



PROPERTY CODE ENFORCEMENT POLICIES & PROCEDURES MANUAL

NOVEMBER 2016



CITY OF YOUNGSTOWN

Policy & Procedures Manual

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Acknowledgments

The Policy and Procedures Manual was designed and developed as part of a three-year capacity building project (2015-2017) undertaken by Youngstown Mayor John McNally and his code enforcement staff with support from the Wean and Youngstown Foundations. The primary author was code enforcement expert Doug Leeper, with contributions from Mark Frater and Joe Schilling, editorial, design and publication assistance from Jimena Pinzón, and legal and policy research by Youngstown State University student Matt Stevens. All members of this technical assistance team were engaged through the Metropolitan Institute at Virginia Tech in Alexandria, Virginia. The team relied upon models from other cities and the extensive code enforcement experience of Frater, Leeper and Schilling. Although this P&P Manual represent standard operating procedures within the general field of code enforcement management, the authors took special care to tailor its content to the City of Youngstown while also setting standards for raising the city's performance and effectiveness.

The team could not have accomplished this feat without the constant contributions and guidance from Youngstown Code Enforcement Superintendent Abigail Beniston and her staff along with assistance from Law Office Director Marty Hume and City Prosecutor Dana Lantz. After all, code enforcement remains primarily a legal enterprise that seeks to gain compliance consistent with principles of due process and fairness to protect the health and safety of all Youngstown residents and facilitate the revitalization of the city's neighborhoods.



Introduction & Overview



Overview of the Policies and Procedures Manual

The following Policies and Procedures (P&P) Manual provides managers and staff with general guidelines for how to administer existing code enforcement programs and take appropriate compliance and enforcement actions as outlined in the provisions of the Youngstown Code of Ordinances and consistent with applicable state and federal laws. The P&P Manual also aligns code enforcement program's overall mission and organizational culture with broader policy and program goals. Most of the P&P Manual's sections offer specific, step by step procedures that inspectors and staff should follow when performing their day-to-day duties, functions, and services. Code enforcement programs always involve a certain level of discretion as managers, inspectors, and staff confront changing conditions and new circumstances. The P&P Manual will help them adapt to new situations, make better individual case decisions—choosing the right course of action, for the right property conditions, at the right time—while also maintaining the overall integrity of the organization and its code enforcement mission—to gain effective and timely compliance that can further the community's quality of life.

The P&P Manual contains four chapters: 1) Complaint Initiation and Intake; 2) Inspection, Investigations, and Case Management; 3) Enforcement Actions and Procedures; and 4) Internal Operations. Each chapter contains individual sections that correspond to different tasks, actions, roles and responsibilities that inspectors, staff, and managers undertake as part of the City of Youngstown's property and housing code enforcement program. Think of these sections as step-by-step recipes that govern and guide the large majority of code enforcement actions and activities. These sections explain the purpose and philosophy underlying each action or task, the official policy along with practical guidance of how to use and apply that section within the daily context of most code enforcement cases.

The P&P Manual covers the most common or typical code enforcement activities with the goal of making those roles and responsibilities clear and ensuring a high degree of consistency and fairness in their application. If inspectors and staff, under the guidance of the Property CE superintendent and coordinator, can follow these policies and procedures, it should help improve the effectiveness and efficiency of the overall program, increase morale within the program, and improve credibility and transparency with the community. Note, however, these policies and procedures do not cover all actions and responsibilities nor do they anticipate every case or situation. Code enforcement, by its very nature, is a dynamic and complex operation that requires inspectors, staff, and managers to exercise a certain degree of discretion. Good judgment becomes critical at all times in using this P&P Manual. Therefore, the P&P Manual should guide their decisions and actions even if the precise policies and procedures do not cover the special circumstances they confront. Moreover, failure to take the same enforcement action against similarly situated properties does not amount to discriminatory enforcement if the Property CE



superintendent and inspectors can demonstrate reasonable grounds for their actions (or lack of action) without any type of discriminatory intent (direct or indirect).

