

CITY OF FRANKLIN, OHIO
ORDINANCE 2023-15

**AMENDING SECTION 1336.01 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN,
THE PROPERTY MAINTENANCE CODE**

WHEREAS, the City of Franklin has codified its Property Maintenance Code into Part Thirteen, Title Seven of the Codified Ordinances of the City of Franklin;

WHEREAS, the City of Franklin Property Maintenance Code is necessary to help ensure the safety of City of Franklin citizens, residents, property owners, occupants, business owners, employees, and guests of the City; and

WHEREAS, this Council now desires to amend Chapter 1336 to clarify that violations of the Property Maintenance Code are considered a nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The City's Codified Ordinances, Section 1336.01, are amended as set forth in Exhibit A, attached hereto.

Section 2. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

Section 3. It is found 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 this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: April 17, 2023

ADOPTED: May 1, 2023

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2023-15 passed by that body on May 1, 2023.

Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder
Ben Yoder, Law Director

1336.01 Unlawful Acts; Nuisance

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. A violation of any provision of this code shall be considered a nuisance, subject to abatement in accordance with any and all applicable local, state and federal law.

1336.02 Notice Of Violation

The Code Official shall serve a notice of violation or order in accordance with Section 1337.

1336.03 Prosecution Of Violation

Unless otherwise provided, any person failing to comply with a notice of violation or order served in accordance with Section 1337, or any person who violates any other provision of this Code, shall be guilty as follows and the violation shall be deemed a strict liability offense:

- (a) First offense. A person shall be deemed guilty of a minor misdemeanor, and the penalty shall be one hundred fifty dollars (\$150.00) per violation. Each day the violation continues shall be considered a separate offense.
- (b) Second offense. Upon conviction of a second offense within a two-year time period, a person shall be guilty of a misdemeanor of the third degree, and the penalty shall be not more than five hundred dollars (\$500.00) nor less than two hundred and fifty dollars (\$250.00) per violation, and no more than sixty (60) days imprisonment. Each day the violation continues shall be considered a separate offense
- (c) Subsequent offenses. Upon conviction of a third offense or more within a two-year time period, a person shall be guilty of misdemeanor of the first degree, and the penalty shall be not more than one thousand dollars (\$1,000.00) nor less than five hundred dollars (\$500.00), and no more than one hundred and eighty (180) days imprisonment. Each day the violation continues shall be considered a separate offense.

1336.04 Violation Penalties

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1336.05 Abatement Of Violations

Where the owner, agent of owner or occupant of any building, dwelling, structure or premises fails to comply with the notice of violation and correction order served in accordance with Section 1336.02, within the time period specified in the notice and order, the Code Official may cause such violation to be corrected, removed and/or abated. The City Manager, upon receipt of such order from the Code Official, may contract with a private person or firm to accomplish the task. Owners, agents of owners and occupants are subject to assessment of fees and penalties provided under Section 1333.05 of this Property Maintenance Code.

1336.06 Other Remedies

The imposition of the penalties herein prescribed shall not preclude the City's Law Director or Prosecutor from instituting appropriate action under local, state or federal law to obtain any remedy available in law or equity, including to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Summary report:	
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Format changes	0
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