mining, building maintenance, or road or street maintenance.
- (b) "Garbage" means all putrescible matter, including but not limited to animal or vegetable wastes or feces, whether solid, liquid or mixed, which attends, exists, or is created or accumulates within the City.
- (c) "Litter" includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of vehicles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
- (d) "Occupant" means any person being the owner or having tenement, lessee or other contractual rights to the premises.

- (e) "Owner" means the owner of record of the premises in fee or any lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee or other person in control of the premises or their duly authorized agents including but not limited to property managers.
- (f) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (g) "Rubbish or refuse" means all natural or man made matter, whether putrescible or nonputrescible, combustible or noncombustible and including but not limited to ashes, paper, tin, tin cans, bottles, glass, a non-permitted temporary sign, a temporary sign when its temporary sign permit has expired, vegetable material, brush, grass, leaves, wrappings, cardboard, trees, shrubs, crockery, dead animals, furniture or appliances (or parts thereof), industrial waste, waste of a dangerous or explosive nature, septic tank cleanings, demolition matter, rubber tires, rubber products, metal, motor vehicle parts or pieces, engines and motors or parts thereof, any upholstered furniture not manufactured, designed, and intended for exterior use, or any similar object which is not clearly intended for outdoor use on the premises.  
(Ord. No. 09-184. Passed 7-7-09.)
- (h) "Weeds" means all burrs, vines, Russian, Canadian and common thistles, briars, dock, burdock, wild mustard, jimson weed, dog fennel, ragweed, golden rod, sweet clover, wild parsnip, wild carrot and other noxious vegetation growing wild and uncultivated upon any land within the City, which may cause noxious exhalations.
- (i) "Public nuisance" means any yard, land or lot, fence, wall, garage, shed, house, building, structure, sign, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof:
  - (1) having an accumulation of demolition material, garbage, litter, rubbish or weeds, which accumulation creates a danger to health, life, limb or property;
  - (2) which will cause hurt, harm, discomfort, damage or injury to the public or to any considerable number of persons in the City or to members of the public by reason of any one or more of the following:
    - A. Being detrimental to the general health of the community.
    - B. Being a fire hazard.
    - C. Being unsafe for occupancy, or use.
    - D. Being an attractive nuisance to children.
    - E. Lack of reasonable or adequate maintenance of structures, and grounds, causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community.
    - F. Having a condition which violates a provision of any of the Building Codes, adopted in Chapter 1301 of the *Codified Ordinances of the City of Springfield, Ohio*, or violates a provision of the Property Maintenance Code adopted in Chapter 1305 of the *Codified Ordinances of the City of Springfield, Ohio*.
    - G. Being a bench billboard which has fallen into such a state of disrepair or has suffered such damage and wear so as to no longer be in compliance with the City's Property Maintenance Code or is otherwise dangerous to use.
    - H. A sign which prohibited under Chapter 1155 of the Zoning Code. (Ord. 90-184. Passed 7-7-09.)
    - I. A stormwater management facility which the City Engineer

has determined to have a maintenance deficiency as described in Chapter 961 of the *Codified Ordinances of the City of Springfield, Ohio*.

(Ord. 15-87. Passed 3-31-15.)

- (j) "Public nuisance" shall also mean any yard, land, or lot, or part thereof, other than a yard or lot zoned or legally used, for any use first permitted by Codified Ordinance Chapters 1145, 1147, 1149, or 1151, which has placed or stored thereupon any used washer, dryer, refrigerator, dishwasher, stove, range, oven, freezer, water heater or other like major appliance, including, but not limited to, any yard, land, or lot or part thereof, upon which any such major household appliance is placed for purposes of outdoor sales and/or outdoor display.

(Ord. 91-312. Passed 7-23-91.)

### **1323.02 NUISANCE DETERMINATION; PROHIBITION.**

(a) When a reasonable basis to believe that a public nuisance exists, the Community Development Director shall inspect or cause the inspection of the premises on which such public nuisance is believed to exist. The Fire Chief and the Health Commissioner may and, upon request of the Community Development Director, shall inspect or cause the inspection of premises on which a public nuisance is believed to exist. (Ord. 94-368. Passed 10-11-94.)

(b) No owner or occupant of a premises shall permit the existence of a public nuisance to continue on such premises.

