

ORDINANCE NO. 209-17

BY: **ALLAN DIVIS**
(By Request – Building Commissioner)

AN ORDINANCE TO AMEND SUBSECTION (a) OF SECTION 1707.09 “EXTERIOR PROPERTY AREAS” OF CHAPTER 1707 “BASIC STANDARDS FOR PROPERTY MAINTENANCE, AND SUBSECTION (b) OF SECTION 1705.99 “PENALTY”, OF CHAPTER 1705 “ADMINISTRATION, ENFORCEMENT AND PENALTY” OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That a portion of subsection (a) of Section 1707.09 “Exterior Property Areas” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“1707.09 EXTERIOR PROPERTY AREAS.

(a) No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises, any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard, or is a public nuisance, including, but not limited to, the following:

- (1) Fences, walls or structures which are broken or dilapidated;
- (2) Fences, walls or structures with graffiti;
- (3) Broken, uneven or improperly maintained walks or driveways;
- (4) Broken, dilapidated or unused appliances, furniture, mattresses or other household furnishings;
- (5) Tarps or other similar coverings hung up on lines and/or on other places;
- (6) Containers for paint, wood stains or other similar liquids; and
- (7) Junk and debris.”

is hereby amended to read as follows:

“1709.09 EXTERIOR PROPERTY AREAS.

(a) No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises, any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard, or is a public nuisance, including, but not limited to, the following:

- (1) Fences, walls or structures which are broken or dilapidated;
- (2) Fences, walls or structures with graffiti;
- (3) Broken, uneven or improperly maintained walks or driveways;
- (4) Broken, dilapidated or unused appliances, furniture, mattresses or other household furnishings;
- (5) Tarps or other similar coverings hung up on lines and/or on other places;
- (6) Containers for paint, wood stains or other similar liquids; ~~and~~
- (7) Junk and debris; **AND**
- (8) **HEDGES AND/OR BUSHES WHICH ARE OVERGROWN, DAMAGED, DETERIORATED OR DEAD.”**

Section 2. That a portion of subsection (a) of Section 1705.99 "Penalty" of the Codified Ordinances of the City of Parma, which presently reads as follows:

"1705.99 PENALTY.

...

(b) Whoever violates Sections 1707.02; 1707.06(d); 1707.09(a)(2), (a)(7); 1707.10(a), (b); 1707.11; 1707.12; 1707.14(f); 1707.15(b), (d); 1707.17(b),(g); 1707.19; 1707.20; 1721.02; 1721.03; 1721.07 is guilty of a minor misdemeanor. In addition to any other method of enforcement provided for in this Code, the above listed offenses may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates the above listed offenses as a fourth and subsequent offense is guilty of a first degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

..."

is hereby amended to read as follows:

"1705.99 PENALTY.

...

(b) Whoever violates Sections 1707.02; 1707.06(d); 1707.09(a)(2), (a)(7), **(a)(8)**; 1707.10(a), (b); 1707.11; 1707.12; 1707.14(f); 1707.15(b), (d); 1707.17(b),(g); 1707.19; 1707.20; 1721.02; 1721.03; 1721.07 is guilty of a minor misdemeanor. In addition to any other method of enforcement provided for in this Code, the above listed offenses may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates the above listed offenses as a fourth and subsequent offense is guilty of a first degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

..."

Section 3. That only those portions of subsection (a) of Section 1707.09 "Exterior Property Areas", and Subsection (b) of Section 1705.99 "Penalty" of the Codified Ordinances of the City of Parma, as they existed heretofore, are hereby repealed.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the 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.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to address this type of violation in the Property Maintenance Code, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO