

ORDINANCE NO. OR32-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING CURRENT SECTION 1357.08 “SERVICE OF NOTICE” OF THE TROTWOOD CODES OF ORDINANCES AND ENACTING NEW SECTION 1357.08 “SERVICE OF NOTICE” TO ALIGN THE NOTICE PROCESS WITH SERVICE METHODS UTILIZED BY COURTS OF RECORD, AND DECLARING AN EMERGENCY.

WHEREAS, the Trotwood Codes of Ordinances (the “Codified Ordinances”) contain different notice procedures to notify property owners of code enforcement actions; and

WHEREAS, the City Law Director recommends revisions to Section 1357.08 of the Codified Ordinances to align the notice process with service methods utilized by courts of record; and

WHEREAS, City Council accepts the recommendation of the City Law Director and will amend Section 1357.08 accordingly; and

WHEREAS, for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City of Trotwood and to promote efficient governmental operations, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Section 1357.08 “Service of Notice” of the Trotwood Codes of Ordinances is hereby repealed in its entirety.

SECTION II: New Section 1357.08 “Service of Notice” is hereby enacted as set forth in Exhibit “A” attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION III: The Trotwood City Council declares that an emergency exists so to protect the public peace, health, safety, and welfare of the City’s residents and to promote efficient governmental operations, which therefore requires the expedited implementation of this legislation.

SECTION IV:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

SECTION V:

In accordance with Section 4-6 of the Charter of the City of Trotwood, Ohio, this Ordinance shall take effect immediately upon its adoption by Council

Passed this **2nd** day of **October, 2023**.

ATTEST:

APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



MARY A. McDONALD
MAYOR



YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR32-23** adopted by the Trotwood City Council at a regular scheduled meeting held on the **2nd** day of **October, 2023**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

1357.08 SERVICE OF NOTICE.

- (a) Written notice pursuant to Section 1357.07 shall be served on the **property owner(s) and, when applicable or otherwise required by this Code, on tenants, occupants, lienholders of record, and any duly authorized agent of the property owners (collectively referred to herein as "Interested Parties"), as follows** and ~~or other responsible person:~~
- (1) Personally; or
 - (2) By certified mail ~~to~~ addressed to the **property owner(s) at the owner's last known place of residence as appearing in the tax mailing address indicated on the county tax duplicate records of the City of Trotwood, Ohio or, if the tax mailing address is known to be inaccurate and/or outdated, to the last known address of the property owner(s) based on the City of Trotwood's records and, when applicable or otherwise required by this Code, by certified mail to other Interested Parties; or**
 - (3) **By a commercial carrier service utilizing any form of delivery that requires a signed receipt; or** At the owner's tax mailing address as indicated on the county tax duplicate; or
 - (4) **If the subject property is habitable and appears to be occupied, B**by posting a copy of the notice in a conspicuous place on the **property structure or premises to which it relates.**
- (b) If certified mail of the notice is returned **refused or unclaimed** ~~unserved~~, notice may **shall** be served **via regular mail evidenced by a certificate of mailing by the U.S. Postal Service.**
- (c) **If service of the notice cannot be completed by one of the methods set forth above, the notice shall be served** by posting it on the main entrance of the building, ~~notice by regular mail pursuant to (a)(2) and (a)(3) above~~ and publishing notice in accordance with Section 10-8 of the Trotwood City Charter.
- (d) The Building Program Manager shall complete a certificate of service which shall set forth the name and address of the person served, the manner of service, and the date thereof.