

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Nuisance Abatement Code, Title 47, Chapter 4701 as follows:

4701.01 Title.

This chapter shall be known as the "Nuisance Abatement Code" of the ~~e~~City of Columbus, hereafter referred to as the Nuisance Abatement Code or this code.

4701.07 Enforcement

(A). The ~~director~~ Director in enforcing provisions of this code is authorized and directed to make inspections either in response to a complaint alleging the existence of a ~~public nuisance~~ public nuisance or when the ~~director~~ Director has reasonable grounds to believe a ~~public nuisance~~ public nuisance exists.

(B). Upon presentation of proper credentials and when permission is granted by a person who represents he or she has authority to grant permission, the ~~director~~ Director may enter any building, premises or real estate, including vacant land, or any appurtenance thereto in the city of Columbus to perform any duty imposed upon him or her by this code. Absent such permission the ~~director~~ Director may apply to a judge of a court of record, pursuant to Ohio Revised Code section 2933.21(F), for a search warrant to conduct an inspection.

(C). Every occupant of a building, premises or real estate or any appurtenance thereto shall give the ~~owner~~ owner access to any part of the building, premises or real estate or any appurtenance thereto at all reasonable times for the purposes of making an inspection or maintenance, repair or alteration of the building, premises or real estate of any appurtenance thereto as are necessary to comply with this code.

(D). The identification of a person who makes a complaint pursuant to this code shall be kept confidential and shall not be subject to disclosure under Ohio Revised Code section 149.43

4701.09 Notice of violation

(A). Whenever the ~~director~~ Director determines there exists a ~~public nuisance~~ public nuisance as defined in section 4703.01(E), he or she may issue a notice of violation to the ~~owner~~ owner of the building, structure, premises or real estate, including vacant land, or appurtenance thereto setting forth the conditions that cause the building, structure, premises or real estate, including vacant land, or appurtenance thereto to be a ~~public nuisance~~ public nuisance and advising the ~~owner~~ owner that such conditions must be corrected.

(B). All notices of violation shall:

(1). Be in writing;

(2). Describe the building, structure, premises or real estate, including vacant land, or appurtenance thereto alleged to be a ~~public nuisance~~ public nuisance;

(3). Identify the sections of the Ohio Revised Code or the Nuisance Abatement, ~~b~~Building, ~~h~~Housing, ~~a~~Air pPollution, ~~s~~Sanitation, ~~h~~Health, ~~f~~Fire or ~~s~~Safety code or regulation whose violation create a condition or conditions on the building, structure, premises or real estate, including vacant land, and appurtenances thereto that cause the building, structure, premises or real estate, including vacant land, or appurtenance thereto, to be a ~~public nuisance~~ public nuisance;

(4). Order the ~~owner~~ owner to abate the conditions;

(5). Specify a reasonable time for compliance with the order to abate;

~~(6)~~. Advise the ~~owner~~ owner of the right to appeal the notice of violation pursuant to section 4701.13 of this chapter, and that the owner has the right to have a hearing before the Property Maintenance Appeals Board in connection with their appeal.

a. Except as otherwise specified in section 4701.11, upon the owner appealing a Notice of Violation, any enforcement action seeking compliance with an order shall be stayed until after the initial hearing in connection with the owner's appeal. Property Maintenance Appeals Board hearing dates, times, and locations shall be established in compliance with C.C. section 4509.03.

~~(7)~~. Advise the ~~owner~~ owner that if the order to abate the conditions indicated in the notice of violation is not

complied with by the specified date of compliance, the ~~director~~ Director may:

~~(a)~~. Initiate a civil and/or criminal action against the ~~owner~~ owner; or

~~(b)~~. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such correction as a lien upon the ~~owner~~ owner's building, structure, premises or real estate, to include vacant land, or appurtenance thereto; or

~~(c)~~. Cause to be filed with the ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board a complaint seeking an order to have the notice enforced. The ~~director~~ Director may cause to be filed with the ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board a request for a hearing to determine whether the building, structure, premises or real estate, to include vacant land, or appurtenance thereto, is a ~~public nuisance~~ public nuisance whether or not a notice of violation has been served on the ~~owner~~ owner.

~~(C)~~. When a notice of violation is served it shall be served upon the ~~owner~~ owner by any one of the following methods:

~~(1)~~. Personal service;

~~(2)~~. Certified mail, return receipt requested;

~~(3)~~. Residence service at the owner's address by leaving a copy of the notice with someone of suitable age and discretion then residing therein;

~~(4)~~. Publication in a newspaper of general circulation in Franklin County

a. the notification shall be published a minimum of once per week for three consecutive weeks

b. a copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;

~~(5)~~. Regular mail service to an address that is reasonably believed to be a place of residence of the ~~owner~~ owner or a location at which the ~~owner~~ owner is reasonably believed to receive mail regularly;

~~(6)~~. Posting of the notice of violation on the building, premises or real estate, or appurtenance thereto, except that if the building, premises or real estate is vacant or vacant land, then the notice shall be posted on the building, premises or real estate or vacant land and one of the above methods of service shall also be used.