### **1323.03 NOTICE AND ABATEMENT.**

(a) If, upon inspection, it is determined that a public nuisance exists, then the Community Development Director or Chief of Police shall send or deliver a written notice to abate such public nuisance to each owner or occupant, or both, who caused or permitted the public nuisance to exist. Such notice shall identify the public nuisance and require the owner or occupant, or both, to abate the public nuisance within seven (7) days of such notice if the public nuisance is litter [as the term "litter" is defined in Section 1323.01(c)] and in all other cases within thirty (30) days of such notice either by the removal of the public nuisance or the repair of the public nuisance in accordance with Section 1323.06. Failure to abate the public nuisance within seven (7) or thirty (30) days of such notice, as provided herein, may cause the City to abate the public nuisance at the expense of the owner or occupant, or both, who caused or permitted such public nuisance to exist.

(b) The Community Development Director shall prepare or cause the preparation of a written report, including photographs, of every public nuisance for which a notice to abate is issued. All such reports shall remain on file with the Development Director until the public nuisance is abated. (Ord. 94-368. Passed 10-11-94.)

### **1323.04 POSTING OF NOTICE.**

The Community Development Director or Chief of Police shall place a notice in or on any structure which qualifies as a "public nuisance" informing the public that a public nuisance exists and has so been determined by the Community Development Director or Chief of Police. The notice is to remain in or on the structure which qualifies as a public nuisance until it is repaired, or removed in accordance with the notice given to the owner, occupant, lessee, mortgagee or agent of the structure which qualifies as a public

nuisance, or other persons having an interest in such public nuisance as shown on the land records of the Recorder of Clark County, Ohio. No person shall remove such notice until the Community Director or Chief of Police determines that the public nuisance has been removed or repaired.  
(Ord. 98-319. Passed 9-22-98.)

### **1323.05 EMERGENCY ABATEMENT.**

(a) In the event the Chief Building Official or the Code Enforcement Manager determines that the public health, safety, and welfare of the residents of the City will be threatened by the continuance of the condition of the public nuisance, other than a public nuisance described in subsection (b) hereof, and determines that the designated public nuisance must be removed immediately to prevent injury to the life and/or property of the residents of the City, the Chief Building Official or the Code Enforcement Manager shall report such facts to the City Manager, and the City Manager shall cause the immediate repair, vacation or demolition, or whatever action is necessary to abate such public nuisance at the expense of the property owner for all accrued cost. When an emergency public nuisance has been determined by the aforesaid officers, the abatement shall be carried out without regard for the requirements of Sections 1323.02, 1323.03, 1323.04, and 1323.07 through 1323.11, except that the City Manager shall, to the extent reasonably permitted, by the exigency of the circumstances, give the owners of the subject premises, written or personal notice of his intended action and an opportunity for hearing thereon.

(b) A public nuisance requiring emergency abatement exists when the Chief Building Official or the Code Enforcement Manager finds a vacant structure which has been open to entry at doors, windows, or other points accessible to the general public for more than forty-eight (48) hours. The Chief Building Official or the Code Enforcement Manager shall report such facts to the City Manager, and the City Manager shall cause such public nuisance to be immediately abated pursuant to this subsection at the expense of the property owner for all accrued costs. The Manager of Inspection Services shall be authorized at any time to enter on the premises and the owner shall permit him to enter the structure in order to investigate and abate the severity of the public nuisance. In securing such structure, the Chief Building Official or the Code Enforcement Manager may call on any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, board and secure such structure. Upon making a determination that a structure is open to entry at doors, windows, or other points accessible to the general public, the Chief Building Official or the Code Enforcement Manager shall cause notice of such condition and of the City's intent to board and secure the structure to be posted on the structure at least forty eight (48) hours prior to boarding and securing the structure. When an emergency public nuisance has been determined by the aforesaid officers, the abatement shall be carried out without regard for the requirements of Sections 1323.02, 1323.03, 1323.04, and 1323.07 through 1323.11, except that the City Manager shall, to the extent reasonably permitted, by the exigency of the circumstances, give the owners of the subject premises, written or personal notice of his intended action and an opportunity for hearing thereon.

(Ord. 04-147. Passed 5-4-04.)

