

ORDINANCE NO. OR33-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING CURRENT SECTION 1341.13 “NOTICES, ORDERS AND CITATIONS” OF THE TROTWOOD CODES OF ORDINANCES, AND ENACTING NEW SECTION 1341.13 “NOTICES, ORDERS, AND CITATIONS” 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 1341.13 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 1341.13 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 more 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SECTION I: Section 1341.13 “Notices, Orders and Citations” of the Trotwood Codes of Ordinances is hereby repealed in its entirety.

SECTION II: New Section 1341.13 “Notices, Orders, and Citations” is hereby enacted as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscoring 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 more 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. OR33-23 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

1341.13 NOTICES, ORDERS, AND CITATIONS.

- (a) Notice to Owners **and, when applicable or otherwise required by this Code, tenants, occupants, lienholders of record, and any duly authorized agent of the property owners (collectively referred to herein as "Interested Parties").** ~~or Person or Persons Responsible.~~ 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 ~~he~~ **the a duly authorized** Code Official has condemned any structure or equipment under the provisions of Section 1341.12, ~~he~~ **the Code Official** shall give notice to the owner(s) ~~or~~ **and, when applicable or otherwise required by this Code, other Interested Parties** ~~the person or persons responsible therefore~~ in the manner prescribed below. If ~~he~~ **a Code Official** has condemned the property or part thereof, ~~he~~ **the Code Official** shall give notice to the owner(s) and to the occupants of ~~his~~ **the Code Official's** intent to placard and to vacate the property, or to order equipment out of service.
- (b) Form. Such notice prescribed in subsection (a) hereof 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 an explanation of the ~~owner's~~ right to seek modification or withdrawal of the notice by petition to the Property Maintenance Appeals Board.
- (c) **Except as otherwise provided in this Chapter,** Such notice shall be deemed to be properly served on the owner(s) **and other Interested Parties** ~~or the occupant, or any person, firm or corporation having the care of or in charge of any lot, parcel, or land within the City,~~ if the notice or a copy thereof is served by one; or more; of the following methods:
- (1) Delivered personally; or
 - (2) Sent by certified mail, return receipt requested; or
 - (3) **Delivered by a commercial carrier service utilizing any form of delivery that a signature; or**
 - (4) Posting of such notice in a prominent place on the property where the violation exists.
- Any notice sent by certified mail that is returned to the City as refused or unclaimed shall be sent via regular mail evidenced by a certificate of mailing from the U.S. Postal Service.**

- (d) Service on Occupant. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects if there is a failure of compliance.
- (e) Citation Tags. The enforcement officer is authorized and directed to provide citation tags which shall be used for the purpose of giving due notice and summons to the person or persons responsible for violations of this Property Maintenance Code.
 - (1) Such citation tags shall be put in writing on an appropriate form, state the nature of the violation, refer to the section or sections of the Code violated, and state the appropriate assessment or penalty therefore.
 - (2) Such person or persons, when a citation tag as herein provided is served to him, shall appear at the place or places designated upon such tag and shall pay the assessment for the violation noted on the citation.
 - (3) Upon payment of the assessment as provided within the time limit provided herein, no further action will be taken to prosecute the violation noted on the citation, provided remedial action, if necessary, is taken.
 - (4) The citation tag as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon; provided, however, that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided herein, in the event such violation is continued or repeated.
- (f) Citation Tag Assessment. When a violation citation tag has been issued pursuant to subsection (e) hereof, an amount of seventy-five dollars (\$75.00) is hereby assessed upon the violator. If the assessment is paid within the seventy-two-hour period immediately following the issuance of the citation tag, all seventy-five dollar (\$75.00) assessments are reduced to fifty dollars (\$50.00), subject to additional citations and assessment, however, no reduction of the assessment shall occur without the violation being brought into compliance. Assessments shall be collected by the appropriately designated authority. Failure to pay the assessment within a period of thirty days after the date of service of the citation tag, shall constitute a minor misdemeanor, punishable as provided in subsection (g) hereof. Assessments may also be **charged as a lien against** ~~attached to the personal property taxes for~~ the property in question **to the extent permitted by law.**
- (g) Penalty. Violation of any provision of this Code or any amendment or supplement thereto or failure to comply with any of the requirements of this Code shall constitute a misdemeanor. Upon conviction, any person, firm, or corporation shall be punished as provided in Section 1341.99. Each day such violation continues shall be considered a separate offense.