~~(E)~~. When the notice of violation has been served, it shall be effective as to anyone having any interest in the building, premises or real estate whether recorded or not at the time the order was issued, and shall be effective against any subsequent ~~owner~~ owner as long as the conditions causing the building, premises or real estate, including vacant land, or appurtenances thereto exist and there remains a city record of the notice of violation in a public file maintained by the ~~director~~ Director.

~~(F)~~. Written or oral acknowledgement by the ~~owner~~ owner of receipt of a notice of violation shall be evidence that the ~~owner~~ owner received the notice. An appeal of the notice by the ~~owner~~ owner pursuant to section 4701.13 shall constitute evidence of written acknowledgement by the ~~owner~~ owner of service of the notice of violation.

4701.11 Emergencies

(A) Whenever the ~~director~~ Director finds that an emergency exists which requires immediate action to protect the public health and safety, he or she shall issue a written order to the ~~owner~~ owner reciting the existence of such an emergency and requiring that such action as he or she deems necessary be taken to meet the emergency.

(B) Such action as the ~~director~~ Director deems necessary to abate the emergency may include:

(1) The immediate vacating of a building, premises or real estate by all inhabitants with the condition that

the building, premises or real estate not be reoccupied until the ~~director~~ Director determines that the emergency

no longer exists.

(2) Action by the ~~director~~ Director using city or private contractor resources to abate the conditions causing the emergency. If in the opinion of the ~~director~~ Director such action includes demolition of the building or premises or appurtenances thereto because the building or premises or appurtenances thereto pose an imminent threat of collapse which has a high probability of causing injury or death to persons, the ~~director~~ Director shall immediately file a request for a temporary restraining order from the environmental division of the Franklin County Municipal Court seeking judicial approval to demolish the building or premises or appurtenances thereto. The ~~director~~ Director shall charge the costs of abatement as a lien against the building or premises or appurtenances thereto and/or may recover the costs against the ~~owner~~ owner in a civil action.

(C) The written order issued by the ~~director~~ Director shall be posted on the building, premises or real estate, to include vacant

land, or appurtenances thereto, where the emergency is alleged to exist. Additionally the ~~director~~ Director shall make every reasonable effort to personally serve the ~~owner~~ owner with the order.

(D) Notwithstanding other provisions of this code, such order shall be effective immediately and shall be complied with immediately.

(E) The ~~owner~~ owner has the right to immediately appeal the emergency order to the environmental division of the Franklin County Municipal, but such appeal does not waive the ~~owner~~ owner's requirement to immediately comply with the order.

(F) If the ~~owner~~ owner appeals the emergency order, the burden is on the ~~director~~ Director to prove by clear and convincing evidence that an emergency existed which required immediate action on the part of the ~~owner~~ owner. The ~~owner~~ owner has not burden to prove there was not an emergency. If the environmental division of the Franklin County Municipal has issued to the ~~director~~ Director a temporary restraining order approving demolition, an ~~owner~~ owner's appeal with not stay the court's order.

4701.13 Appeals of notice of violations

~~Appeals of any notice of violations, other than appeals of an emergency order, shall be in writing and shall, depending on whether a violation of a building, housing, air pollution, sanitation, health, fire, zoning or safety code is alleged to create conditions that cause a public nuisance to exist, follow the appeal procedure prescribed in the applicable code, sections of the Ohio Revised Code or Rules of Appellate procedure.~~

Appeals of any notice of violation for an alleged violation of this Nuisance Abatement Code issued by the Department of Development shall be made in writing within fifteen (15) days of the date of service of the notice of violation, pursuant to the requirements prescribed in Columbus City Code Chapter 4509. Any person affected by a notice of violation in connection with this Nuisance Abatement Code may request and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice of violation.

4701.15 Prohibition against failure to comply with notice of violation.

No ~~owner~~ owner shall fail to comply with any notice of violation, and no ~~owner~~ owner or other person shall obstruct or interfere with the enforcement of the notice.

4701.17 Procedure upon failure to comply with notice of violation

Whenever the ~~director~~ Director determines that an ~~owner~~ owner against whom a notice of violation has been issued has failed to comply with the notice, the ~~director~~ Director may:

- (A)~~2~~. Cause to be filed against the ~~owner~~ owner a civil complaint for injunctive relief seeking abatement of the conditions cited in the notice, and/or;
- (B)~~2~~. Cause to be filed against the ~~owner~~ owner a criminal complaint.
- (C)~~2~~. Cause to be filed with the ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board a complaint seeking an order to have the notice enforced.

4701.99 Criminal and Civil Penalties

- (A)~~2~~. Whoever violates any provision of this code is guilty of a misdemeanor of the first degree.
- (B)~~2~~. Each calendar day a violation occurs or is permitted to continue shall constitute a separate offense.
- (C)~~2~~. Strict liability is intended to be imposed for violation of this code.
- (D)~~2~~. In addition to any criminal penalties a court may impose on an ~~owner~~ owner, an ~~owner~~ owner who fails to comply with a notice of violation shall incur a civil forfeiture of \$100 for each calendar day that the ~~owner~~ owner fails to comply. The ~~director~~ Director may file a civil action styled "complaint for civil forfeiture" in the environmental division of the Franklin County Municipal Court seeking a court order to recover any accumulated civil forfeiture penalties.

Section 2: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Nuisance Abatement Code, Title 47, Chapter 4703 as follows:

4703.01 Definitions

For purposes of Title 47 the definitions found in Title 45 and the following definitions apply:

- (A)~~2~~. "Code enforcement officer" means a property maintenance inspector, or a property maintenance inspector trainee, or a duly authorized representative of the ~~director~~ Director.
- (B)~~2~~. "Department" means the ~~d~~Department of dDevelopment.
- (C)~~2~~. "Director" means the ~~d~~Director of the dDepartment of Development or his or her designee.
- (D)~~2~~. "Owner" means any of the following:
 - (1)~~2~~. The owner of record as shown on the current tax list of the Auditor of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio.
 - (2)~~2~~. The mortgage holder of record, if any, as shown in the mortgage records of the Recorder of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;
 - (3)~~2~~. Any person who has a freehold or lesser estate in the premises;
 - (4)~~2~~. A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the Sheriff of Franklin, Delaware, Pickaway, Licking, or Fairfield County has issued a deed for the premises whether or not the deed has been recorded;
 - (5)~~2~~. Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
 - (6)~~2~~. Any person who holds himself or herself out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for

the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.

~~(E)~~ "Public nuisance" means any of the following:

~~(1)~~ Any building, premises or real estate, including vacant land, or any appurtenance thereto which is not in compliance with any building, housing, air pollution, sanitation, health, fire, zoning or safety code of the ~~e~~City of Columbus;

~~(2)~~ Any building, premises or real estate, including vacant land, or any appurtenance thereto upon which its real property taxes have remained unpaid in excess of one year from date of assessment;

~~(3)~~ Any building, premises or real estate, including vacant land, or any appurtenance thereto on which a

felony violation of Ohio Revised Code Chapters 2925 or 3719 has occurred;

~~(4)~~ Any building, premises or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in Ohio Revised Code Chapter 3767.

~~(5)~~ Any building, premises or real estate, including vacant land, or any appurtenance thereto that is used or occupied by a criminal gang (as defined in RC 2923.41) on more than two occasions within a one-year

period to engage in a pattern of criminal gang activity (as defined in RC 2923.41).

~~(6)~~ Any building, premises or real estate, including vacant land, or any appurtenance thereto used in violation of Ohio Revised Code Chapter 2915.

Section 3: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Nuisance Abatement Code, Title 47, Chapter 4705 as follows:

4705.01 Board Makeup

~~(A)~~ The ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board shall be composed of nine members as follows:

~~(1)~~ The ~~director~~ *Director*, or his or her representative.

~~(2)~~ The ~~a~~Administrator of the ~~n~~Neighborhood ~~s~~Services ~~d~~Division of the ~~d~~Department, or his or her representative.

~~(3)~~ The ~~e~~Chief of the ~~d~~Division of ~~p~~Police, or his or her representative.

~~(4)~~ The ~~e~~Chief of the ~~b~~Bureau of ~~f~~Fire ~~p~~Prevention of the ~~d~~Division of ~~f~~Fire, or his or her representative.

~~(5)~~ The ~~e~~Chief of the ~~e~~Environmental ~~h~~Health ~~d~~Division of the ~~d~~Department of ~~h~~Health, or his or her representative.

~~(6)~~ The ~~e~~Chief ~~b~~Building ~~o~~Official, or his or her representative.

~~(7)~~ A public member appointed by the ~~director~~ *Director* who represents the historical preservation community.

~~(8)~~ A public member appointed by the ~~director~~ *Director* who is a member of an area commission.

~~(9)~~ A public member appointed by the ~~director~~ *Director*.

B. The terms of appointment of all public members appointed by the *Director* shall be three (3) years each, and they shall serve until a successor is appointed.

~~(BC)~~ The ~~director~~ *Director* shall serve as secretary of the board.