(c) Municipal water service shall be shut off at all structures boarded and secured per (b) above, to prevent damage to meters, wastage, and potential damage to private property. Except as otherwise provided in this section, municipal water service will remain shut off until the Code Enforcement Manager confirms to the Service Department and to the Utility Billing Division of the Finance Department that the structure meets the minimum standards of the Property Maintenance Code, such

confirmation not to be unreasonably withheld. No person may reside in any such structure while municipal water services are shut off. Except as otherwise provided in this section, City-owned boarding may only be removed from a structure when the structure meets the minimum standards of the Property Maintenance Code. Municipal water service may be restored to a structure if the owner of the structure has paid in full all past due City utility charges pertaining to the property on which the structure is located and has entered into an Expedited Repair Agreement with the City wherein the owner agrees to bring the structure into compliance with the Property Maintenance Code on or before a date certain. Each Expedited Repair Agreement entered into with the City shall contain a description of repairs to be made to the subject structure, a covenant that all repairs will be made in a workmanlike manner and a liquidated damages provision establishing damages of \$500 for the structure owner's failure to complete repairs described in the Expedited Repair Agreement by the date certain established therein. The City Manager may require structure owners to deposit with the City sufficient security to ensure the payment of liquidated damages under an Expedited Repair Agreement.  
(Ord. 00-456. Passed 12-19-00.)

(d) The owner of a structure which has been boarded and secured per (b) above shall immediately arrange for electric service to be shut off at such structure to prevent potential fire threats to the structure and adjacent property. No person shall instruct an electric utility company to restore electric service to a structure which has been boarded per (b) above, without first acquiring an electric reconnect permit from the Department of Community Development and providing that structure is equipped with, at minimum, a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 100 amperes.  
(Ord.02-273. Passed 7-9-02.)

#### **1323.06 RIGHT TO MAKE IMMEDIATE REPAIRS.**

Upon being served notice, the owner or owners may make application in writing or in person to the Community Development Director for a special building permit to undertake the repairs or replacement of items found to constitute a public nuisance. Plans and specifications as required by the Community Development Director covering the repairs or replacements shall be furnished by such owner or owners to the Community Development Director within fifteen days after receipt of notice or such additional time as the Community Development Director may deem necessary to complete plans and specifications, not to exceed ninety (90) days. The Community Development Director shall, upon approval of such plans and specifications, issue a special building permit to the owner or owners, such permit to be for a period of thirty (30) days. Within such thirty (30) days the owner or owners will effect and complete such repairs and/or replacements, or the Community Development Director may grant a renewal of the special building permit if the owner or owners show reason or cause for the requested extension and which extension will more readily effect such repairs and/or replacements.  
(Ord. 94-368. Passed 10-11-94.)

#### **1323.07 APPEAL TO BOARD OF BUILDING APPEALS.**

(a) Except as otherwise provided in this chapter, any owner of a building, wall, structure or premises shall have the right to appeal from any determination of the Community Development Director and to appear before the Board of Building Appeals of the City at a time and place to be determined by the Board of Building Appeals.

(b) Such notice of appeal shall be filed with the Secretary of the Board of Building Appeals in writing within ten (10) days after receipt of any notice given under the provisions of this chapter.  
(Ord. 94-368. Passed 10-11-94.)

**1323.08 ABATEMENT OF NUISANCE BY COMMUNITY DEVELOPMENT DIRECTOR.**

(a) Should such nuisance not be abated at the expiration time stated in such notice or expiration of the time stated in the special building or demolition permit issued by the Community Development Director, the Community Development Director shall be authorized, at any time thereafter, to enter upon such premises and the owner shall permit the Director entry to abate the nuisance by demolition and removal of any structure or by taking any other such action as may be required.

(b) In abating such nuisance the Community Development Director may call upon any department of the City for whatever assistance may be necessary, or may, by private contract, obtain the abatement thereof.

(c) In abating a nuisance, whether under the emergency procedure of Section 1323.05(a), under the regular procedure set forth in this chapter, or any other authority, the cost of the abatement action may be recovered by any method authorized by law, including but not limited to the following:

- (1) The owner or owners may be billed directly for the cost of the abatement.
- (2) The City may cause the cost of the abatement to be levied as an assessment and recovered in accordance with law.
- (3) The City may offset the costs to be levied against any income tax refund or other payment that may be due or become due to the owner.

(d) The cost of the abatement shall include an administrative service charge of \$400 per structure on all abatement cases in which the City engages in the demolition of one or more structures, and in all other nuisance abatement cases the cost of the abatement shall include an administrative service charge of \$100. The administrative service charges shall be in addition to all other abatement costs incurred by the City in determining the total cost of abatement.

(Ord. 07-21, passed 1-30-07; Ord. 15-233, passed 9-1-15.)

**1323.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS.**

(a) The City Commission hereby authorizes and directs adherence to the procedure described in divisions (C) and (D) of Ohio R.C. 3929.86.

(b) The Director of Finance is hereby designated the officer to carry out the duties of Ohio R.C. 3929.86.  
(Ord. 84-115. Passed 3-20-84.)

