

**CHAPTER 1324
CODE COMPLIANCE AND HEARINGS**

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1324.01 CIVIL OFFENSE.

"Civil Offense" means an offense against the City of Springfield set forth in the Codified Ordinance of The City of Springfield, Ohio, made subject to a civil fine by this chapter. Charging a person with a civil offense is an alternative to criminal prosecution. A person may not be charged with a civil offense if that person has been charged with a misdemeanor for the same offense. A person charged with civil offense may not be arrested for the commission of the offense.
(Ord. 99-51. Passed 2-16-99.)

1324.02 CLASS A CIVIL OFFENSES.

A person who violates a standard of conduct set forth in a section or chapter of the *Codified Ordinances of The City of Springfield, Ohio*, listed below is liable for the civil fine specified in Section 1324.99 for a Class A Civil Offense. If a person has previously been found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in Section 1324.99 for the first violation of a Class B Civil Offense, and is not subject to reduction for correction of the violation.

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| (a) Section 1327.03 | Contractor License Requirement. |
| (b) Section 1327.04 | Subcontractor Registration Requirement. |
| (c) Chapter 771 | Garage Sales. |
| (d) Chapter 909 | Weeds. |
| (e) Section 541.07 | Defacing Public Property. |

- (f) Section 916.02(b) Dumping/discharge into Public Sewer System.
- (g) Section 916.02(d)(4) Dumping/discharge into Public Sewer System.
- (h) Section 521.08(a) Dumping/discharge onto Public Property.
- (i) Section 521.08(b) Dumping/discharge into Waterways.

If a person is found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, for the third time within a period of twelve consecutive months, that person may be charged as a recalcitrant offender and on being found to have committed such thirds or subsequent repeat offense is liable for an additional recalcitrant offender civil fine, which fine is specified in Section 1324.99, for each third and subsequent violation occurring within a period of twelve consecutive months and which shall be in addition to any civil fine imposed under this chapter. Such additional recalcitrant offender civil fine is not subject to reduction for correction of the violation.
(Ord. 10-320. Passed 10-26-10.)

1324.03 CLASS B CIVIL OFFENSES.

A person who violates a standard of conduct set forth in a provision of the *Codified Ordinances of The City of Springfield, Ohio*, listed below is liable for the civil fine specified in Section 1324.99 for a Class B Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 75 percent if the person charged shows in accordance with Section 1324.08 that the violation has been corrected. If a person has previously been found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1324.99 and is not subject to reduction for correction of the violation.

(a) Class B Civil Offenses With Civil Fines Subject to 75 Percent Reduction for Correction of Violation:

- (1) Section 1323.02 Prohibition of Public Nuisance.
 - (2) Chapter 1321 Historic Landmarks Commission.
 - (3) Chapter 901 Improvements and Excavations.
 - (4) Chapter 903 Sidewalks, Curbs, and Gutters.
 - (5) Chapter 741 Peddlers.
 - (6) Part 11 Zoning Code.
 - (7) Chapter 521 Health, Safety, and Sanitation.
 - (8) Section 961.05 Comprehensive Stormwater Management – Prohibitions.
 - (9) Section 961.07(d) Comprehensive Stormwater Management Required.
 - (10) Section 961.14 Comprehensive Stormwater Management – Violations.
- (Ord. 15-87. Passed 3-31-.15.)

(b) Class B Civil Offenses with Civil Fines Not Subject to 75 Percent Reduction for Correction of Violation:

- (1) Chapter 1311 Permits.
- (2) Section 916.02(d)(2) Dumping/discharge into Public Sewer System.
- (3) Section 916.02(d)(3) Dumping/discharge into Public Sewer System.
- (4) Section 916.02(e)(1) Dumping/discharge into Public Sewer System.
- (5) Section 916.02(e)(2) Dumping/discharge into Public Sewer System.

If a person is found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, for the third time within a period of twelve consecutive months, that person may be charged as a recalcitrant offender and on being found to have committed such thirds or subsequent repeat offense is liable for an additional recalcitrant offender civil fine, which fine is specified in Section 1324.99, for each third and subsequent violation occurring within a period of twelve consecutive months and which shall be in addition to any civil fine imposed under this chapter. Such additional recalcitrant offender civil fine is not subject to reduction for correction of the violation.

(Ord. 10-340. Passed 11-23-10.)

1324.04 CLASS C CIVIL OFFENSES.

A person who violates a standard of conduct set forth in a provision of the *Codified Ordinances of The City of Springfield, Ohio*, listed below is liable for the civil fine specified in Section 1324.99 for a Class C Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 75 percent if the person charged shows in accordance with Section 1324.08 that the violation has been corrected. If a person has previously been found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1324.99 and is not subject to reduction for correction of the violation.

- (a) Class C Civil Offenses With Civil Fines Subject to 75 Percent Reduction for Correction of Violation:
 - (1) Chapter 1305 Property Maintenance Code
- (b) Class C Civil Offenses With Civil Fines Not Subject to 75 Percent Reduction for Correction of Violation:
 - (1) Chapter 739 Salvage Yard Operators
 - (2) Section 1323.13 Required Schedule For Boarded Structures
 - (3) Chapter 1322 Inspection of Non-Owner-Occupied Dwelling Units
 - (4) Section 916.02(d)(1) Dumping/discharge into Public Sewer System.
 - (5) Section 916.02(e)(5) Dumping/discharge into Public Sewer System.
 - (6) Section 916.02(e)(6) Dumping/discharge into Public Sewer System.
 - (7) Section 916.02(e)(8) Dumping/discharge into Public Sewer System.
 - (8) Section 916.02(u) Dumping/discharge into Public Sewer System.
 - (9) Section 916.03 Dumping/discharge into Public Sewer System.
 - (10) Section 1503.07(d) Failing to comply with the order of a Fire Official.

If a person is found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, for the third time within a period of twelve consecutive months, that person may be charged as a recalcitrant offender and on being found to have committed such thirds or subsequent repeat offense is liable for an additional recalcitrant offender civil fine, which fine is specified in Section 1324.99, for each third and subsequent violation occurring within a period of twelve consecutive months and which shall be in addition to any civil fine imposed under this chapter. Such additional recalcitrant offender civil fine is not subject to reduction for correction of the violation.

(Ord. 10-320, passed 10-26-10; Ord. 13-15, passed 1-22-13.)

1324.05 NOTICE OF CIVIL OFFENSE AND CIVIL FINE; PROCEDURES.

(a) A city officer or employee charged with enforcement of the *Codified Ordinances of The City of Springfield, Ohio*, may issue a notice of civil offense and civil fine to a person found

to have committed a civil offense.

- (b) A notice of civil offense and civil fine must advise the person served:
 - (1) Unless a written answer is filed or the civil fine paid within 168 hours that the fine will double;
 - (2) That a hearing will be held if requested;
 - (3) That failure to appear at a requested hearing will be considered an admission of the civil offense;
 - (4) That all available collection remedies and costs of collection will be pursued in the event the civil fine and delinquent charges are not timely paid; and
 - (5) That the civil fine otherwise due may be reduced if the notice is for an offense that is subject to reduction if the offense is corrected.

- (c) A notice of civil offense and civil fine:
 - (1) Must identify the person being charged if known to the issuing officer or employee;
 - (2) Indicate the offense charged, the civil fine for the offense, and the date, time, and location of the offense charged;
 - (3) Be signed and attested by the issuing officer or employee;
 - (4) If the person charged is present, the issuing officer or employee may personally serve the person charged with a copy of the notice.

- (d) The issuing officer or employee must:
 - (1) Constructively serve the person charged with a copy of the notice by posting a copy of the notice in a conspicuous location on the real property if the person being charged is not present, and the notice involves an offense which occurred on or immediately adjacent to real property owned, occupied, or controlled by the person charged;
 - (2) Post a copy of the notice on the real property to which it relates, if the identity of the person responsible for the offense is not known to the issuing officer and the offense relates to real property;
 - (3) Post a copy of the notice on the motor vehicle to which it relates, if the identity of the person responsible for the offense is not known to the issuing officer and the offense relates to a motor vehicle.

