

**CITY OF STRUTHERS, Ohio**  
*Ordinance*

**NO. 21-055**

**AN ORDINANCE CREATING CHAPTER 1307 OF THE CODIFIED  
ORDINANCES OF CITY OF STRUTHERS, OHIO TO PROVIDE  
FOR THE ABATEMENT OF PUBLIC NUISANCES EXISTING ON  
REAL PROPERTY WITHIN THE CITY, AND DECLARING AN  
EMERGENCY.**

**WHEREAS**, property values and the general welfare of the City are founded, in part, upon the appearance and maintenance of properties;

**WHEREAS**, there appears to be a need for further emphasis on the maintenance of a number of properties in that certain conditions have been found throughout the City;

**WHEREAS**, the existence of such conditions are detrimental to the public health, safety and welfare of the residents of the City and contributes substantially and increasingly to the existence of hazards, the diminution of property values, and crime;

**WHEREAS**, the uses and abuses of property reasonably relate to the proper exercise of the police power of the City to protect the health, safety, and welfare of the public;

**WHEREAS**, unless corrective measures are undertaken to alleviate such conditions and particularly to avoid future problems in this regard, the public health, safety, and welfare, and specifically the property values and social and economic standards of the City, will be depreciated;

**WHEREAS**, the abatement of such conditions will enhance the appearance and value of properties within the City in general and improve the general welfare and image of the City; and

**WHEREAS**, the abatement procedures set forth in this Ordinance are reasonable and afford a maximum due process and procedural guarantees.

**NOW, THEREFORE, BE IT ORDINATED** by Council for the City, a majority of all members elected thereto concurring, that:

**SECTION 1:** Chapter 1307 of the City’s Codified Ordinances is hereby created to read as follows:

**CHAPTER 1307 REAL PROPERTY PUBLIC NUISANCE ABATEMENT**

**1307.01 GENERAL**

- (a) **Scope.** The provisions of this Chapter shall apply to every structure or premises, whether used for residential or commercial purposes. The provisions of this Chapter constitute minimum requirements and standards for the health, safety and welfare of the public.
- (b) **Intent.** This Chapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare; to improve aesthetics; and prevent the deterioration of properties within the City.
- (c) **Severability.** The provisions of this Chapter are severable. If any section, paragraph, sentence, or clause hereof shall be declared illegal, unconstitutional or invalid by any court of competent jurisdiction, such illegality, unconstitutionality or invalidity shall not affect the remaining portions of this Chapter and it hereby is declared the intention and purpose of this Council that this Chapter would have been enacted without such illegal, unconstitutional or invalid provision.

**CITY OF STRUTHERS, Ohio**  
**Ordinance**

**NO. 21-055**

- (d) Existing remedies. The provisions and procedures set forth in this Chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the City's Codified Ordinances or any other applicable law on the same or related matters. This Chapter shall supplement existing procedures and will provide an alternative, non-exclusive procedure for the abatement of a nuisance. Nothing in this Chapter shall preclude or prohibit the City from resorting to any appropriate legal remedy.

**1307.02 NUISANCE CONDITIONS**

It is unlawful and a public nuisance for any person owning any property in the City to maintain, or to allow to be maintained, such property in such a manner that any of the following conditions are found to exist thereon, except as may be otherwise allowed by the City's Codified Ordinances:

- (a) Any building, structure or fence that has become so deteriorated so as to render the building, structure or fence unsightly or in a state of disrepair.
- (b) Broken windows constituting hazardous conditions and/or inviting trespassers and/or malicious mischief.
- (c) Overgrown grass, weeds, trees, plant and vegetation likely to harbor rats, vermin or other nuisances, that constitute a health hazard or danger to the public health, safety or welfare or that cause detriment to neighboring property values.
- (d) Trees or other vegetation that obstruct visibility at an intersection or that restrict or impede access to public use of adjacent sidewalks or streets.
- (e) Dead, decayed, diseased or hazardous trees, weeds and debris that is unsightly, dangerous to the public safety and welfare, or detrimental to neighboring properties or to property values.
- (f) Motor vehicles, trailers, campers, recreational vehicles, and boats, or parts thereof, stored or parked in violation of the City's Codified Ordinances.
- (g) Any attractive nuisance.
- (h) Garbage or trash containers stored in violation of the City's Codified Ordinances.
- (i) Junk, trash, garbage and other debris stored in yards and visible from the public right-of-way for an unreasonable period of time.
- (j) Maintenance of property so out of conformity with the maintenance standards or adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of adjacent properties.
- (k) Maintenance of property in such a manner as to cause a hazard to the public by obscuring visibility of intersections.
- (l) Maintenance of property in such a manner as to be detrimental to the public health, safety or general welfare or in such a manner that constitutes a violation of the Ohio Revised Code and/or the City's Codified Ordinances.

**1307.03 DECLARATION OF NUISANCE**

Any property, in whole or in part, found to be maintained in violation of § 1307.02 is declared to be a public nuisance and may be abated by rehabilitation, correction, or repair pursuant to the procedure set forth herein.

**CITY OF STRUTHERS, Ohio**  
**Ordinance**

**NO. 21-055**

**1307.04 AUTHORIZATION OF CODE ENFORCEMENT DIRECTOR**

The Code Enforcement Director is authorized to administer the provisions of this Chapter.

