

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 2, strike "Section 630.01" and insert "Sections 630.01 and 630.02"; and in line 5, strike "24" and insert "21"; and in Section 1, line 3, strike "24" and insert "21".

2. In Section 1, line 1; strike "Section 630.01" and insert "Sections 630.01 and 630.02"; and in line 2, strike "is" and insert "are".

3. In Section 1, at amended Section 630.01(a)(13), line 2, after "Prohibited" insert "and Section 683.02 (Playing of Sound Devices in Motor Vehicles Prohibited; When)".

4. In Section 1, at amended Section 630.01(a)(17), line 3, strike "and"; and at Section 630.01(a)(18), line 3, strike the period and insert "; and

(19) Any parking violations under Sections 451.22 (Between Sidewalk and Setback Line), 451.23 (Tree Lawn and Private Driveway), 451.241 (Parking Vehicles on Vacant Lots Prohibited), and 451.251 (Prohibition Against Abandonment of Junk Motor Vehicle).".

5. In Section 1, after amended Section 630.01, insert Section 630.02 to read as follows:

"Section 630.02 Action to Abate Nuisances; Costs of Enforcement

(a) *Notice That Property May Be Declared a Nuisance.* The Director of Public Safety or his or her designee, upon finding that three (3) or more nuisance activities as defined in Section 630.01 have occurred on separate calendar days within any twelve (12) month period on the same property, may cause a written notice and order to be served on the owner of the property warning that the property is in danger of being declared a nuisance. Any notice provided for in Chapter 630 is a lawful order. Each directive contained in a notice is a separate lawful order, and failure to obey any directive is subject to penalties pursuant to Section 630.02(d). The notice shall be deemed properly delivered if sent by first class mail to the address for the owner listed on the records of the Cuyahoga County Fiscal Office. If the notice is returned as undeliverable, the notice shall be deemed properly delivered if it is either posted on the front door of the premises that is the subject of the notice or if it is delivered in person to the owner. The notice shall contain the following information:

(1) The street address or legal description sufficient for identification of the premises;

(2) A description of the nuisance activities that have occurred at the premises, including the dates of the nuisance activities;

(3) A statement that the premises owner shall respond to the Director of Public Safety or his or her designee within ~~ten (10)~~ fourteen (14) days of the

date of the owner's receipt of the notice with a written plan to abate the nuisance activities;

(4) A statement that the requirement that the owner provide a written plan to abate the nuisance is a lawful order, and that failure to provide a written plan could subject the owner to penalties pursuant to Section 630.02(d); and

(5) A statement that the cost of future enforcement at the premises as a result of nuisance activities may be billed to the premises owner and could become a lien against the property if not paid.

(b) *Determination That Property Is a Nuisance.* If the Director of Public Safety or his or her designee determines that a fourth or subsequent nuisance activity as defined in Section 630.01 occurs later than ~~thirteen (13)~~ seventeen (17) days after the date of delivery of the initial written notice that the property may be declared a nuisance and within twelve (12) months after the date of the third or any subsequent nuisance activity, the City may declare the property a nuisance, provide such notice, and proceed to abate the nuisance activity by using administrative and law enforcement actions, and the costs of the abatement may be charged to the owner of the property and, if not paid, may be certified by the Commissioner of Assessments and Licenses to the County Fiscal Officer to be placed on the nuisance property as a lien to be collected as other taxes and returned to the City. The cost to abate the nuisance activity shall be calculated as set forth in division (c). The City shall provide notice to the owner of the nuisance property of the City's decision to charge the cost of abatement. If the costs are not paid by the owner, the City shall notify the owner at least thirty (30) days before the costs are certified to the County Fiscal Officer. The notice shall contain a street address or legal description of the property, a description of the nuisance activities and the cost to abate. All notices in this division shall be served as set forth in division (a) of this section. The Director of Law may take any other action necessary to collect the costs of abatement.

(c) *Costs of Abatement.* Costs of abatement shall be determined based on the time required to respond to the nuisance activity multiplied by an hourly rate based upon the wages and benefits of a police officer, dispatch costs, vehicle and equipment costs, and supervisory and administrative costs. The hourly rate may be adjusted based on the number of police officers required to abate the nuisance.

(d) *Civil Fine.* If the Director of Public Safety or his or her designee determines that a property owner failed to provide a written plan to abate the nuisance activity within ~~ten (10)~~ fourteen (14) days of the date of a property owner's receipt of the notice, the property owner shall be charged one hundred dollars (\$100.00) per day until a written plan is provided. If the Director of Public Safety, or his or her designee, declares the property a nuisance pursuant to division (b) of this section, the property owner shall be charged two hundred fifty dollars (\$250.00). If the Director of Public Safety or his or her designee declares the property a nuisance pursuant to division (b) of this section and provides notice, then for any fifth or subsequent nuisance activity as defined in Section 630.01 that occurs within twelve (12) months after the date of such notice, a property owner shall be charged five hundred dollars (\$500.00) for a fifth nuisance activity, seven hundred fifty dollars (\$750.00) for a sixth nuisance activity and

one thousand dollars (\$1,000.00) for a seventh or any subsequent nuisance activity occurring on the same property. Any fine is in addition to the costs of abatement that may be charged and, if the fine is not paid, shall be certified to the County Fiscal Officer as set forth in division (b) of this section. Fines are subject to appeal as set forth in division (e) of this section.

(e) *Appeal.* The owner of a nuisance property who receives a notice declaring the owner's property to be a nuisance property, a notice charging the cost of abating nuisance activity, a notice that the cost of abatement shall be certified to the County Fiscal Officer, a notice charging a fine for failing to provide a written plan to abate the nuisance activity, a notice charging a fine for being the owner of a property that has been declared a nuisance property, a notice charging a fine for a fifth or subsequent nuisance activity, or a notice that a fine shall be certified to the County Fiscal Officer, may appeal the notice by submitting a written request to the City official who issued the notice within ten (10) days of the date of the notice. If, after a decision on that appeal, the owner disagrees with the decision, the owner may appeal the decision of the City official to the Board of Zoning Appeals. An appeal to the Board of Zoning Appeals shall be made within fifteen (15) days of the postmark date of the decision from the City official denying the appeal. The Board shall conduct a hearing and render a decision in accordance with City ordinances and regulations governing its conduct and procedure. An appeal to the Board of Zoning Appeals shall not stay any actions by the City to abate any subsequent nuisance activity. In any appeal to the Board of Zoning Appeals, the City must show by a preponderance of the evidence that there was probable cause to believe that each nuisance activity stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property is justified, or that the charging of abatement costs and fines, if applicable, or the certification of abatement costs and fines, if applicable, is justified. The owner may prevail on appeal of any notice if the owner demonstrates by a preponderance of the evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but promptly and vigorously took all actions necessary to abate the nuisance activity including, without limitation, compliance with the requirements of RC 5321.17(C) and RC 5321.04(A)(9); or

(3) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of RC 5321.17(C) and RC 5321.04(A)(9).

(f) *Notification to Council.* The Director of Public Safety shall provide electronic notification to the member of Council in whose ward the property is located when any of the following events occur: a notice that property may be declared a nuisance is issued, a determination is made that a property is a nuisance, and an owner

appeals a decision to the City's Board of Zoning appeals, as described under subsections (a), (b) and/or (e) of this Section 630.02."

6. In Section 2, line 1; strike "Section 630.01" and insert "Sections 630.01 and 630.02"; and in line 3, strike "is" and insert "are".

Date: _____ (Signed): _____

Sierra Lipscomb
Assistant Director of Law

Ord. No. 704-2025