

ORDINANCE NO. 24-98
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Merrick Ringstead ON THE
19th DAY OF October, 1998.

AN ORDINANCE AMENDING CHAPTER 1482 OF THE CENTERVILLE
MUNICIPAL CODE BY CHANGING THE PROCEDURE FOR VIOLATIONS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Section 1482.01, subsections (p) and (q) of the Centerville Municipal Code are hereby amended as follows:

(p) Review of Suspected Violations of Environmental Requirements. The CPRC shall ~~may~~, at the request of the Code Official review ~~all~~ any suspected violations of Chapter 1484 referred to it by said Code Official and submit a written recommendation to the Code Official.

(q) Review of Violation Orders When Prosecution is Requested. *If the Code Official believes that an alleged violation of the Property Maintenance Code should be prosecuted, the Code Official shall issue a "show cause order" to the alleged violator advising him or her that he or she has five (5) working days from the receipt of the order to show cause in writing to the Clerk of Council as agent for the CPRC why the prosecution should not proceed. If the Clerk of Council shall receive a timely statement of cause from the alleged violator the matter shall be referred to the CPRC for consideration by it at its next regular meeting and notice of such meeting shall be given to the alleged violator by the Clerk of Council. At its meeting to consider the alleged violator's statement of cause, the CPRC shall afford an opportunity to both sides to be heard and shall issue an order affirming, modifying or reversing the action of the Code Official which order shall be final and not subject to appeal. If no timely statement of cause is filed by the alleged violator or if the CPRC affirms the order of the Code Official or modifies it in such a way that prosecution is appropriate, the Code Official shall refer the matter to the Department of Law for prosecution or such other action as the Municipal Attorney or his or her designee shall deem appropriate. When the Code Official requests prosecution of a violation order, the CPRC shall review that violation order. If the Code Official finds that an emergency exists under the provisions of this Property Maintenance Code, he or she may request prosecution of the violation order without the review of the violation order by the CPRC. However, the Code Official shall notify the CPRC of the emergency action taken.*

Section 2. That Section 1482.01, subsection (r) of the Centerville Municipal Code is hereby repealed and succeeding subsections are renumbered accordingly.



1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402

Section 3. That Section, subsection 1482.01 (v), as formerly designated, is hereby amended as follows:

(v) Appeals to the City Council. Any person, firm or corporation, any officer, department, board or agency of the Municipality, or any interested elector of the Municipality, who or which has been aggrieved or affected by any decision of the CPRC, may *petition for* appeal from such decision to the City Council by ~~filing a notice of intent to appeal within five days and by filing a~~ *the* petition with the Clerk of Council within fifteen days from the date of the decision and setting forth the facts of the case. The Clerk of Council shall immediately inform the Manager *and City Council* of receipt of such ~~notice and~~ petition.

Upon receipt of notification of the filing of said petition requesting an appeal, the City Council shall within thirty (30) days of said notification determine by a majority vote of the entire membership of City Council whether it will accept said petition for review. Said determination shall be at the sole discretion of City Council.

~~If~~ *the Council determines to accept said appeal, it shall hold a public hearing on such appeal not later than forty-five days after such appeal has been filed with its Clerk. A simple majority of the Council membership shall affirm, reverse or modify the decision appealed from, and its decision shall be final. In the event of an appeal to the City Council, all orders of the Code Official or the CPRC pertaining to that appeal shall be stayed pending a decision by the City Council.*

Section 4. That Section 1482.05 subsections (b) and (c) of the Centerville Municipal Code are hereby amended as follows:

Section 1482.05

(b) Formal Resolution of Violations. When the Code Official is unsuccessful in achieving compliance with this Property Maintenance 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 Property Maintenance Code:

- (1) Whenever the Code Official determines that there has been a violation of this Property Maintenance 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 Property Maintenance Code, ~~notice shall be given~~ *he or she shall issue a notice of violation which shall include a "show cause order" as prescribed in Section 1482.01 (q) above to the owner or the person 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 City's intent to placard and to vacate the property or to order equipment out of service.*