~~(CD)~~ The board shall adopt those rules necessary to conduct its affairs.

4705.03 Powers of the Board

~~(A)~~ Whenever the ~~director~~ *Director* determines there are reasonable grounds to believe a public nuisance as defined in 4703.01(E) exists, he or she shall cause the suspected public nuisance to be inspected. If the inspection produces evidence that supports the ~~director~~ *Director*'s determination, the ~~director~~ *Director* may:

(1). Notwithstanding whether or not enforcement actions have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City codes or Ohio Revised Code, notify the chairman of the ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board who shall cause a hearing to be held by the board on the question of the existence of a public nuisance and whether and how such nuisance, if found to exist, should be abated; or

(2). Notwithstanding whether or not enforcement actions have been undertaken pursuant to Chapter 4701 or other provisions of Columbus City codes or Ohio Revised Code, cause to be filed in the environmental division of the Franklin County Municipal a civil complaint for injunctive relief seeking abatement of the nuisance; and/or,

(3). When enforcement actions undertaken pursuant to Chapter 4701 or other provisions of the Columbus City Code or the Ohio Revised Code have not abated the ~~nuisance~~ public nuisance, the Director may cause to be filed in the environmental division of the Franklin County Municipal ~~c~~Court, a criminal complaint.

(B). If a suspected ~~public nuisance~~ public nuisance has been referred to the Safe Neighborhood Review ~~b~~Board, the secretary of the board shall cause a hearing to be held by the board on the question of the existence of a ~~public nuisance~~ public nuisance.

(C). The owner of the property alleged to be a ~~public nuisance~~ public nuisance shall be notified of the date, time and place of the hearing and shall be given an opportunity to dispute the ~~director~~ Director's determination that a ~~public nuisance~~ public nuisance exists. The hearing shall be on the record.

(D). Prior to the hearing the property alleged to be a ~~public nuisance~~ public nuisance shall be inspected by the ~~d~~Division of ~~f~~Fire, the ~~e~~Chief ~~b~~Building ~~i~~nspector Official and the ~~d~~Department of ~~h~~Health. Evidence obtained through these inspections shall be made available at the hearing. Evidence shall include, but may not be limited to, photographs of the property.

(E). At the hearing the burden to prove that a ~~public nuisance~~ public nuisance exists is on the ~~director~~ Director. The ~~owner~~ owner does not have the burden to disprove the ~~director~~ Director's determination.

(F). It shall be necessary to have a concurring vote of at least five (5) members of the board for a finding that a ~~public nuisance~~ public nuisance exists. The standard for such finding shall be by clear and convincing evidence.

(G). Following the hearing the board shall cause a written order to be served on the ~~owner~~ owner stating the findings of the board. If the board finds that a ~~public nuisance~~ public nuisance exists the order shall prescribe the manner in which the ~~public nuisance~~ public nuisance shall be abated and shall set a time by which the abatement shall occur. The order shall also inform the ~~owner~~ owner of his or her right to appeal and shall state that if the ~~owner~~ owner fails to abate the ~~public nuisance~~ public nuisance as ordered the ~~director~~ Director may abate the nuisance as he or she deems appropriate and may recover all costs of abatement in any manner provided by law.

4705.05 Service of Notice

The notice of hearing before the ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board, required under section 4705.03(C), shall:

1A. Be in writing;

2B. Describe the building or premises alleged to be a ~~public nuisance~~ public nuisance;

3C. Identify the sections of the applicable sections of the Ohio Revised Code or Columbus City Codes which cause the building or premises to be a ~~public nuisance~~ public nuisance, and, if applicable, where on the building or premises the conditions that cause the building or premises to be a ~~public nuisance~~ public nuisance exist;

4D. Be served on the ~~owner~~ owner by United States Mail with return receipt requested, or by personal service. If

service by either of these methods fails then the board shall cause the notice to be published in a newspaper of general circulation ~~in the city~~ once each week for two consecutive weeks prior to the date

of the hearing. Service by publication need only include a description of the property alleged to be a ~~public nuisance~~ public nuisance, and the date, time and place of the hearing.

