

ORDINANCE NO. 13-10

BY *Robert Loomis Lloyd* *Mike Stare* *Co. [Signature]*

AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE  
OF THE CITY OF NEWARK, OHIO REGARDING THE ENFORCEMENT  
OF CERTAIN NOTICES OF VIOLATION

WHEREAS, the City of Newark, Ohio, adopted the Property Maintenance Code in Ordinance 07-03 on January 17, 2001; and

WHEREAS, enforcement of certain provisions is unnecessarily cumbersome and time consuming and amendments are necessary to more efficiently enforce the elimination of weeds, rubbish, and rodent harborages; and,

WHEREAS, this matter was considered by the Service Committee who referred this legislation to the full Council for consideration.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
NEWARK, COUNTY OF LICKING, STATE OF OHIO, THAT:**

SECTION ONE: That the following sections of the City of Newark Property Maintenance Code be amended as set forth herein:

Section 111.1 Application For Appeal

Any person directly affected by a decision of the Property Code Official or a notice, order, or other documentation issued under this code shall have the right to appeal to the Property Maintenance Review Committee, provided that a written application for appeal is filed with the Secretary of the Property Maintenance Review Committee or his/her designee with 20 days after the day of the decision, notice, or order was served upon the property owner, occupant or agent having charge of the property, **EXCEPT IN THE CASE OF A DECISION, NOTICE, ORDER, OR OTHER DOCUMENTATION ISSUED PURSUANT TO SECTIONS 302.4: WEEDS; 302.5: RODENT HARBORAGE; AND 307.1: ACCUMULATION OF RUBBISH OR GARBAGE; IN WHICH CIRCUMSTANCE SUCH APPEAL SHALL BE FILED AND PROCESSED IN ACCORDANCE WITH THE PROCEDURE SET FORTH AT SECTION 111.1.1 HEREIN.**

**SECTION 111.1.1 ALTERNATIVE APPEAL PROCEDURE**

**ANY PERSON DIRECTLY AFFECTED BY A DECISION OF THE PROPERTY CODE OFFICIAL OR A NOTICE, ORDER, OR OTHER DOCUMENTATION ISSUED UNDER SECTIONS 302.4: WEEDS; 302.5:**

**RODENT HARBORAGE; AND 307.1: ACCUMULATION OF RUBBISH OR GARBAGE SHALL HAVE THE RIGHT TO APPEAL DIRECTLY TO THE DIRECTOR OF PUBLIC SAFETY, PROVIDED THAT SUCH WRITTEN APPLICATION FOR APPEAL IS FILED WITH THE DIRECTOR OF PUBLIC SAFETY OR HIS/HER DESIGNEE WITHIN 48 HOURS OR IN THE EVENT OF AN INTERVENING WEEKEND OR HOLIDAY DURING REGULAR BUSINESS HOURS OF THE NEXT BUSINESS DAY AFTER NOTICE OF THE DECISION, NOTICE, OR ORDER WAS SERVED UPON THE PROPERTY OWNER, OCCUPANT OR AGENT HAVING CHARGE OF THE PROPERTY.**

**WITHIN 24 HOURS OR IN THE EVENT OF AN INTERVENING WEEKEND OR HOLIDAY DURING REGULAR BUSINESS HOURS OF THE NEXT BUSINESS DAY AFTER THE FILING OF A WRITTEN APPLICATION FOR APPEAL UNDER THIS SECTION, THE DIRECTOR OF PUBLIC SAFETY SHALL ISSUE A DECISION BASED UPON THE DOCUMENTATION SUBMITTED BY THE PROPERTY CODE OFFICIAL AND THE APPELLANT. SUCH DECISION SHALL AFFIRM, MODIFY, OR REVERSE THE DECISION OF THE PROPERTY CODE OFFICIAL AND THE SAME SHALL BE FURNISHED TO THE APPELLANT AND TO THE PROPERTY CODE OFFICIAL AS SOON THEREAFTER AS POSSIBLE.**

**THE PROPERTY CODE OFFICIAL SHALL THEN TAKE IMMEDIATE ACTION IN ACCORDANCE WITH THE DECISION OF THE DIRECTOR OF PUBLIC SAFETY.**

#### Section 302.4 Weeds

All premises and property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of an administrative warning, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of violation **WITHIN 48 HOURS OF SERVICE OF NOTICE**, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be assessed **TO** the owner or agent of the property in any manner provided by this code.

Section 302.5 Rodent Harborage

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes, which shall not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation.

Upon failure of the owner or agent having charge of a property to conduct necessary extermination to eliminate rodent harborage and infestation after service of a notice of an administrative warning, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of **VIOLATION WITHIN 48 HOURS OF SERVICE OF NOTICE**, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and correct the conditions existing thereon and assess the costs by any manner provided by this code.

Section 307.1 Accumulation of Rubbish or Garbage

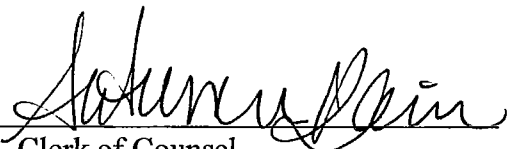
All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Upon failure of the owner or agent having charge of a property to remove an accumulation of **GARBAGE OR** rubbish after service of a notice of an administrative warning, said owner or agent shall be subject to prosecution in any manner authorized by this code. Upon failure to comply with the notice of violation **WITHIN 48 HOURS OF SERVICE OF NOTICE**, any duly authorized employee of the jurisdiction or contractor **HIRED BY** the jurisdiction shall be authorized to enter upon the property in violation and cut and correct the conditions existing thereon and assess the costs by any manner provided by this code.

SECTION TWO: That this Ordinance shall take effect on the earliest date allowed by Article 4.07 of the Charter of the City of Newark.

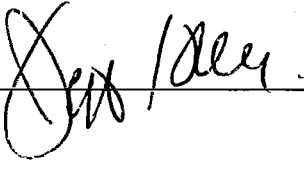
Passed this 6<sup>th</sup> day of May, 2013.

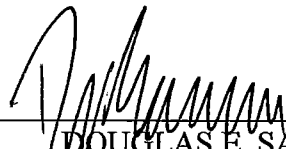
  
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PRESIDENT OF COUNSEL

ATTEST:   
Clerk of Counsel

DATE FILED WITH MAYOR: 5/6/13

DATE APPROVED BY MAYOR: 5-7-13

MAYOR: 

APPROVED AS TO FORM:   
DOUGLAS E. SASSEN  
DIRECTOR OF LAW

Prepared by the Office of the Director of Law