



City of Columbus

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Legislation Text

File #: 0024-2014, **Version:** 1

BACKGROUND: In order to increase compliance with the multiple codes of the City of Columbus that deal with property maintenance, land use, and housing issues, this code change increases the possible penalties for violating these codes from a third degree misdemeanor to a first degree misdemeanor. The possible penalty increases from a maximum fine of not more than five hundred (\$500.00) dollars and imprisoned for not more than sixty (60) days to a maximum fine of not more than one thousand (\$1000.00) dollars and imprisoned for not more than one hundred eighty (180) days, while for organizations the penalties rise from a maximum of three thousand dollars (\$3,000.00) to a maximum of five thousand dollars (\$5,000.00).

The affected codes include Title 1, "Administrative Code," Title 7, "Health, Sanitation and Safety Code," Title 13, Refuse Collection Code," Title 31, "Planning and Historic Preservation Code," Title 33, "Zoning Code," Title 41, "Building Code," Title 43, "Platting and Engineering Code," and Title 45, "Housing Code."

This code change was reviewed at a joint public hearing held on December 17, 2013 and at an additional public meeting held on January 21, 2014, in City of Columbus Council Chambers, hosted by Councilmember Zach M. Klein, chair of the Development Committee, and Councilmember Michelle M. Mills, chair of the Public Safety and Judiciary Committee.

FISCAL IMPACT: No funding is required for this legislation.

To amend sections of Title 1, "Administrative Code," Title 7, "Health, Sanitation and Safety Code," Title 13, Refuse Collection Code," Title 31, "Planning and Historic Preservation Code," Title 33, "Zoning Code," Title 41, "Building Code," Title 43, "Platting and Engineering Code," and Title 45, "Housing Code" of the Columbus City Codes in order to increase penalties for violations of these codes from a third degree misdemeanor to a first degree misdemeanor.

WHEREAS, in order to increase compliance with the multiple codes of the City of Columbus that deal with property maintenance, land use, and housing issues, this code change increases the possible penalties for violating these codes from a third degree misdemeanor to a first degree misdemeanor; and

WHEREAS, the possible penalty increases from a maximum fine of not more than five hundred (\$500.00) dollars and imprisoned for not more than sixty (60) days to a maximum fine of not more than one thousand (\$1000.00) dollars and imprisoned for not more than one hundred eighty (180) days, while for organizations the penalties rise from a maximum of three thousand dollars (\$3,000.00) to a maximum of five thousand dollars (\$5,000.00); and

WHEREAS, the affected codes include Title 1, "Administrative Code," Title 7, "Health, Sanitation and Safety Code," Title 13, Refuse Collection Code," Title 31, "Planning and Historic Preservation Code," Title 33, "Zoning Code," Title 41, "Building Code," Title 43, "Platting and Engineering Code," and Title 45, "Housing Code"; and

WHEREAS, this code change was reviewed at a joint public hearing held on December 17, 2013, in City of Columbus Council Chambers, hosted by Councilmembers Zach M. Klein, chair of the Development Committee, and Councilmember Michelle M. Mills, chair of the Public Safety and Judiciary Committee; **now, therefore,**

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

SECTION 1. That existing section 135.99 of the Columbus City Codes is hereby amended to read as follows:

135.99 Penalty.

- A. Unless otherwise provided for in any promulgated rule or regulation or in the Columbus City Health Code, whoever violates this chapter is guilty of failure to comply with the orders or regulations of the health commissioner or the board of health, a misdemeanor of the first ~~third~~ degree. Each day of violation shall constitute a separate violation.
- B. Strict liability is intended to be imposed for a violation of this chapter.

SECTION 2. That existing section 701.99 of the Columbus City Codes 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 third ~~first~~ degree and fined not more than one thousand dollars (\$1000.00) ~~five hundred dollars (\$500.00)~~ or imprisoned not more than one hundred eighty (180) sixty (60) days or both. An organization convicted of a violation of this Health, Sanitation and Safety Code, a misdemeanor of the third ~~first~~ degree, shall be fined not more than five thousand dollars (\$5,000.00) ~~three thousand dollars (\$3,000.00)~~. 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.