4705.07 ~~Right to make immediate repairs~~

~~(A) Upon being served the notice of hearing as provided in section 4705.03, the owner may make immediate application in writing or in person to the department for a special building permit to undertake the repairs described in the order.~~

~~(B) Such application for a special building permit shall be within fifteen days following receipt of the notice of hearing provided for in section 4705.03. The director may authorize an extension to the special building permit if the owner shows good cause for the requested extension.~~

4705.09 Appeal

Appeals from a finding of the ~~sSafe nNeighborhood rReview bBoard~~ may be taken by an ~~owner~~ owner against whom an order has been issued and shall be heard by the ~~environmental division of the Franklin County Municipal Court~~ Property Maintenance Appeals Board. To perfect an appeal the ~~owner~~ owner must file a written appeal with the secretary of the ~~Safe Neighborhood Review bBoard~~ within 30 calendar days after the service of the order referred to in 4705.03(G). ~~Thereafter the appellate procedures contained in Ohio Revised Code Chapter 2506 and, if applicable, Ohio Revised Code Chapter 2505 and the Rules of Appellate Practice promulgated by the Ohio Supreme Court shall be followed.~~

4705.11 Abatement of a public nuisance by the board

If after all appellate remedies have been exhausted the ~~owner~~ owner fails to abate the ~~nuisance~~ public nuisance as ordered, the ~~director~~ Director may enter upon the premises and may abate the ~~nuisance~~ public nuisance as he or she deems appropriate so long as such abatement also conforms to 4705.13.

4705.13 Abatement Cost Recovery

In abating the ~~nuisance~~ public nuisance the ~~director~~ Director ~~shall~~ may obtain the abatement by using the city's own employees and materials or the director or through competitive bidding and by private contract and the costs of such private contract shall be paid for from city funds, or from funds provided to the city by the federal government which are specifically authorized by the ~~eCity eCouncil~~ in order to abate public nuisances, ~~except that in the case of boarding to abate the nuisance~~ public nuisance the city may elect to do so by using its own employees and materials. The costs of such abatement shall be recovered from the ~~owner~~ owner in the following manner:

~~(A).~~ The ~~owner~~ owner shall be billed for the cost of the abatement by mailing a bill to the ~~owner~~ owner by certified mail with return receipt requested, or by personally serving the ~~owner~~ owner with a copy of the bill. If service is not

perfected by either of these methods the billing notice shall be published in a newspaper of general circulation ~~in the city~~ once a week for two consecutive weeks.

~~(B).~~ If the ~~owner~~ owner fails to pay the bill, the city shall cause the costs of abatement to either be certified to the county treasurer of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio and levied as a special assessment against the property which was the subject of the abatement action, and recovered in the manner provided for the recovery of special assessments, or shall be collected by civil action in like manner as other debts may be collected.

Section 4: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Nuisance Abatement Code, Title 47, Chapter 4707 as follows:

4707.01 General provision

The ~~owner~~ *owner* of any vacant building or structure shall secure and ~~register~~ maintain the building or structure in accordance with the requirements of this chapter.

4707.03 Standards for securing and maintaining vacant buildings.

A vacant building or structure shall be secured in accordance with all of the following requirements:

(1) ~~A.~~ All windows, doors, openings or holes in the structure shall be covered with minimum one-half (1/2) inch weather protected CDX plywood tightly fitted to the exterior of the opening; and

(2) ~~B.~~ The CDX plywood shall be attached with appropriate length galvanized bolts or two (2) inch galvanized screws; and shall be painted to be compatible with the exterior of the structure; and

(3) ~~C.~~ The roof and flashing shall be sound, tight, and not have defects that admit water. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. The use of sheets of plastic or tarpaulins or similar materials does not satisfy the requirements of this paragraph; and

(4) ~~D.~~ The vacant building or structure, and premise shall be maintained in compliance with;

- 1. Title 700 - the Health Safety and Sanitation Code as it relates to interior and exterior sanitation, infestation, and high grass and weed requirements C.C.C. § 705.03, C.C.C. § 707.03, C.C.C. § 709.03, and C.C.C. § 713.03; and,

- 2. Title 45 - the Columbus Housing Code C.C.C. § 4521.04, C.C.C. § 4525.01, C.C.C. § 4525.03, C.C.C. § 4525.08, ~~C.C.C. § 4525.09~~, C.C.C. § 4525.11, C.C.C. § 4525.13, and C.C.C. § 4525.14; and,

- 3. Title 9 - the Streets, Parks and Public Properties Code as it relates to the maintenance of the public sidewalks adjacent to the premise and house number requirements, C.C.C. § 905.04, and C.C.C. § 907.01.

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4707.05 Discontinuance of utilities in vacant buildings vacated as unfit for human habitation or use.