In all cases where a notice is not personally served, the notice must be mailed to the person charged after the identity of that person is determined.

(e) The original of the notice of civil offense and civil fine issued pursuant to this section or a true copy of it is a record kept in the ordinary course of business of The City of Springfield, Ohio, and is prima-facie evidence of the facts it contains. (Ord. 99-51. Passed 2-16-99.)

1324.06 ANSWER TO NOTICE OF CIVIL OFFENSE.

(a) A person served with a notice charging a civil offense may answer the charge by personal appearance before the hearing examiner or by mail. An answer must be made within seven days of receipt of the notice by the person charged or such other time as specified on the notice which may not be less than seven days after service. The answer may:

- (1) Admit that the person committed the offense by payment of the civil fine specified in the notice;

- (2) Admit the facts set forth in the notice and offer an explanation of the circumstances;
 - (3) Admit that the person committed the offense and, for those offenses that provide for a reduction in civil fine on proof of correction, offer proof that the person has corrected the offense;
 - (4) Deny that the person committed the offense and request a hearing. If the person desires the presence, at the hearing, of the enforcement officer, inspector or other authorized individual who issued the notice, the person must request same in his or her answer; or
 - (5) If the person served has taken an administrative appeal authorized by the Codified Ordinances of The City of Springfield, Ohio, from an order on which the offense was based, the person may request that the time for answering the notice of civil offense be continued until the appeal has been finally resolved.
- (b) (1) A person who admits the commission of the offense for which a notice was issued must pay the civil fine arising out of the offense to the City Treasurer.
- (2) A person who admits the facts set forth in a notice of civil offense with an explanation may offer an explanation of the circumstances to the hearing examiner.
 - (3) A person who admits the commission of the offense with an offer of proof of correction, may offer proof that the person has corrected the offense.
- (Ord. 99-51. Passed 2-16-99.)

1324.07 HEARINGS.

(a) A person may request a hearing before a hearing examiner to contest the commission of a civil offense, to offer an explanation of the circumstances, or to offer proof of correction. The request shall be filed with the office of administrative hearings which shall set a date for the hearing and notify the person, in writing, of the date, time, and location of the hearing. The hearing examiner shall conduct a public hearing on all civil violations whenever the person charged requests a hearing. The hearing shall be held within ten days after the filing of the request, unless the delay is agreed to by the person charged and by the City officer or employee who issued the charge or is necessary in the interest of justice. The hearing may be informal, but all testimony shall be under oath.

(b) The hearing examiner shall enter into the record of the proceedings the notice of civil offense and civil fine, the filing of or failure to file an answer, the substance of the answer, a finding of liability, the civil fine due, payments, delinquency and collection charges, and other relevant information.

(c) The hearing examiner shall issue a decision and make findings of fact from the record and conclusions of law in support of the decision within ten days from the close of the hearing. The findings and conclusions shall demonstrate that the decision is consistent with applicable laws, ordinances and regulations, and the interests of justice. Any unpaid civil fine is due and must be paid within ten days after the determination of the examiner, or the fine is deemed delinquent.

(d) If the person served has taken an administrative appeal authorized by the

Codified Ordinances of The City of Springfield, Ohio, from an order on which the offense was based, the hearing examiner must extend the time for answering the notice of civil offense until the appeal has been finally resolved.
(Ord. 99-51. Passed 2-16-99.)

1324.08 CORRECTION OF VIOLATION.

(a) A person charged with a violation of the Codified Ordinances of The City of Springfield, Ohio, and served with a notice of civil offense and civil fine specified as subject to reduction for correction of the violation may offer proof of correction to the hearing examiner. The offer of proof of correction may be submitted in person or, to avoid the necessity of personal appearance, may be submitted as affidavits and other documentary evidence, by mail. The hearing examiner who received an answer with an offer of proof of correction shall verify whether the violation has been corrected by inquiry to the City department which issued the notice.