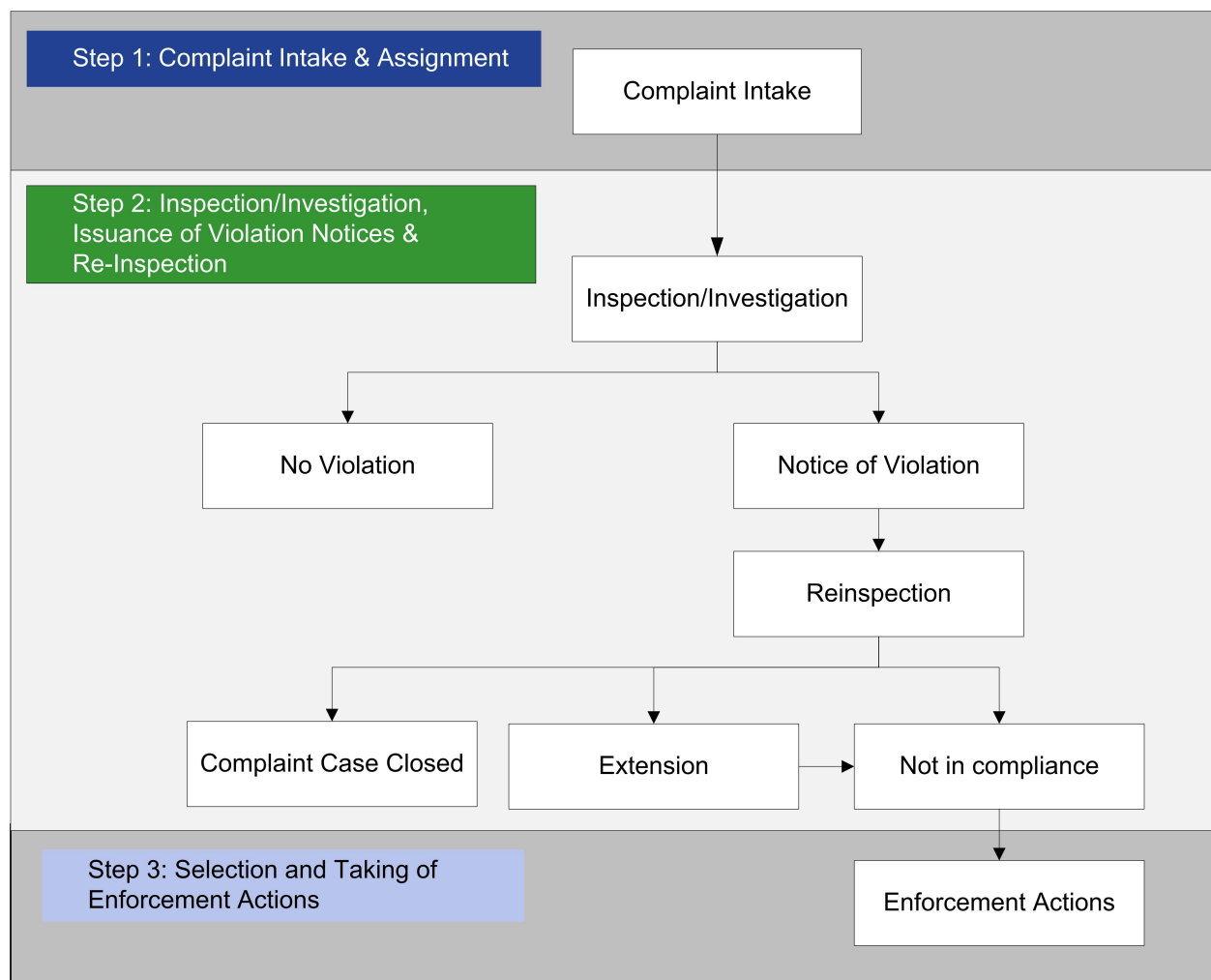
Given the changing nature of code enforcement, the superintendent and coordinator, with input from the inspectors and staff, have the primary role of the P&P Manual's stewards. They are not only charged with the responsibility of applying and interpreting its sections, but should also regularly review, revise, and update existing sections while adding new policies and procedures as the need arises. They should make such amendments and changes in consultation with the Law Office. It takes time and commitment to keep the P&P Manual current, but it becomes an essential managerial function to ensure the smooth operation of the city's entire code enforcement program and its prominent role in the community. The superintendent and coordinator should conduct a thorough review two to three times a year, but can also make changes and amendments as they arise. They should also seek feedback and input from the community where appropriate and timely.

