

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30050

Ordinance No. 3674 Page 1 of 2

Passed AUGUST 11, 2020

AN ORDINANCE ADOPTING A NEW CHAPTER 160 OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON KNOWN AS "PUBLIC NUISANCES" AND AMENDING CHAPTER 37: GENERAL FEE SCHEDULE REGARDING ASSESSMENT OF COSTS BY THE CITY, IN ORDER TO MORE EFFECTIVELY AND EFFICIENTLY ABATE PUBLIC NUISANCES RELATED TO PROPERTIES.

WHEREAS, Property Maintenance Code Section 158.10: Public Nuisance Declaration Process was last updated by Ordinance 3502 on January 10, 2012, and as written is outdated and lacks the required detail to effectively enforce; and

WHEREAS, Section 158.10 of the Property Maintenance Code is proposed to be removed with the adoption of the new Chapter 158: Property Maintenance Code under separate consideration by City Council in Ordinance 3673; and

WHEREAS, an application has been filed by the City of West Carrollton proposing adoption of a new Chapter 160: Public Nuisances as reflected in Exhibit A, in order to involve several city departments including Community Development/Code Enforcement, Police, Fire, and Service in not only addressing nuisances related to fire, unsafe occupancy, and vacancy but also nuisance issues related to drug offenses, human trafficking, and liquor law offenses as they relate to properties; and

WHEREAS, several neighboring cities such as Trotwood, Riverside, and Kettering have adopted similar legislation; and

WHEREAS, an amendment is proposed to Chapter 37: General Fee Schedule as reflected in Exhibit B to add Section 37.40: Public Nuisance – Assessment of Costs by City, in order to recover any costs incurred by the City in the abatement of a public nuisance; and

WHEREAS, Section 158.12 of the Property Maintenance Code authorizes the Board of Zoning Appeals (BZA) to "execute the purpose of" the Property Maintenance Code, and since the BZA assumed the prior responsibilities of the Property Maintenance Code Appeals Board it has been staff's interpretation that any proposal regarding property maintenance issues should first be reviewed by the BZA and a recommendation be made to City Council; and

WHEREAS, on July 9, 2020, the Board of Zoning Appeals reviewed this proposal, at which time all people who wished to testify gave their comments, and the Board of Zoning Appeals unanimously recommends approval of the proposed amendments; and

WHEREAS, this ordinance was considered by the West Carrollton City Council at an open public meeting on July 28, 2020; and

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WHEREAS, approval of the adoption of a new Chapter 160: Public Nuisances and a new Section 37.40: Public Nuisance – Assessment of Costs by City is in the best interest of the citizens of West Carrollton in preserving and enhancing property values and protecting the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:

SECTION I. That Chapter 160 of the Code of Ordinances of the City of West Carrollton known as “Public Nuisances” shall be and hereby is adopted as reflected in Exhibit A.

SECTION II. That Section 37.40: Public Nuisance – Assessment of Costs by City shall be and hereby is adopted as reflected in Exhibit B.

SECTION III. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV. That this Ordinance shall take effect from and after the earliest period allowed by law.

PASSED by the Council of the City of West Carrollton, State of Ohio, this AUGUST day 11th, 2020.

Attest:

Tom Rulky
Clerk of Council

Mayor [Signature]

Effective Date: SEPTEMBER 11, 2020

CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the Ordinance to be a true and correct copy of Ordinance No. _____, adopted on the _____, day of _____, 2020.

Clerk of Council

Dated: _____