**1323.10 NOTICES.**

Whenever the Community Development Director determines that there has been a violation of any provision of this chapter, except where a violation citation tag has

been issued pursuant to Section 1323.11, he, or the Chief of Police, may give notice of such violation to the person responsible therefor and order compliance with this chapter as hereinafter provided. Such notice and order shall:

- (a) Be put in writing on an appropriate form;
- (b) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
- (c) Specify a reasonable time for performance;
- (d) Advise the owner, operator or occupant of the procedure for appeal, except emergency orders issued pursuant to Section 1323.05;
- (e) Be served on the owner or occupant in person. However, this notice and order shall be deemed to be properly served upon the owner or occupant if a copy thereof is sent by registered or certified mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the dwelling affected. If a registered or certified mail envelope is returned with an endorsement showing that service was refused, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. If the registered or certified mail envelope is returned with an endorsement showing that service was unclaimed, the notice may be served by ordinary mail to his last known mailing address, residence or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.
  - (1) The notice and order may, in the alternative, be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof.
  - (2) If service is not accomplished by any of the above means, then a notification of the existence of the notice and order may be published at least once in a local newspaper of general circulation.  
(Ord. 94-368. Passed 10-11-94.)

### **1323.11 VIOLATION CITATION TAGS.**

The Community Development Director is authorized and directed to provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of this chapter.

- (a) Such citation tag shall be put in writing on an appropriate form, describe the offense charged, refer to the section of the chapter violated, order the defendant to appear at a stated time and place, and it shall be made on oath before any person authorized by law to administer oaths.
- (b) The citation tag shall be served on such person in accordance with the provisions of Section 1323.10.
- (c) The citation tag shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within that stated time, appear personally at the office of the Clerk of Municipal Court and on signing a plea of guilty and a waiver of trial pay a stated fine and stated costs, if any. The citation shall inform the defendant that he may be arrested if he fails to appear either at the Clerk's office or at the time and place stated in the citation.
- (d) When the defendant fails to appear within the stated time, a warrant may be issued for the arrest of that person.

- (e) When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with Rule 5 of the Ohio Rules of Criminal Procedure.
- (f) The citation tag as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon, provided that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided by Section 1323.10 in the event such violation is continued or repeated.  
(Ord. 94-368. Passed 10-11-94.)

### **1323.12 REMOVAL OF GRAFFITI.**

(a) The exterior of all privately-owned structures and premises shall be free from graffiti when such graffiti is visible from a right-of-way, or may otherwise be seen by the public. Owners on whose property graffiti is displayed shall completely remove the graffiti or shall completely and uniformly cover the graffiti with appropriate wall finish.

(b) Whenever the Director of the Department of Community Development finds a structure or portion thereof to be in violation of subparagraph (a) hereof, said Director of Community Development or Chief of Police shall prepare a written notice of violation describing the location of the graffiti to be removed or covered. Such notice and order shall be posted in a conspicuous place on the premises to which it relates. Such notice of violation shall require the owner to remove or cover the graffiti in accordance with subparagraph (a) hereof or appeal to the Board of Building Appeals in accordance with subparagraph (c) within seventy-two (72) hours of the posting of the notice. Such posting shall be deemed legal service of such notice.  
(Ord. 97-184. Passed 5-13-97.)

(c) The owner shall have a right to appeal the notice and decision of the Director of Community Development or Chief of Police and appear before the Board of Building Appeals at a specified time and place to show cause why said owner should not comply with such notice.  
(Ord. 97-184. Passed 5-13-97.)

(d) If the owner fails to remove or cover the graffiti or appeal to the order of the Director of Community Development or Chief of Police within seventy-two (72) hours of the posting of the notice, the Director of Community Development or Chief of Police shall cause the graffiti to be abated and any expenses or costs incurred under this section shall be paid by the owner of the dwelling structure or premises. If the owner fails to pay the cost within thirty (30) days after the receipt from the Director of Community Development of a statement of the charges and costs incurred therein, then the Director of Community Development may cause the amount to be levied as an assessment and recovered in accordance with Ohio Revised Code Section 715.216. Notwithstanding the method of collection set forth herein, the Director of Law may take any action necessary to collect the cost of graffiti abatement from the owner or other responsible party or parties.  
(Ord. 97-184. Passed 5-13-97.)

