

ORDINANCE NO. 12-22

AN ORDINANCE TO AMEND SECTION 1323.05 (EMERGENCY ABATEMENT) OF THE CITY OF CONNEAUT CODIFIED ORDINANCES, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 1323.05 – Emergency Abatement of the City of Conneaut Codified Ordinances is hereby amended as follows:

1323.05 EMERGENCY ABATEMENT.

- a) In the event the Planning and Zoning Manager determines that the public health, safety, and welfare of the residents of the City will be threatened by the continuance of the condition of the public nuisance, other than a public nuisance described in subsection (b) hereof, and determines that the designated public nuisance must be removed immediately to prevent injury to the life, health, safety and/or property of the residents of the City, the Planning and Zoning Manager shall report such facts to the City Manager, and the City Manager shall cause the immediate repair, vacation, boarding up, or demolition, or whatever action is necessary to abate such public nuisance at the expense of the property owner for all accrued cost. When an emergency public nuisance has been determined by the aforesaid officer, the abatement shall be carried out without regard for the requirements of Sections 1323.02, 1323.03, 1323.04, and 1323.07 through 1323.11, except that the City Manager shall, to the extent reasonably permitted, by the exigency of the circumstances, give the owners of the subject premises, written or personal notice of his intended action and an opportunity for hearing thereon.
- b) ~~A public nuisance requiring emergency abatement~~ also exists when the ~~Code Enforcement~~ Planning and Zoning Manager finds a vacant structure which has been open to entry at doors, windows, or other points accessible to the general public for more than forty-eight (48) hours. The ~~Code Enforcement~~ Planning and Zoning Manager shall report such facts to the City Manager, and the City Manager shall cause such public nuisance to be immediately abated pursuant to this subsection at the expense of the property owner for all accrued costs.
- b)c) In the event of an emergency abatement, ~~The~~ Planning and Zoning Manager shall be authorized at any time to enter on the premises and the owner shall permit him to enter the structure in order to investigate and abate the severity of the public nuisance. In securing such structure, the Planning and Zoning Manager may call on any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, board and secure such structure. Upon making a determination that a structure is open to entry at doors, windows, or other points accessible to the general public, the Planning and Zoning Manager shall cause notice of such condition and of the City's intent to board and secure the structure to be posted on the structure at least forty eight (48) hours prior to boarding and securing the structure. When an emergency public nuisance has been determined by the aforesaid officer, the abatement shall be carried out without regard for the requirements of Sections 1323.02, 1323.03, 1323.04, and 1323.07 through 1323.11, except that the City Manager shall, to the extent reasonably permitted, by the exigency of

the circumstances, give the owners of the subject premises, written or personal notice of his intended action and an opportunity for hearing thereon.

e)d) Municipal water service shall be shut off at all structures boarded and secured per sections (a) and (b) above, to prevent damage to meters, wastage, and potential damage to private property. Except as otherwise provided in this section, municipal water service will remain shut off until the Planning and Zoning Manager confirms to the Service Department and to the Utility Billing Division of the Finance Department that the structure meets the minimum standards of the Building and Housing Code, such confirmation not to be unreasonably withheld. No person may reside in any such structure while municipal water services are shut off. Except as otherwise provided in this section, City-owned boarding may only be removed from a structure when the structure meets the minimum standards of the Building and Housing Code. Municipal water service may be restored to a structure if the owner of the structure has paid in full all past due City utility charges pertaining to the property on which the structure is located and has entered into an Expedited Repair Agreement with the City wherein the owner agrees to bring the structure into compliance with the Building and Housing Code on or before a date certain. Each Expedited Repair Agreement entered into with the City shall contain a description of repairs to be made to the subject structure, a covenant that all repairs will be made in a workmanlike manner and a liquidated damages provision establishing damages of \$500.00 for the structure owner's failure to complete repairs described in the Expedited Repair Agreement by the date certain established therein. The City Manager may require structure owners to deposit with the City sufficient security to ensure the payment of liquidated damages under an Expedited Repair Agreement.

d)e) The owner of a structure which has been boarded and secured per sections (a) and (b) above shall immediately arrange for electric service to be shut off at such structure to prevent potential fire threats to the structure and adjacent property. No person shall instruct an electric utility company to restore electric service to a structure which has been boarded per sections (a) and (b) above, without first acquiring an electric reconnect permit from the Ashtabula County Building Department providing that structure is equipped with, at minimum, a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 100 amperes.

SECTION 2. That all other prior ordinances found to be inconsistent with this ordinance are hereby repealed.

SECTION 3. That 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 or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is not declared to be an emergency measure in the interests of public peace, health and safety and, shall take effect thirty (30) days after passage.

Passed this 14th day of March, 2022.

Jim A. Owens
President of Council

ATTEST:

Pamela A. O'Connell
Clerk of Council

I, Pamela O'Connell, Clerk of the Council of the City of Cincinnati, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. No. 12-22 passed on the 14th day of March, 20 22 by said Council.

Pamela O'Connell
Clerk of Council 3-14-22