Legal Disclaimer: The policies and procedures contained in the City of Youngstown's Property Code Enforcement Manual do not have the force and effect of law, but merely guide the implementation of city programs and activities related to property maintenance, demolition, and housing code enforcement. Should any conflicts arise between the language and guidance set forth in this manual and city ordinances and other applicable state or federal laws and regulations, the ordinances and laws supersede the P&P Manual's provisions. Mere failure to follow these procedures shall not subject the City of Youngstown or its employees to any civil or criminal liability if they carry out their discretionary responsibilities in a reasonable manner. Repeated failures to follow these policies, whether willful or negligent, however, can subject city employees (whether appointed or classified) with disciplinary action per the personnel rules and procedures of the City of Youngstown.



Overview of the Youngstown Code Enforcement (CE) Process

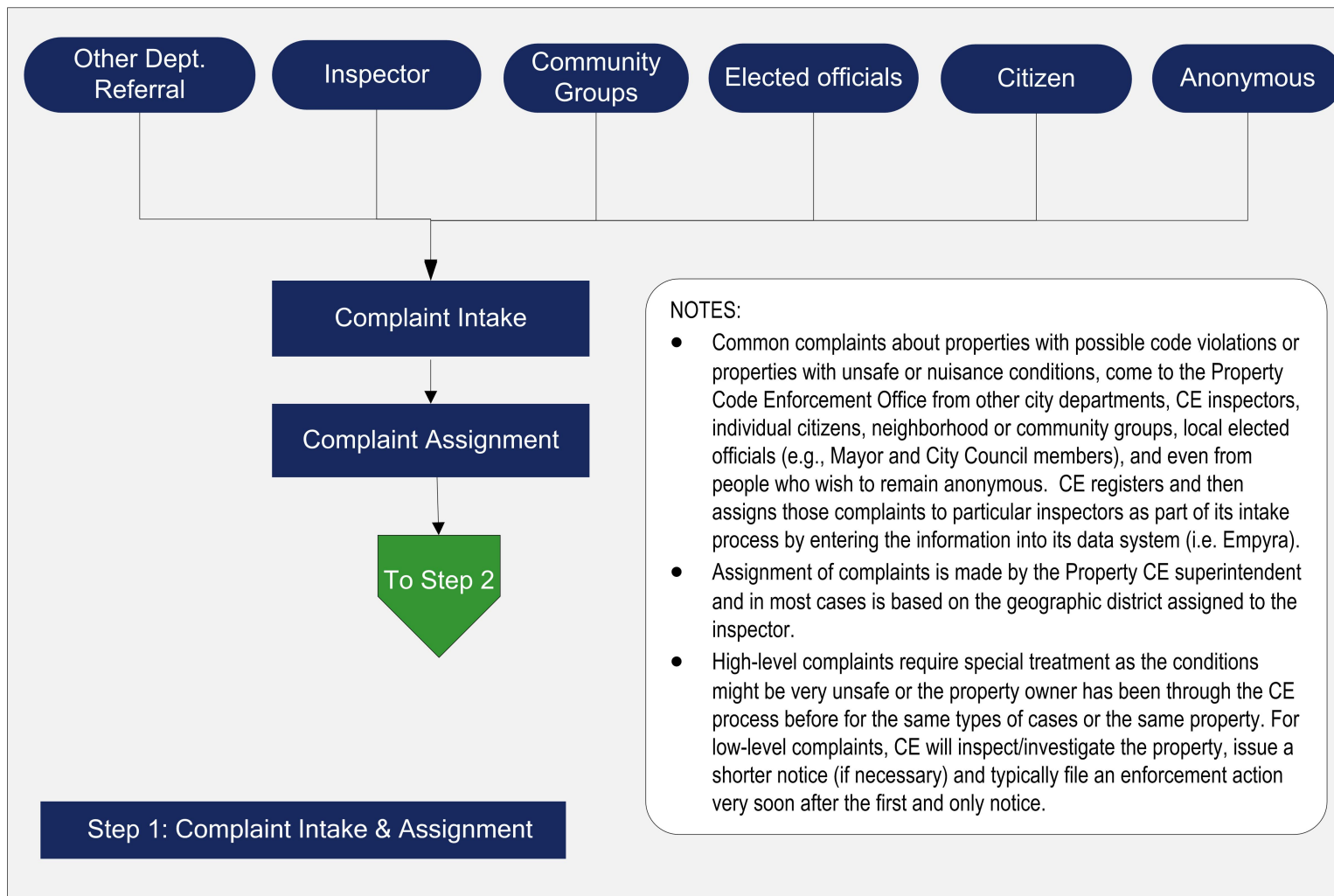
All code enforcement programs follow a generic three phase process: 1) complaint intake and assignment; 2) inspection/investigation, issuance of violation notices, re-inspection; and 3) selection and taking of enforcement actions. CE's overarching goal is to gain compliance with relevant codes and address all nuisance conditions on the property by taking the most appropriate compliance and/or enforcement action in a timely and effective way. Each action depends on the unique circumstances of each case—the property itself, the types of violations, the ability of the owner to voluntarily comply, the department's caseload and resources, the prosecutor and court docket, etc. The following diagram situates Youngstown's current code enforcement processes within the general context of these three interrelated phases. Later diagrams illustrate the more specific steps and actions for each phase with relevant references to important provisions of the P&P Manual.





Chapter 1

Complaint Initiation & Intake





Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard by which complaints of violations of the Youngstown Code of Ordinances are received and addressed.

2. PHILOSOPHY

In any diverse community, it is not unusual for neighbor disputes to arise for the simplest and most innocent of reasons. When these disagreements go unresolved, they can escalate. In some instances, the parties will attempt to use City services to escalate these differences and harass the other party. The false reporting of violations and repeated reporting of slight/minimal violations covered under the “spirit of the law” are becoming more and more prevalent. These complaints do little to resolve the disagreements between neighbors and are a drain on staff time with repeated inspections of properties that comply within the spirit of the law. When there is no contact information for the reporting party, Code Enforcement staff cannot inform or educate the reporting/complaining party as to the validity of their complaint and the timeline that may be required to bring the property into compliance, if the complaint is valid. If there is no actual violation, the complaining party may then become dissatisfied with the service received, believing that the City is unresponsive. With that in mind, Youngstown’s Property Code Enforcement Office has found it necessary to institute the following policy regarding the reporting of alleged violations of the Youngstown Code of Ordinances.

3. POLICY

The Property Code Enforcement Office does not respond to anonymous complaints/reports of NON-LIFE THREATENING violations of the Youngstown Code of Ordinances. Life threatening violations include but are not limited to the following:

- Lack of egress – stationary security bars on sleeping room windows
- Discarded/abandoned appliances that may present a hazard to children
- Unsecured and/or unmaintained pools/spas/ponds
- Open, vacant accessible buildings
- Structurally unsafe building (e.g., walls, roof collapsing, etc.)
- Substantially substandard occupied housing
- Health issues such as unsanitary premises, sewage leaks/spills
- No water service and/or heat during winter
- Traffic hazards
- Fire hazards

Life threatening complaints are to be received, entered into the database and assigned as per the Violation Response Priority Policy, even if anonymous.

4. PRACTICE

Every attempt should be made to obtain the name, address and phone number of the reporting/complaining party. Care and concern shall be given in explaining the policy regarding the anonymous reporting of violations. It should be emphasized that complainant information is confidential by law, and cannot be given out to the public. It should also be explained that without contact information, the staff is unable to provide updates, give or receive clarification of location or validity of the violation. If the complaining party refuses to give contact information and is insistent that the division “take the complaint,” the staff member is to input the information into the database, noting **ANONYMOUS COMPLAINT**. The staff member is to explain to the reporting/complaining party that an anonymous complaint is considered a “low level response priority as per Section 2.12 .

The inspector responsible for the area or assigned to the complaint will review existing files for documentation and/or history of enforcement action. If there is an existing case, the inspector is to respond to the location and take appropriate action based on the results of the inspection as per Section 3.4 Case Management/Selection of Enforcement Action of the P&P Manual. If there is no existing file or documentation, the inspector may schedule an inspection as is convenient.

All life-threatening complaints are to be received, entered into the database and assigned as per Section 2.12 Violation Response Priority. However, every attempt should be made to obtain the name, address and phone number of the reporting/complaining party.



		1.2 COMPLAINT ASSIGNMENT		
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which complaints/cases are assigned to the proper personnel based on type, area, experience, certification, urgency and/or need.

2. PHILOSOPHY

The Property Code Enforcement Office is responsible for a variety of conditions and concerns throughout the city. As such, the Office has numerous staff members with varied backgrounds, certifications, knowledge, experience, and expertise. It is important that complaints received are assigned to the appropriate staff with the appropriate qualifications in the appropriate geographic area.

3. POLICY

Complaints received by staff that are 1) outside their assigned geographic assignment, 2) beyond the level of their certifications, knowledge, experience and expertise as per the Established Level of Authority Policy, or 3) not the responsibility of the Property Code Enforcement Office, are to be referred as noted in Section 2.10 Referring Complaints to Other Departments or brought to the attention of the Property CE superintendent for additional direction or reassignment.

4. PRACTICE

Assigning complaints by geographic area can be completed using the Empyra system. There will be instances when complaints assigned to an individual staff member are 1) outside their assigned geographic area, 2) beyond the level of their certifications, knowledge, experience and expertise as per the Established Level of Authority Policy, 3) not the responsibility of the Property Code Enforcement Office.

1. Complaint Outside the Inspector's Assigned Geographic Area

In the instance of a complaint received that is outside the geographic area assigned to the inspector, they are to advise the Property CE superintendent without inspecting the complaint. If the Property CE superintendent is not available (e.g. schedule day off, vacation etc.), the inspector is authorized to bring "transfer" the complaint to the inspector for the area where the complaint is located.

2. Complaint beyond the Inspector's Level of Certifications, Knowledge, Experience, and Expertise

If the complaint is beyond the certifications, knowledge, experience and/or expertise of the code enforcement inspector assigned, as per the Established Level of Authority Policy, the inspector may, with approval of their Supervisor/Manager, request assistance from another inspector with additional certifications, knowledge, experience and/or expertise and use the complaint as a training opportunity. In these situations, the inspector assigned shall note that the inspection/investigation was completed with the assistance/guidance of another inspector with additional certifications, knowledge, experience and/or expertise. The inspector providing the assistance shall log the time expended at the location as “training” as per Section 3.8 Cost Recovery.

3. Complaint Not the Responsibility Property Code Enforcement Office

In the instance of a complaint that is outside of the responsibility/authority of the Property Code Enforcement Office, the code enforcement inspector is to refer the issue as noted in Section 2.10 Referring Complaints to Other Departments or bring it to the attention of the Property CE superintendent for additional direction or reassignment

The Property CE superintendent, supervisors and administration may, as they deem necessary, assign complaints to inspectors throughout the city regardless of geographic boundaries, certifications, knowledge, experience and expertise. In these cases, they must notify all staff members that may be impacted so as not to create confusion or frustration. This notification shall be completed via e-mail and include the code enforcement inspector(s) impacted, supervisor(s) impacted as well as the Property CE superintendent and the reason for the assignment.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standardized method and process for accepting and/or referring complaints which are received by the code enforcement staff.

2. PHILOSOPHY

It is important that all incoming complaints be received, documented and routed in a consistent manner. As such, all incoming calls regarding complaints of violations should be directed to the Property CE secretary (Phone number: 742-8888)

3. POLICY

When a report of a violation or “complaint” is made directly to a code enforcement staff member the staff member is to 1) forward the call to the Property CE secretary 2) instruct the reporting party to report the complaint through the Property CE secretary

4. PRACTICE

It is not unusual to receive reports of violations or “complaints” in the field, via text message, email etc. Although we strive to provide excellent customer service, excepting these complaints outside the established system may seem to be good service in the short term, but may be counterproductive. In these instances, the following practices shall be implemented.

In person - In the field

When an individual reports a violation or complaint to an inspector in the field, inspector should explain how to properly make the report through the Property CE secretary.

If the report is regarding a property in the area where the complaint has been made the inspector shall request the name, phone number and e-mail of the reporting party. If the location has an open case/complaint the inspector shall perform an inspection as per Section 2.5

Inspection/Investigation and document their observations per Section 2.9 Photo & Video Documentation.

The results of the inspection are to be entered into the Empyra system listing the reporting party information as available. The inspector shall select the next step in the enforcement process as per Section 3.4 Case Management/Selection of Enforcement Action. If the location does not have an open case/complaint the results of the inspection are not to be entered into the Empyra system until a valid service request is received. If a service request has not been received within

two (2) days of the inspection a proactive service request is to be opened as per Section 1.5 inspector/Staff Initiated Complaints and the reporting party information is to be placed into the complaint. The case is then treated as any regular case/complaint received.