**1307.05 ORDER TO ABATE NUISANCE**

Whenever the Code Enforcement Director determines that any property in the City is being maintained in violation of the provisions of this Chapter, s/he shall give written notice thereof to the property owner(s) in substantially the following form:

*NOTICE IS HEREBY GIVEN that an inspection made on the property known and designated as [address of property] was made by the City on [date], and a determination made that the property constitutes a public nuisance for the following reasons: [insert]*

*You are hereby ordered to abate the nuisance by doing the following: [insert]*

*The nuisance must be abated within fourteen (14) days of the notice. Failure to abate the nuisance may result in the City taking action to abate it. The costs incurred by the City to abate the nuisance may be certified to the County Auditor for collection as other taxes and assessments are collected, and/or the City may file a lawsuit against the property owner(s) to recover the costs.*

*You may appeal this abatement order with the Board of Building Appeals by filing a written petition with the Clerk of Council setting forth your name, address and phone number of the and a brief statement of the grounds for the appeal. The petition shall be filed within fourteen (14) days of the date of this notice and shall be accompanied by a non-refundable fee of Twenty-five Dollars (\$25.00). Upon receipt of the petition, the Clerk of Council will set a date for a hearing before City Council and notify you of the date, time and place of the hearing. At the hearing, you will be given the opportunity to show cause as to why the abatement order should be terminated or modified. If you do not appear for the hearing, the appeal shall be dismissed and the abatement order shall be enforced.*

**1307.06 NOTICE OF CITY'S INTENT TO ABATE NUISANCE**

- (a) If the nuisance is not completely abated, as directed, within fourteen (14) days, the Code Enforcement Director shall serve the owner with a notice of intent to abate nuisance in substantially following form:

*NOTICE IS HEREBY GIVEN that an inspection made on the property known and designated as [address of property] was made by the City on [date], and a determination made that the order to abate the nuisance previously issued by the City has not been complied with. Abatement of the nuisance will be accomplished by either City forces or private contractor after seven (7) days of this notice, and the costs of such abatement may be certified to the County Auditor for collection as other taxes and assessments are collected and/or the City may file a lawsuit against you to recover the costs.*

- (b) If the nuisance is not completely abated, as directed, the Code Enforcement Director shall abate the nuisance by City forces or private contract after seven (7) days of the notice of intent to abate nuisance.

**1307.07 SERVICE**

The notice required by § 1307.05 and/or § 1307.06 shall be served on the owner by one of the following methods:

- (a) By handing the notice to the property owner;

**CITY OF STRUTHERS, Ohio**  
**Ordinance**

**NO. 21-055**

- (b) By leaving the notice at the property owner's usual residence with a person of suitable age and discretion residing with the property owner;
- (c) By sending the notice by certified mail to the last known address of the property owner and receiving a return receipt showing delivering of the mailing; or
- (d) By sending the notice by ordinary mail to the last known address of the property owner and by posting the notice on the property subject to the notice.

**1307.08 EXPENSES**

All expenses incurred by the City in connection with the abatement of a nuisance, plus a 10% charge for the City's administrative costs, shall be charged to and become an indebtedness of the owner of such property and may be certified to the County Auditor for collection as other taxes and assessments are collected and/or the City may file a lawsuit against the owner to recover the costs.

**1307.09 APPEAL**

The property owner may appeal an abatement order with City Council by filing a written petition with the Clerk of Council, requesting a hearing and setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for such hearing. The petition shall be filed within fourteen (14) days of the date of the notice to abate nuisance required by § 1307.05 and shall be accompanied by a non-refundable fee of Twenty-five Dollars (\$25.00). Upon receipt of the petition, the Clerk of Council shall set a date for a hearing before City Council. Upon setting the hearing, the Clerk of Council shall notify the petitioner of the date, time and place by sending written notice of the hearing at least seven (7) days prior to the hearing by United States regular mail to the address for the petitioner contained in the petition. At the hearing, the petitioner shall be given the opportunity to be heard and to show cause as to why the abatement order should be terminated or modified. If the petitioner does not appear for the hearing to present his/her position, the appeal shall be dismissed and the abatement order shall be enforced.

**1307.10 EMERGENCY ABATEMENT**

Notwithstanding any other provision of this Chapter, when the Code Enforcement Director determines that a property is dangerous and constitutes an immediate threat to the health, safety or welfare of persons or property, the Code Enforcement Director may immediately and forthwith abate such nuisance.

**1307.99 VIOLATIONS**

- (a) No person owning property in the City shall fail to comply with any order of abatement served pursuant to this Chapter.
- (b) No person shall remove any notice or order posted on the property pursuant to this Chapter.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree.

**SECTION 2:** All ordinances, or parts thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the passage 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 those formal actions were in meetings open in the public, in compliance with law.

**CITY OF STRUTHERS, Ohio**  
***Ordinance***

**NO. 21-055**

**SECTION 4:** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety and, thus, shall take full force and effect immediately upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 13<sup>th</sup> DAY OF October, 2021.

Megan R. Shorthouse  
CLERK OF COUNCIL

Michael S. Patrick  
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 13<sup>th</sup> DAY OF October, 2021.

Megan R. Shorthouse  
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 13<sup>th</sup> DAY OF October, 2021.

Catherine Cercone Miller  
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 10/21/2021-10/28/2021

Megan R. Shorthouse  
CLERK OF COUNCIL