~~In any building which has been condemned and placarded as unfit for human habitation or use and vacated, the administrator may cause any or all utilities serving such building to be discontinued or disconnected until such time as the defects upon which the condemnation and placarding of the building were based have been eliminated. The administrator may cause any or all utilities serving such building to be discontinued by notifying the public utility or utilities serving such building that the building has been condemned as being unfit for human occupancy or use and vacated. Upon receipt of such notice, the public utility or utilities shall be disconnected or discontinue the utility service within a reasonable time. Such notice shall include the date the order was issued and the date the property was first vacated; ***a copy of the order relating to the building shall be attached.*** Upon prior written approval by the administrator any utility or utilities available to a building that has been condemned as unfit for human habitation or use and vacated may be resumed or reconnected for the purpose of facilitating compliance with the notice of violation issued pursuant to C.C. 4509.02. Except as provided herein, no person shall resume or reconnect any utility or cause resumption or reconnection of any utility which has been discontinued or disconnected as provided herein without first obtaining prior written approval by the administrator.~~

The Director may cause any or all utilities to be disconnected or disconnected from any building or structure that has been declared as unfit for human habitation or use and vacated, or found to be vacant and declared and placarded as a hazardous building, until such time as the defects upon which the declaration and placarding of the building or structure were based have been eliminated. The Director may cause any or all utilities serving such building or structure to be discontinued by notifying the public utility or utilities serving such building or structure that the building or structure has been

declared as being unfit for human occupancy or use and vacated or declared and placarded as a hazardous building. Such notice shall include the date the order was issued and the date the property was first vacated or declared a hazardous building; a copy of the order relating to the building or structure shall be attached. Upon receipt of such notice, the public utility or utilities shall disconnect or discontinue the utility service within a reasonable time. Any utility or utilities available to a building or structure that has been so disconnected may be resumed or reconnected for the purpose of facilitating compliance with a notice of violation upon prior written approval by the Director. Except as provided herein, no person shall resume or reconnect any utility or cause resumption or reconnection of any utility which has been discontinued or disconnected as provided herein without first obtaining prior written approval by the Director.

4707.07 Reoccupancy of building.

No building or structure which has been ~~eondemned~~declared and posted as unfit for human habitation or use and vacated, or found to be vacant and declared and placarded as a hazardous building pursuant to C.C. section 4709.03, shall again be used for human habitation or use until written approval is secured from, and such placard is removed by, the ~~director~~Director. The ~~director~~Director shall remove or cause to be removed such placard whenever the defects upon which the ~~eondemnation~~declaration and posting or placarding action were based have been eliminated.

4707.09 Tampering or removing posting or placard.

Except as provided in Section 47057.07, no person shall deface or remove the posting or placard from any building or structure which has been found to be vacant and declared and placarded as a hazardous building pursuant to C.C. section 4709.03, or eondemned declared and posted as unfit for human habitation or use and placarded as such.

Section 5: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Nuisance Abatement Code, Title 47, Chapter 4709 as follows:

4709.01 General provision.

The designation of any building or ~~aecessory~~ structure as being a hazardous building and the procedure for the ~~eondemnation~~declaration and placarding of such building or ~~aecessory~~ structure shall be carried out in accordance with the requirements set forth in this chapter.

No ~~owner~~owner shall allow a hazardous building or ~~aecessory~~ structure as defined in this chapter to exist for a period exceeding sixty (60) calendar days following the date such building or ~~aecessory~~ structure is so ~~designated~~declared by the code enforcement officer without either having commenced repairs or demolition thereof. Such repairs or demolition shall be completed within a reasonable time as ordered by the ~~code enforcement officer~~code enforcement officer.

4709.03 Designation as a hazardous building.

Any building or structure found to be vacant or which becomes vacant after having been declared unfit for human habitation or use, ~~including accessory structures~~, and which because of its condition, constitutes a hazard to the public health, safety, or welfare is hereby declared to be a nuisance and a hazardous building and shall be so designated and placarded by the code enforcement officer.

4709.05 Notices.

Whenever the ~~code enforcement officer~~code enforcement officer determines that a building or structure is a hazardous building as defined in C.C. 47079.03:

(a) ~~A. He~~ The code enforcement officer shall serve notice pursuant to C.C. 4701.09, and

~~(b)~~ B. The *code enforcement officer* shall affix to such building or portion thereof, upon the door or entrance thereto, a placard on which shall be printed a declaration that such building or portion thereof is a hazardous building.

4709.07 Repair, secure or demolition.

Any vacant building or structure not in compliance with Chapter 4707 shall be deemed a hazardous building and so ~~designated~~ declared and placarded by the ~~code enforcement officer~~ *code enforcement officer* and shall be brought to a safe condition by being secured and maintained in accordance with Chapter 4707, or razed within a reasonable time as ordered by the ~~code enforcement officer~~ *code enforcement officer*. Failure to bring the building or structure into a safe condition is a violation of this code as specified in C.C. section 4701.15, such that the ~~director~~ *Director* may initiate any proper legal action, and/or referral of the property to the ~~Nuisance Abatement Board~~ Safe Neighborhood Review Board for an appropriate hearing and finding.

