



Legislation Text

File #: 3019-2016, **Version:** 1

BACKGROUND: In order to improve the efficiency and effectiveness with which repeat code violations are resolved, this ordinance amends the current code to clarify that no provisions of the Columbus City Code shall be construed to prohibit or limit existing remedies available by law, including but not limited to filing a civil complaint for injunctive relief or a criminal misdemeanor complaint in the Environmental Division of the Franklin County Municipal Court.

FISCAL IMPACT: No funding is required for this legislation.

To supplement the Columbus City Code by the amendment of Sections 701.99, 3305.10, 3305.99, 4509.02, 4509.99 and 4701.99 to clarify that no provisions of the Columbus City Code shall be construed to prohibit or limit existing remedies available by law.

WHEREAS, there are instances when code violations are repeatedly found on the same property or parcel, and

WHEREAS, the owner or tenant responsible for these violations repeatedly corrects the violations, for a limited time, upon receipt of a violation notice issued by Code Enforcement, and

WHEREAS, these repeat violations have a significant and adverse impact on neighborhoods and communities; and

WHEREAS, in order to improve the efficiency and effectiveness with which repeat code violations are resolved, this ordinance amends the current code to clarify that no provisions of the Columbus City Code shall be construed to prohibit or limit existing remedies available by law, including but not limited to filing a civil complaint for injunctive relief or a criminal misdemeanor complaint in the Environmental Division of the Franklin County Municipal Court, now, therefore,

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

SECTION 1. That Section 701.99 of the Columbus City Code is hereby amended to read as follows:

701.99 - Violation and penalties.

- A. Whoever violates the Health, Sanitation and Safety Code, unless specified elsewhere in this code, is guilty of a misdemeanor of the first degree and fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one hundred eighty (180) days or both. An organization convicted of a violation of this Health, Sanitation and Safety Code, a misdemeanor of the first degree, shall be fined not more than five thousand dollars (\$5,000.00). This penalty is in addition to and separate from any civil or administrative penalties or remedies provided for by this code or pursuant to Ohio law.
- B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- C. Strict liability is intended to be imposed for violation of the Health, Sanitation and Safety Code.
- D. Nothing in this chapter shall be construed to prohibit the director from pursuing the enforcement of any provision of this Health, Sanitation and Safety Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal

Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.

SECTION 2. That Section 3305.10 of the Columbus City Code is hereby amended to read as follows:

3305.10 - Contents of notice of violation.

Whenever the director, or his/her designee, determines that there is a violation of any provision of the Zoning Code or of any rule or regulation adopted pursuant thereto, he or she ~~shall~~ may give notice of such violation to the owner as the term is defined in C.C. 3303.15, as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;
- D. Be served by any one of the following methods:
 1. Personal service; or
 2. Certified mail; or
 3. Residence service; or
 4. Publication; or
 5. Regular mail service to an address that is reasonably believed to be either a place of residence or a location at which the owner regularly receives mail; or
 6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.
- E. Be available to any person upon request after payment of a reasonable fee to cover the cost of making a copy of the same.

Any notice served shall automatically become an order if a written petition for a hearing before either the board of zoning adjustment, the graphics commission or the board of commission appeals is not filed with the director or his or her designee within 20 calendar days after such notice is served.

SECTION 3. That Section 3305.99 of the Columbus City Code is hereby amended to read as follows:

3305.99 - Violation and penalties.

- A. A person or owner as defined in Chapter 3303 and any employee of such person or owner who fails to comply with any provision of this Zoning Code or valid order issued pursuant thereto is guilty of a misdemeanor of the first degree. Each day that such violation or noncompliance continues shall constitute a separate and complete offense. Separate penalties may be imposed for each offense. This penalty is in addition to and separate from any civil or administrative penalties or remedies provided for by this code or pursuant to Ohio law. Strict liability is intended to be imposed for a violation of this code.
- B. Nothing in this chapter shall be construed to prohibit the director from pursuing the enforcement of any provision

of this Zoning Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.

SECTION 4. That Section 4509.02 of the Columbus City Code is hereby amended to read as follows:

4509.02 - Contents of notice of violation.

Whenever the code enforcement officer determines that there is a violation of any provision of the Housing Code or of any rule or regulation adopted pursuant thereto, he shall may give notice of such violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;
- D. A notice of violation shall be served by any one (1) of the following methods:
 1. Personal service, or
 2. Certified mail, or
 3. Residence service, or
 4. Publication, or
 5. Regular mail service to an address that is reasonably believed to be:
 - a. A place of residence of the owner, or
 - b. A location at which the owner regularly receives mail, or
 6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.
- E. Be available to any person upon request upon payment of a reasonable fee to cover the cost of making a copy of the same.

Any notice served shall automatically become an order if a written petition for a hearing before the board of housing appeals is not filed in the division office fifteen (15) calendar days after such notice is served.

SECTION 5. That Section 4509.99 of the Columbus City Code is hereby amended to read as follows:

4509.99 - Violation and penalties.

- A. Whoever violates any provision of this Housing Code is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days or both. Each day that any such person continues to violate any of the provisions of this Housing Code shall constitute a separate and complete offense. Receipt of notice under Section 4509.02 shall not be a prerequisite for

prosecution for any violation of this Housing Code, providing a diligent effort was made under its provisions.

- B. Whoever violates any provision of any rules or regulation adopted by the Director pursuant to authority granted by this Housing Code is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days or both. Each day that any such person continues to violate any rule or regulation adopted by the administrator pursuant to authority granted by this Housing Code shall constitute a separate and complete offense.
- C. Regardless of the penalty otherwise provided in this section, an organization convicted of a violation of the Columbus Housing Code, a misdemeanor of the first degree, shall be fined not more than five thousand dollars (\$5,000.00).
- D. Strict liability is intended to be imposed for a violation of the Columbus Housing Code. This penalty is in addition to and separate from any civil or administrative penalties or remedies provided for by this code or pursuant to Ohio law.
- E. Nothing in this chapter shall be construed to prohibit the director from pursuing the enforcement of any provision of this Housing Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.

SECTION 6. That Section 4701.99 of the Columbus City Code is hereby amended to read as follows:

4701.99 - Criminal and civil penalties.

- A. Whoever violates any provision of this code is guilty of a misdemeanor of the first degree.
- B. Each calendar day a violation occurs or is permitted to continue shall constitute a separate offense.
- C. Strict liability is intended to be imposed for violation of this code.
- D. In addition to any criminal penalties a court may impose on an owner, an owner who fails to comply with a notice of violation shall incur a civil forfeiture of one hundred dollars (\$100.00) for each calendar day that the owner fails to comply. 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.
- E. Nothing in this chapter shall be construed to prohibit the director from pursuing the enforcement of any provision of this Nuisance Abatement Code or the Ohio Revised Code through any other remedy available by law, including but not limited to causing to be filed in the environmental division of the Franklin County Municipal Court a civil complaint for injunctive relief or a criminal misdemeanor complaint.

SECTION 7. That existing Sections 701.99, 3305.10, 3305.99, 4509.02 and 4509.99 of the Columbus City Code are hereby repealed.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