1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402

(2) To assist the Code Official in the enforcement of the provisions of Chapter 1484, the Code Official shall ~~may refer all any~~ suspected violations of Chapter 1484 to the Centerville Property Review Commission (CPRC) for its review and recommendation. ~~In such event, no violation notice shall be issued by the Code Official unless he or she receives a written recommendation from the CPRC indicating that corrective measures are required to protect adjoining or neighboring properties from blighting influences. If the Code Official finds that an emergency exists under the provisions of this Property Maintenance Code, he or she shall be exempt from the above referral provision to the CPRC; however, he or she shall notify the CPRC of any such action taken.~~

(c) Form and Content of Notices. The 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 Property Maintenance Code. In the case of violations concerning swimming pools and surrounding deck areas (Section 1484.04(5)), the property owner must comply with the correction order within five *working* days of the receipt of said order.
- (5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the ~~Code Appeals Board CPRC~~ or appropriate review board.

Section 5. That Section 1482.07 (b) is hereby amended as follows:

(b) Compliance; Appeals; Hearings. Any person to whom such an order is directed shall comply therewith. Such person may thereafter, upon petition directed to the ~~Code Appeals Board CPRC~~, be afforded a hearing as prescribed in this Property Maintenance Code. Depending upon the findings of the ~~Board CPRC~~ at such hearing, as to whether the provisions of this Property Maintenance Code and the rules and regulations adopted pursuant thereto have been complied with, the ~~Board CPRC~~ shall continue such order or modify or revoke it.

Section 6. That Section 1482.08 of the Centerville Municipal Code is hereby amended as follows:

1482.08 VIOLATIONS.

(a) In General. ~~It shall be unlawful for any~~ No person, firm or corporation ~~to shall~~ erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this Property Maintenance Code, or cause the same to be done, contrary to, in conflict with or in violation of any of the provisions of this Property Maintenance Code ~~or without the appropriate permits.~~



1708 ONE DEXTER CENTER
ONE SOUTH MAIN STREET
DEXTER, OHIO 45002

(b) Prosecution; Other Remedies. In case any violation order is not promptly complied with, the Code Official may request the jurisdiction's legal representative to institute an appropriate action or proceeding at law to exact the penalty provided in Section 1482.99. Also, the Code Official may ask the legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

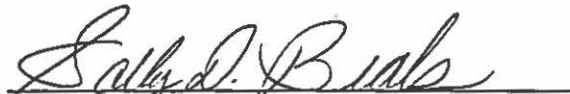
- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation or alteration of such structure;
- (3) To require the removal of work in violation; or
- (4) To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Property Maintenance Code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

~~Before the Code Official requests prosecution of a suspected violation of this Property Maintenance Code, he or she shall first refer the suspected violation to the Centerville Property Review Commission (CPRC) for its review and recommendation. The Code Official shall receive a written recommendation from the CPRC to proceed with prosecution before he or she may do so. If the Code Official finds that an emergency exists under the provisions of this Property Maintenance Code, he or she shall be exempt from the aforesaid requirement of referral to the CPRC.~~

Section 7. That Section 1482.09 of the Centerville Municipal Code is hereby repealed.

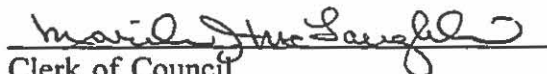
Section 8. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 19th day of October, 1998.



Mayor of the City of Centerville, Ohio

ATTEST:



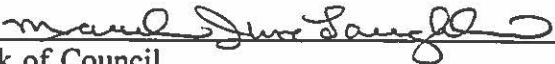
Clerk of Council
City of Centerville, Ohio


ALTICK
CORWIN
CO., L.P.A.

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 24-98, passed by the Council of the City of Centerville, Ohio on the 19th day of October, 1998.


Clerk of Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

CVILLE8752.RNF 9/15/98



1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402