Section 6: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Nuisance Abatement Code, Title 47, Chapter 4711 as follows:

4711.01 Registry of Neglected Properties.

There is hereby created in the ~~d~~Development a ~~r~~Registry of ~~n~~Neglected ~~p~~Properties. This registry shall be available for public inspection during regular business hours of the ~~d~~Development.

4711.03 Neglected Properties To Be Registered.

A. An ~~owners~~ *owner* is of real property are required to register in the ~~r~~Registry of ~~n~~Neglected ~~p~~Properties those parcels of real property ~~they own~~:

- ~~1. Which are vacant land; or~~
- ~~2.1. Which have on them a vacant building or buildings~~ Upon failure to abate a public nuisance as required by a notice of violation issued by a *code enforcement officer*, a court order or an order of the Safe Neighborhood Review Board; and
- ~~3.2. Which are public nuisances as defined in 4703.01(E); and, On which a vacant building, buildings, or structure existed at the time the notice or order required such nuisance to be abated.~~
- ~~4. Which public nuisances have not been abated as required by a notice of violation issued by a code enforcement officer, a court order or an order of the safe neighborhood review board.~~

B. Owners of real property may petition to have a property removed from the Registry of Neglected Properties in the following manner:

1. The owner shall provide evidence that the public nuisance(s) required to be abated by a notice of violation issued by a *code enforcement officer*, a court order or an order of the Safe Neighborhood Review Board, have been abated. Such evidence shall be submitted in writing on a form provided for that purpose, and
2. The owner can verify there is no active Safe Neighborhood Review Board or Court action associated with enforcement of the nuisance issues, and
3. A minimum time period of six (6) months has elapsed since the property was first registered.

4711.05 Owner's Affidavit

~~Owners~~ *Owners* who are required to register their properties in the ~~r~~Registry of ~~n~~Neglected ~~p~~Properties shall submit for filing in the ~~r~~Registry of ~~n~~Neglected ~~p~~Properties an affidavit in which the ~~owner~~ *owner* affirms as true the following information:

1. The name of the ~~owner~~ *owner* of the property. The definition of ~~owner~~ *owner* as defined in 4703.01(D) applies to this requirement.

2. A mailing address where mail may be sent that will be acknowledged as received by the ~~owner~~ owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed,” or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the ~~owner~~ owner has failed to comply with this requirement.
3. The name of an individual responsible for the care and control of the property. Such individual may be the ~~owner~~ owner, if the ~~owner~~ owner is an individual, or may be someone other individual.
4. A current address, phone number and fax or email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed,” or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the ~~owner~~ owner has failed to comply with this requirement.
5. In those instances where the real property is vacant land or has on it a vacant building(s) or ~~buildings~~ structure(s) and has been found to be a ~~public nuisance~~ public nuisance, proof that the ~~owner~~ owner has sufficient financial responsibility to abate any nuisance condition which a court or the ~~s~~Safe ~~n~~Neighborhood ~~r~~Review ~~b~~Board finds exist on the property, and proof that the property is insured against fire and casualty loss in an amount equal to the fair market value of the property with an insurance company licensed to do business in the State of Ohio. The ~~director~~ Director shall establish rules regarding what information must be contained in a proof of financial responsibility.

4711.07 Registration Fee

There shall be a one hundred (\$100.00) dollar fee for the filing of the original ~~owner's~~ owner affidavit. There shall be a one hundred (\$100.00) dollar fee for the filing of any additional or new ~~owner's~~ owner affidavit.

470711.09 Requirement To Keep Information Current

If at any time the information contained in the affidavit on file is no longer current, the ~~owner~~ owner must file within twenty (20) calendar days after the information becomes outdated a new affidavit listing current information.

~~4711.11 Criminal and Civil Penalties.~~

~~(A) Failure to file the required affidavit and failure to maintain an affidavit containing current information shall be a misdemeanor of the first degree. Each day that a required affidavit is not on file and each day that an owner fails to maintain current information in an affidavit on file shall be considered a separate offense. Strict liability is intended.~~

~~(AB) In addition to any criminal penalties a court may impose on an owner found guilty of failing to file or failing to maintain, each day that an owner fails to file the required affidavit or fails to maintain current information in an affidavit on file shall result in a civil forfeiture of \$100 for each day that the required affidavit is not filed or is not maintained with current information. The director may file a civil action styled “complaint for civil forfeiture” in the environmental division of the Franklin County Municipal Court seeking a court order to recover any accumulated civil forfeiture penalties.~~

Section 7: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Planning and Platting Code, Title 31 as follows:

3117.04 Duties.

The duties of the historic resources commission shall be as follows:

- (A) To conduct a survey of all properties which may be eligible for designation as listed properties and make recommendation to council for the designation of appropriate properties as listed properties.
- (B) To maintain the Columbus Register of Historic Properties which will contain the following information about each listed property:
 - (1) The roster number of the listed property;
 - (2) The description of the parcel of real estate on which the listed property is located as such description appears on the tax duplicate;
 - (3) The street address or other applicable reference to the recognized location of the listed property;
 - (4) A site plan of the real estate on which the listed property is located showing the location thereon of the listed property;
 - (5) A minimum of two photographs of the listed property;
 - (6) A statement of the historical and/or architectural significance of the listed property; and
 - (7) The ~~owner~~ owner's name, address and telephone number.
- (C) To nominate, in a manner consistent with federal and state regulations, property for designation as listed property with approval of council and review nominations to the National Register of Historic Places and make recommendations to the mayor and city council concerning such nominations.
- (D) To advise the mayor and make recommendations as to the conservation of the city's structures, sites, groups and districts or as to any alteration, rehabilitation or demolition proposed for a city-owned property, park or right-of-way listed in the Columbus Register of Historic Properties.
- (E) To preserve and protect historical structures, groups, districts and sites of the city.
- (F) To study the problems and determine the needs of the city in furthering the purpose of preservation.
- (G) To determine what legislation or policy, if any, is necessary to further preservation, restoration and development of historical resources and to recommend the same to the mayor or council, whichever is appropriate.
- (H) To prepare, adopt and publish guidelines consistent with the standards for listed properties pursuant to Chapter 3116, C.C.
- (I) To consider proposed construction, reconstruction, alteration or demolition of structures or architectural features of listed properties pursuant to regulations and standards of Chapters 3116 and 3117, C.C., and pertinent guidelines and issue certificates therefor if determined to be appropriate.
- (J) To work with the ~~nuisance abatement~~ Safe Neighborhood Review Board to find alternatives to the demolition of any historic property within the commission's jurisdiction which is declared to be a nuisance.
- (K) To receive for review, comment and recommendation from the department copies of applications and notices of all public hearings related to rezonings, special permits, variances, demolitions and zoning appeals regarding property located wholly or partially within a listed property.
- (L) To provide for regular and special meetings to accomplish the purposes of paragraphs (A) through (K) herein.

Section 8: That the Columbus City Codes, 1959, are hereby supplemented by revising existing sections of the Columbus Housing Code, Title 45, Chapter 4509 as follows:

4509.03 Hearing.

- (A) Any person affected by any notice which has been issued in connection with the enforcement of any provision of the Columbus City Codes, except as otherwise specified, including but not limited to the Nuisance Abatement Code, the Health, Sanitation, and Safety Code, the Housing

Code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the property maintenance appeals board on all matters set forth in such notice, provided that:

(1) Such person shall file a written petition for such appeal hearing in the neighborhood services division office within fifteen (15) calendar days after the notice is served; and,

(2) The petition shall set forth the factual reasons why a particular violation or violations is being appealed.

(B) Upon the receipt of such petition, the ~~director~~ *Director*, acting as secretary to the board, shall set a time and place for such hearing and shall give the petitioner written notice thereof.

(C) At such hearing all parties shall have the right to appear and be heard in person, or by legal counsel, to present their case.

(D) The hearing shall be commenced not later than forty-five (45) calendar days after the day on which the petition is filed, except the board may continue the hearing by its own motion, or at the request of either party.

Section 9: That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Chapter 4513 in the Columbus Housing Code, Title 45, consisting of four (4) sections as follows:

4513.01 General provision.

The designation of buildings or structures as being unfit for human habitation or use and the procedure for the declaration and placarding posting of such building or structure shall be carried out in accordance with the requirements set forth in this chapter.

4513.03 Designation of buildings as unfit for habitation.

Any building or structure which shall be found to have any of the following defects is hereby declared a public nuisance and shall be declared as unfit for human habitation or use and shall be so placarded posted by the code enforcement officer.

A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it is hazardous to the health or safety of the occupants or of the public.

B. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

C. One which because of its general condition is unsanitary or otherwise hazardous to the health or safety of the occupants or of the public.

4513.05 Vacation of premises.

No owner or other person shall continue to occupy or use or let the permit to be occupied or used or let by another for occupancy or use any building or structure which has been declared as unfit for human habitation or use. The building or structure shall be vacated within a reasonable time as ordered by the code enforcement officer.

4513.07 Notices.

Whenever the code enforcement officer determines that a building or structure is unfit for human habitation or use, the Code Enforcement Officer shall:

A. Serve notice pursuant to Section 4509.02, and

B. Affix to such building or structure or portion thereof, upon the door or entrance thereto, a placard notice on which shall be printed a declaration that such building or portion thereof is unfit for human habitation. The code enforcement officer shall remove such placard notice whenever the violation or violations upon which the declaration and placarding posting of the notice action were based have been eliminated.

Section 10: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.