(b) For those offenses that provide for a reduction in civil fine on proof of correction, on being satisfied that the offense has been corrected, the examiner shall reduce the otherwise applicable civil fine by 75 percent. If the civil fine is eliminated or reduced and the person previously paid the civil fine, the amount paid in excess of the revised civil fine shall be returned to the person; if the civil fine is reduced and the person has not previously paid the civil fine, the person must pay only the amount of the civil fine as reduced. An unpaid civil fine is due and must be paid within ten days after the determination of the examiner, or the fine is deemed delinquent.

(Ord. 99-51. Passed 2-16-99.)

1324.09 DEFAULT.

If a person who is personally or constructively served with a notice of civil offense and civil fine fails to answer within the time provided by Section 1324.08, or fails to attend a requested hearing, the person is in default, and the civil fine deemed delinquent. The amount due is as specified by Section 1324.99 for the class of the offense charged.

(Ord. 99-51. Passed 2-16-99.)

1324.10 REQUEST TO SET ASIDE DEFAULT AND DELINQUENCY CHARGES.

A person subject to a civil fine entered after default may request to have the default set aside. A hearing examiner may set aside a default on a showing that the person had no actual knowledge of the notice of civil offense and civil fine or that the default should be excused in the interest of justice.

(Ord. 99-51. Passed 2-16-99.)

1324.11 ADMINISTRATIVE REVIEW.

A person found to have committed a civil offense and to owe a civil fine may request the City Manager to review the record of the proceedings before the hearing examiner. The director of a city department that issued a notice of civil offense and civil fine dismissed by the hearing examiner may also request the City Manager to review the record of the proceedings before the hearing examiner. The City Manager may by administrative regulation delegate the responsibility for review to a member of the administrative service or to a board comprised of several members of the administrative service. The request for review must be in writing and sent to the City Manager by certified mail within ten days of the date of the mailing of the decision by the hearing

examiner. The City Manager may set aside the decision of the hearing examiner on finding from a review of the proceedings before the hearing examiner that the findings of fact and conclusions of law are not supported by the record. The City Manager may reduce a civil fine on a showing that the civil fine would cause an undue hardship and that the underlying infraction has been cured or is unlikely to reoccur. The decision of the City Manager shall be final.
(Ord. 99-51. Passed 2-16-99.)

1324.12 CIVIL PROCEEDINGS.

Whenever an officer charged with the enforcement of the Codified Ordinances of The City of Springfield, Ohio, is satisfied that a provision that officer is charged to enforce, or a law in force in the City applicable to the same subject matter, has been violated or is about to be violated, or that an order or direction made in pursuance of the enforcement of this Code has not been complied with, or is being disregarded, and whenever that office is satisfied that civil proceedings are necessary for the enforcement of the Codified Ordinances of The City of Springfield, Ohio, or laws, to restrain or correct the violations thereof, that officer may apply to the Director of Law, who is authorized to institute civil proceedings. Civil proceedings may be brought in the name of the City, and may include claims for injunction, mandatory relief, restraining orders, damages, the appointment of a receiver, and such other relief as may be allowed in law or equity. Institution of civil proceedings does not exclude criminal proceedings as may be authorized by the Codified Ordinances of The City of Springfield, Ohio, or charging a person with a civil offense as authorized by this chapter.
(Ord. 99-51. Passed 2-16-99.)

1324.13 FREEDOM FROM IMPROPER INFLUENCE.

(a) No member of the City Commission, member of the City administration, party to any proceedings before a hearing examiner, or any other person shall interfere with, attempt to interfere with, or improperly influence or attempt to improperly influence a hearing examiner in the performance of the duties of office.

(b) An examiner may not conduct or participate in any hearing or decision in which the examiner or any of the following persons has a direct or substantial financial interest: a spouse, brother, sister, child, parent, or in-law of the examiner, or business firm or organization in which the examiner has a substantial interest. The examiner shall promptly report to the City Manager any attempt at interference or improper influence or any actual or potential conflict prior to such hearing.

(c) Wherever it may be shown to the satisfaction of the City Manager that an examiner was subjected to improper influence, interference, or interest, such improper influence, interference, or interest shall be grounds for vacating any decision made by the examiner in such proceedings.
(Ord. 99-51. Passed 2-16-99.)

1324.14 EX PARTE COMMUNICATIONS PROHIBITED

A person may not communicate with a hearing examiner to influence a decision in a matter pending before an examiner other than at a public hearing or in a writing that is made a part of the record of the proceeding. This provision shall not prohibit communication between an examiner and any member of the administration assigned to assist or give legal counsel to the examiner in the pending proceeding. Violation of this section is a misdemeanor of the first degree.

(Ord. 99-51. Passed 2-16-99.)

1324.15 ADMINISTRATIVE REGULATIONS.

The City Manager may adopt administrative regulations for the conduct of hearings and for the enforcement of the Codified Ordinances of The City of Springfield, Ohio, through the issuance of notices of civil offenses.

(Ord. 99-51. Passed 2-16-99.)

1324.16 TENANT INITIATED HOUSING COMPLAINTS; LANDLORD OBLIGATIONS; INVESTIGATION FEE

From and after October 1, 2001, Landlords shall furnish to all their tenants a City-approved pamphlet informing such tenants of their rights and obligations under Revised Code Chapter 5321, the Ohio Landlord-Tenant Act, according to the following processes and terms and conditions:

- (a) Receipt of such pamphlets must be acknowledged by signature of the tenant and landlord, on duplicate forms kept on file by the landlord and tenant, acknowledging that each have received copies of the pamphlet. The form must contain the address of the rental property, and the name, address and telephone number of the landlord. Further, the form must contain an acknowledgment that all smoke detectors at the leased premises are in good working order and that disabling these detectors is contrary to law. A prominent warning shall be featured near the place of affixing signatures that forging of any signature may have criminal penalties.
- (b) As used in this Section:
 - (1) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others
 - (2) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.
- (c) Whenever a tenant complains to the City concerning any Code matter covered by this Chapter, if the landlord has not complied with subparagraph (a) of this Section, then the landlord must pay an investigation fee of one hundred dollars (\$100.00) to cover the cost of the City's inspection of the rental unit.
- (d) Whenever the City receives a complaint of Code violations from a tenant who is current in his or her rent payments due under a rental agreement, the City shall give notice in writing to the landlord, including the nature of the complaint. Only if a landlord, after receipt of such notice, fails to remedy the condition within a reasonable time considering the severity of the condition and the time necessary to remedy it, will the City proceed with enforcement measures to gain Code compliance. Where a tenant is not current in rent payments due under a rental agreement, the City shall not proceed to inspect the rental unit for Code violations, but, instead, in such circumstances landlords and tenants shall have such rights and remedies

as are provided in Chapter 5321 of the Ohio Revised Code.
(Ord. 01-97. Passed 3-13-01.)

1324.99 CIVIL FINES.

The civil fines for civil offenses are:

<u>Offense</u>	<u>Initial Civil Fine</u>	<u>If Delinquent</u>
Class A	\$50.00	\$100.00
Class B	\$100.00	\$200.00
Class C	\$200.00	\$400.00
Recalcitrant Offender Fine	\$500.00	\$1,000.00

Neither the City of Springfield, Ohio, the federal government, the State of Ohio, nor any city, federal, or state agency or political subdivision is liable for a civil fine imposed pursuant to this chapter.

(Ord. 09-184. Passed 7-7-09.)

1324.999 SAVINGS.

This chapter does not affect any act done or committed in violation of any former ordinance relating to the same subject, or any suit or proceeding now pending in court for the violation of the provisions of any former ordinance, or any cause or causes of action accrued or existing under such ordinance, but all proceedings or prosecutions now pending shall be conducted to final determination irrespective of this chapter.

(Ord. 99-51. Passed 2-16-99.)