SECTION 3. That existing section 1399.01 of the Columbus City Codes is hereby amended to read as follows:

1399.01 Violation and Penalties ~~Violation-Penalty.~~

Unless otherwise provided in the Ohio Revised Code, whoever violates any section of this Refuse Collection Code may be deemed guilty of a third ~~first~~ degree misdemeanor and fined not more than one thousand dollars (\$1000.00) ~~five hundred (\$500.00) dollars~~, imprisoned for not more than one hundred eighty (180) sixty (60) days and shall be responsible for court costs. Strict liability is intended to be imposed for violation of this 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.

SECTION 4. That existing section 3101.99 of the Columbus City Codes is hereby amended to read as follows:

3101.99 Violation and Penalties.

Whoever violates or fails to comply with any provision of this Planning and Historic Preservation 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.

~~A person, owner, or anyone in their employ who is found guilty of having committed or assisted in the commission of one or more of the violations listed in C.C. 3101.09, may be charged with a separate misdemeanor of the third degree for each day the violation exists in addition to and separate from other penalties provided for by this code. Separate penalties may be imposed for each offense.~~

SECTION 5. That existing section 3305.99 of the Columbus City Codes is hereby amended to read as follows:

3305.99 Violation and Penalties.

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.

~~A person or owner as defined in Chapter 3303, and anyone in their employ who is found guilty of having committed or assisted in the commission of one or more of the violations listed in C.C. 3305.09, may be charged with a separate misdemeanor of the third degree for each day the violation exists. Separate penalties may be imposed for each offense.~~

SECTION 6. That existing section 4111.99 of the Columbus City Codes is hereby amended to read as follows:

4111.99 Violation and Penalties ~~Building Code penalty.~~

(A) Whoever violates or fails to comply with any provision of this Building Code or valid order issued pursuant thereto is guilty of a misdemeanor of the ~~third~~ first degree and shall be fined not more than ~~\$1,000.00~~ \$500.00 or imprisoned for not more than ~~180~~ 60 days or both. Each day that such violation or noncompliance continues shall constitute a separate and complete offense.

(B) Whoever violates or fails to comply with any rule or regulation adopted by the ~~building official~~ Director pursuant to authority granted by this Building Code is guilty of a misdemeanor of the ~~third~~ first degree and shall be fined not more than ~~\$1,000.00~~ \$500.00 or imprisoned for not more than ~~180~~ 60 days or both. Each day that such violation or noncompliance continues shall constitute a separate and complete offense.

(C) Regardless of the penalty otherwise provided in this section, an organization convicted of a violation of or noncompliance with the Columbus Building Code or any rule or regulation adopted by the building official pursuant to authority granted by this Building Code shall be guilty of a misdemeanor of the ~~third~~ first degree, and shall be fined not more than ~~\$5,000.00~~ \$3,000.00.

(D) Strict liability is intended to be imposed for a violation of the Columbus Building 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.

SECTION 7. That existing section 4301.99 of the Columbus City Codes is hereby amended to read as follows:

4301.99 Violation and Penalties.

Whoever violates or fails to comply with any provision of this Platting and Engineering 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.

~~A person, owner, or anyone in their employ who is found guilty of having committed or assisted in the commission of one or more of the violations listed in C.C. 3101.09, may be charged with a separate misdemeanor of the third degree for each day the violation exists in addition to and separate from other penalties provided for by this code. Separate penalties may be imposed for each offense.~~

SECTION 8. That existing section 4509.99 of the Columbus City Codes 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 ~~third~~ first degree and shall be fined not more than ~~one thousand dollars (\$1000.00)~~ five hundred dollars (\$500.00) or imprisoned for not more than ~~one hundred eighty (180)~~ sixty (60) 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 C.C. 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 ~~administrator~~ Director pursuant to authority granted by this Housing Code is guilty of a misdemeanor of the ~~third~~ first degree and shall be fined not more than ~~one thousand dollars (\$1000.00)~~ five hundred dollars (\$500.00) or imprisoned for not more than ~~one hundred eighty (180)~~ sixty (60) 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 ~~third~~ degree, shall be fined not more than five thousand dollars (\$5,000.00) ~~three thousand dollars (\$3,000.00)~~.

(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.

SECTION 9. That prior existing sections 135.99, 701.99, 1399.09, 3101.09, 3101.99, 3305.09, 3305.99, 4111.99, 4301.13, 4301.99, and 4509.99 of the Columbus City Codes, 1959, are hereby repealed.

SECTION 10. That this ordinance shall take effect and be in force from and after the earliest period provided by law.