

ORDINANCE NO. 2016- 3818

**AN ORDINANCE AMENDING CHAPTER 1709 EXTERIOR PROPERTY MAINTENANCE CODE BY REPLACING REPEALED SECTION 1709.04 IN THE ADMINISTRATION AND ENFORCEMENT SECTION, WITH A REMOVAL AND DISPOSAL PROCESS FOR THE CITY OF FREMONT, AND DECLARING AN EMERGENCY.**

**WHEREAS,** The City desires to amend Chapter 1709 Exterior Property Maintenance Code by replacing repealed Section 1709.04 in the administration and enforcement section, with a removal and disposal process, and previously the code read as follows:

**1709.04 EXTERIOR PROPERTY MAINTENANCE APPEALS BOARD. (REPEALED)**

(EDITOR'S NOTE: Former Section 1709.04 was repealed by Ordinance 2004-3326.)

Section 1709.04 shall hereby be amended and now read as follows:

**1709.04 REMOVAL AND DISPOSAL PROCESS**

(a) Upon written information, or upon verbal notice verified personally or upon written verification by a member of the Police Department, City Administration or a supervisory employee of the Zoning Department, that trash, debris, rubbish, refuse etc. are on land, a porch, property, etc. within the City the Zoning Inspector or enforcement officer shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land that such trash, debris, rubbish, refuse etc. shall be removed and properly disposed of within ten days of service of such notice. Such notice may be made by certified mail, served personally, or left at the address of such person having charge of the land with any adult person at such address, or by physically attaching it to the main door of the structure on said property. The notice shall, in addition to instructing the owner, lessee, agent or tenant having charge of such land to cause the immediate removal and disposal of trash, debris, rubbish, refuse etc. and inform such person or persons that failure to respond shall permit the City at its option and discretion to cause the removal and disposal of trash, debris, rubbish, refuse etc. after the lapse of ten days or thereafter, and cost of such work shall be charged to the owners, lessees, agents or persons having charge of such land.

(b) The charges thus made shall be based upon a schedule for such work prepared by the Safety Service Director and available for public inspection. The schedule shall be defined in Section 129.04.

#### **1709.041 CITY MAY REMOVE AND DISPOSE**

If the lessee, tenant or agent having charge of the lands fails to comply with the notice provided for in Section 1709.04(A), the City shall cause the trash, debris, rubbish, refuse etc. to be removed and disposed, and the expenses so incurred shall be approved by Council and paid out of any money in the City's treasury not otherwise appropriated.

#### **1709.042 CHARGES MADE A LIEN.**

The City shall cause to be made a written return to the County Auditor of their action with a statement of charges for removing and disposing of the trash, debris, rubbish, refuse etc. the amount paid for the performance of such labor and the fees of the officers who made the service and return of the notice and a proper description of the premises with the request that such amount be entered upon the tax duplicate as a lien upon such lands from and after the date of entry to be collected as other taxes and returned to the Municipality according to law.

#### **1709.043 REMEDY**

The remedy provided in this section shall be in addition to any penalty provided in Section 1709.06.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** That The City desires to amend Chapter 1709 Exterior Property Maintenance Code Section 1709.04 Administration and Enforcement Section; Therefore, City Council authorizes the amendments to reflect the changes to Section 1709.04.

**SECTION 2.** It is hereby 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 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 Revised Code of Ohio.

**SECTION 3.** The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the immediate need to pass the amendment in an expeditious manner.


This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

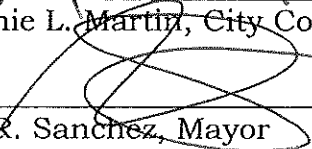
  
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Jamie Hafford  
President of Council

PASSED: 8-4-16

Effective date: 8-4-16

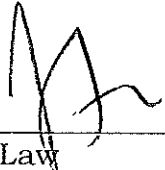
YEAS: 7      NAYS: 0

  
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Stephanie L. Martin, City Council Clerk

  
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Daniel R. Sanchez, Mayor

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Approved as to form:

  
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James F. Melle, Director of Law  
City of Fremont, Ohio