

ORDINANCE NO. 98-15 AC CMS

AN ORDINANCE AMENDING CHAPTER 521 OF THE CODIFIED ORDINANCES  
OF THE CITY OF OBERLIN, OHIO, TO DEFINE "PUBLIC NUISANCE"  
AND PROVIDE FOR THE ABATEMENT OF SAME

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain,  
and the State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Chapter 521 of the Codified Ordinances of the City of Oberlin is hereby amended to add Section 521.12 relating to the definition of and abatement procedure for public nuisances that are determined to exist within the City, said section to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading - February 2, 1998  
2<sup>nd</sup> Reading - February 17, 1998  
3<sup>rd</sup> Reading - March 2, 1998

ATTEST:

  
CLERK OF COUNCIL

  
CHAIR OF COUNCIL

POSTED: March 4, 1998

EFFECTIVE DATE: April 2, 1998

EXHIBIT A - ORDINANCE NO. 98-15 AC CMS

521.12 PUBLIC NUISANCES.

(a) Notice to Abate; Compliance. No person shall suffer, permit or allow to exist within the City any act, thing or condition of a kind which has been or may hereafter be defined by ordinance as a public nuisance.

Whenever a public nuisance exists, the Code Administrator shall cause the owner, tenant or person in charge of such property upon which such public nuisance exists to be served with a notice to abate the public nuisance on or before fifteen days after receipt of such notice. Notice, as described herein, shall consist of the mailing of such notice to the owner, tenant or person in charge of the property by registered or certified mail, return receipt requested, or by personal service or by posting the notice in a conspicuous place upon such property for a period of five days.

Whoever fails to comply with such notice shall be deemed guilty of a minor misdemeanor and each day of such noncompliance shall constitute a separate offense.

(b) Public Nuisance Defined. The following shall be deemed to constitute a public nuisance within the City:

- (a) The erection, continuance, use or maintenance of a building, structure or place for the exercise of a trade, employment or business, either upon public or private property, or the keeping or feeding of any animal which, by causing noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public;
- (b) The storage of a motor vehicle in an inoperative or unlicensed condition upon public or private property or more than fifteen days without being obscured from public view;
- (c) The storage of garbage and/of offal, which means and includes all refuse and waste of animals, fish, fowl, fruit and vegetable matter or accumulations in the use and preparation of food for the table, or which has been discarded and abandoned and is of no future use or value to the owner for domestic consumption, contrary to the rules and regulations of the Lorain County Board of Health;
- (d) The suffering, permitting, allowing to remain or maintaining of rubbish, refuse or junk, which includes but is not limited to wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, weeds, paper, circulars, handbills, boots, shoes

or ashes, or discarded or abandoned iceboxes, refrigerators, washing machines or other airtight or semi-airtight containers, or any other waste material upon public or private property contrary to these codified ordinances or regulations of the Board of Health; and

- (e) The maintenance or allowance of building materials upon public or private property constitutes a public nuisance if such building materials, which include all residue from building construction and new building materials, are not removed or utilized in construction within thirty days after such materials are placed upon a premises. However, if construction is initiated upon such premises and such building materials are to be used in the construction, then such building materials shall be allowed to remain upon such premises for a period of time not to exceed thirty days after the completion of the construction. For the purpose of the prevention of rodents and other unsanitary conditions, any storage of building materials or deposit of the same upon any property shall consist of building materials being placed at least six inches off the ground at any time.

(c) Enforcement. Whenever any public nuisance exists, at the request of Council, the City Solicitor shall institute proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement or abatement of the public nuisance. This section shall not relieve any person from criminal prosecution or punishment under these Codified Ordinances or any other criminal law enforced in the City.

(d) Remedy of City. If the owner or person having charge of any premises within the City upon which exists public nuisance fails to comply with any notice established herein or fails to prohibit the existence of such public nuisance, the City has the authority to take whatever action is necessary to abate the public nuisance, including, but not limited to, entering upon any public or private property, and expending or furnishing labor and materials necessary to abate the public nuisance. All such expenses and costs shall be paid out of City funds appropriated therefor, and the City shall thereafter certify such expenses to the County Auditor. Such amounts shall thereupon be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry thereon, to be collected as other taxes and remitted to the City upon collection.