(e) For purposes of this section, "graffiti" means any unauthorized inscription, word, figure or design which is marked, etched, scratched, drawn, applied, or painted on any structural component or wall or other surface of any building, structure, or other facility regardless of the nature of the material of the structural component. Such inscription, word, figure, or design shall be deemed unauthorized if the property owner has not granted written permission prior to its application to the structure.

(f) The Director of Community Development may provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of subparagraph (a) of this section, in accordance with Section 1323.11 hereof.  
(Ord. 94-91. Passed 3-15-94.)

### **1323.13 REQUIRED SCHEDULE FOR BOARDED STRUCTURES.**

(a) The owner of a structure known to have been boarded up for ninety days shall receive from the Community Development Department a Notice to Elect Whether to Rehabilitate, Sell, or Demolish the Structure. Within ninety days after the aforesaid Notice to Elect is sent to the owner, the owner of the structure (hereafter termed "owner") shall prepare a proposal to sell, demolish, or rehabilitate said structure including a timetable for completing said proposal. The Director of Community Development (hereafter termed "Director") shall examine the owner's proposal and timetable to see if it is a reasonable response to the condition of the structure. Provided there is a timely start and adequate progress, a timetable of as long as fifteen months can be approved by the Director.

(b) If the Director determines that the proposed timetable to sell, demolish, or rehabilitate the structure is reasonable, and the proposed work program will result in bringing the structure into compliance with law, then the owners proposal shall be approved by the Director, and further City enforcement shall be withheld as long as the property remains secure, and the timetable and work program are fulfilled.

(c) If the Director determines that the timetable is unreasonable, or that the proposed work program will not bring the structure into compliance with law, the Director shall disapprove the proposal, state the reasons therefor in writing, and continue enforcement action to require the repair or demolition of the structure.

(d) Sale. If the approved proposal calls for sale of the property, then the property shall be continuously listed on the Multiple Listing Service at a price deemed reasonable by the Director, considering the conditions of the structure and the value of the underlying property. The listing must commence within 30 days of the approval of the proposal.

(e) Demolition. If the approved proposal calls for demolition of the property, then the necessary approvals (historical or other) must be sought in a timely manner, all necessary submissions being completed within 30 days of the approval of the proposal. Once all needed approvals have been received, the structure's demolition must begin within 30 days and be continuously pursued.

(f) Rehabilitation. If the approved proposal calls for the rehabilitation and repair of the structure, then all trash, debris, and other contents impeding the necessary examinations by contractors and inspectors, shall be removed within 30 days of the approval of the proposal. Thereafter the approved timetable and work program shall be fulfilled on schedule, or the Director shall commence an action to force repair or demolition. The approved rehabilitation program shall be subject to the same requirements for building permits, zoning approvals, and such other regulatory approvals as apply to other structures within the City.  
(Ord. 97-272. Passed 7-22-97.)

### **1323.14 NONCOMPLIANT BOARDED STRUCTURES A NUISANCE.**

It is hereby found that structures which have been boarded up for more than ninety days, have been the subject of a Notice to Elect pursuant to Section 1323.13 for longer than ninety days, yet still have no approved proposal, are in fact public nuisances. This finding reflects the blighting influence of such structures, their tendency to become attractive nuisances, their tendency to harbor rats and vermin, and the accelerated decay common to such structures. Therefore, while noncompliant owners are subject to the penalties referenced in Section 1323.99, the structures themselves are to be the subject of appropriate proceedings to mandate the abatement of the public nuisance.  
(Ord. 97-272. Passed 7-22-97.)

### **1323.15 COOPERATING OWNERS; SPECIAL NOTICE AND ABATEMENT.**

Notwithstanding the provisions of Section 1323.03, for owners who maintain on file with the City's Department of Community Development in a form approved by the Community Development Director a current, up-to-date list comprised of all the names of their tenants of single-family dwelling units, the address of each tenant's dwelling unit, and such tenant's mailing address; when, upon inspection, it is determined that a public nuisance exists in the form of litter, rubbish, or refuse [as defined in Section 1323.01(c) and (g)] at a single-family dwelling unit, then the Community Development Director or Chief of Police shall send or deliver a written notice to abate such public nuisance to each owner and to the tenant who caused or permitted the public nuisance to exist. Such notice served on the tenant shall identify the public nuisance and require the tenant to abate the public nuisance within seven (7) days of such notice and such notice served on the owner shall identify the public nuisance and require the owner to abate the public nuisance within fourteen (14) days of such notice either by the removal of the public nuisance or the repair of the public nuisance in accordance with Section 1323.06. Failure to abate the public nuisance within fourteen (14) days of such notice being served on both the owner and tenant, as provided herein, may cause the City to abate the public nuisance at the expense of the owner or tenant, or both, who caused or permitted such public nuisance to exist.  
(Ord. 00-337. Passed 10-3-00.)

### **1323.16 EXPEDITED PROCEDURE FOR FAILURE TO CLEAN UP GARBAGE, LITTER, RUBBISH AND REFUSE; WORK BY CITY; COLLECTION OF EXPENSES WITHOUT LIEN.**

(a) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, shall properly dispose any and all garbage, litter, rubbish and refuse located on such lot or parcel of land in violation of the provisions of this Chapter 1323. Upon being notified in writing by the Community Development Director to do so, such owner, occupant or person in charge or having the management of any such lot or parcel of land shall properly dispose any and all garbage, litter, rubbish and refuse located on such lot or parcel of land in violation of the provisions of this Chapter 1323 within five days of the date of service of such notice. Such notice shall conform to the provisions of subdivision (b) of this Section 1323.16.

(b) The notice specified in subdivision (a) of this Section 1323.16 shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
- (3) Specify a reasonable time of five (5) days or more for performance;
- (4) Be served on the owner, occupant or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant or agent if a copy thereof is sent by ordinary mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the land affected. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing.

(c) If the owner, occupant or agent having the charge or management of any lot or parcel of land situated within the City fails to comply with the notice provided for in subdivision (a) of this Section 1323.16 within five days from the time of service thereof, the Community Development Director shall cause such garbage, litter, rubbish and refuse located on such lot or parcel of land to be removed and disposed of. He shall, with the assistance of the Director of Law, cause the cost of such removal and disposal to be collected through such legal processes as are available to the City for the collection of such debts. All expenses so incurred, including charges for all services and service of notice, the use of machinery, equipment, landfill fees and labor necessary for removal of such garbage, litter, rubbish and refuse from such lot or parcel of land and disposed of, may be charged to such owner, occupant or agent having the charge or management of any lot or parcel of land on which the City caused such garbage, litter, rubbish and refuse to be removed and disposed of and upon whom the notice specified in subdivision (a) of this Section 1323.16 was served in accordance with subdivision (b) of this Section 1323.16.

### **1323.17 PLACARDING OF DAMAGED BUILDINGS.**

(a) In the event an emergency, as that term is defined in Section 1102.02(e)(8) of the Codified Ordinances, is declared as the result of circumstances producing structural damage to buildings in the City, the City Manager shall form a damage assessment team or teams to evaluate buildings and post a placard on such damaged buildings as determined by their condition:

**“Checked OK For Habitation”** This placard (Green) shall be placed on a building or structure to identify a building with some damage to its structure and suspected damage to contents and that the building is usable without repairs.

**“Needs Repairs Before Habitation”** This placard (Orange) shall be placed on a building which is damaged and may be used under limited conditions, and may be restored to service with repairs.

**“Condemned as Dangerous & Unsafe”** This placard (Red) shall be placed on a building which is totally uninhabitable and beyond repair.

(b) Once a placard is placed on a building pursuant to the City Manager’s

order, no person shall remove, alter or cover such placard or permit such placard to be removed, altered or covered until the placard is removed pursuant to a subsequent order of the City Manager.

(Ord. 03-235. Passed 7-1-03.)

**1323.18 CIVIL PENALTY FOR FAILURE TO PAY.**

In the event any person fails to pay a sum, required to be paid to the City under this Chapter (hereinafter the "principal sum"), within ninety (90) days after the sum becomes due and owing to the City, a civil penalty is imposed on such person equal to thirty-three and thirty-three one-hundredths percent (33.33 %) of the sum of the following two items:

- (a) the unpaid principal sum due and owing to the City under this Chapter,
- (b) court costs incurred in obtaining a judgment against such person for the unpaid principal sum due and owing to the City under this Chapter.

(Ord. 07-22. Passed 1-30-07.)

**1323.99 PENALTY.**

(a) Any owner or occupant of premises who fails to abate the existence of a public nuisance as required by Section 1323.02 et seq. is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of any provision of this chapter, a violation of any such provision is a misdemeanor of the fourth degree.

(Ord. 96-136. Passed 4-19-96.)

(b) Whoever violates or fails to comply with any provision of Subsection 1323.16(b) of this chapter shall be fined not more than two hundred fifty dollars (\$250) or imprisoned not exceeding thirty days, or both.

(Ord. 03-235. Passed 7-1-03.)