In person - Walk-in

When an individual reports a violation or complaint in the Property Code Enforcement Office, the Code Enforcement secretary is to take the information and enter it the same as if it were received via telephone.

Phone

When an individual reports a violation or complaint to an inspector via the phone, they are to be transferred to the Code Enforcement secretary.

E-mail

When an individual reports a violation or complaint to any staff member via email, the email is to be forwarded to the Property CE superintendent first, who could review, and then refer to the Property CE secretary.

US Mail

When an individual reports a violation via US Mail, the code enforcement staff member receiving the mail shall first send it to the Code Enforcement secretary.

Interdepartmental Mail/Referral


When another department reports a violation or complaint to code enforcement staff member they are to be directed to the Code Enforcement secretary. This DOES NOT include any complaints/referrals covered under Section 1.4 High-Level Administrative Complaints/Inquiries.

It is important that staff members do not give the appearance of “it’s not my job” in the response and instructions on how to properly make a report or complaint. To avoid this impression in each case the staff member receiving the complaint shall perform a cursory search to identify any open complaints/cases at the location reported. If there is an open case/complaint the staff member is to inform the reporting party of the open case/complaint in their response while encouraging them to make their formal complaint through the Property CE secretary.

It is very important that staff provide information as to why it is important and often the best option to process all complaints through the Property CE secretary. This may sound like, “Thank you for your concern and commitment to keep Youngstown clean and safe. The administration has set up a complaint reporting, assigning and tracking system to make certain that your concerns are forwarded to the appropriate division/person and tracked to be sure they are addressed and resolved in a timely fashion. We want to keep you updated and aware of progress

as well as ask follow-up questions as needed. That is why it is important that reports/complaints be made to the Property CE secretary.”

If a reporting party refuses to call the Property CE secretary, provide their contact information, has made the report anonymously, cannot be contacted, the staff member shall take the information (as much information as possible) and provide it to the Property CE secretary via email.

CITY OF YOUNGSTOWN				
	1.4 HIGH-LEVEL ADMINISTRATIVE COMPLAINS/INQUIRIES			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which calls/complaints/concerns received from high levels of government (Mayor/Council/Chief Administrative inspector/City Attorney's Office/etc.) are received, assigned, inspected and responses provided.

2. PHILOSOPHY

The Property Code Enforcement Office receives calls/complaints/concerns from high level offices and officials on a regular basis - everything from the relatively mundane, such as trash cans left at the curb too long to the more serious issues of fire-damaged dangerous buildings and unsanitary conditions that are a threat to health and safety. It is important that these calls/complaints/concerns be treated with a sense of urgency and reviewed and as may be required, inspected and addressed in a timely fashion with updates provided to the individual/entity reporting the issue(s). Doing otherwise can create a lack of trust and confidence within the administration. The trust and confidence of administration is of paramount importance when Property Code Enforcement & Demolition is the target of accusations of non-performance or when requests for additional budget, staff, and equipment are made or changes and enhancements to the Youngstown Code of Ordinances are proposed that will make our efforts more effective.

3. POLICY

Calls/complaints/concerns received from high level administrative offices are a Level 1 complaint, as per Section 2.12 Violation Response Priority and require an immediate review and response from a Property CE superintendent or higher. In cases that may require additional time for inspection there is to be no more than a 24-hour delay for the inspection and updated response.

4. PRACTICE

NOTE: High level calls/complaints/concerns are to be "accepted" by any staff member that receives the call/complaint/concern in whatever form it is made as per Section 1.3 Complaint Intake.

As high level calls/complaints/concerns are received (in whatever form verbal-written-message-electronic, etc.) they are to be documented in e-mail and routed to the inspector where the complaint/concern is located, with a cc to the Property CE superintendent. If the high-level calls/complaints/concerns are given to an inspector/staff member personally, the inspector/staff member is to e-mail the information to the inspector for the appropriate area where the complaint/concern is located, with a cc to the Property CE superintendent. The Property CE superintendent will assign the complaint/concern to an inspector OR may opt to handle it personally. The location of the call/complaint/concern is to be inspected ASAP and a written (e-mail) “forwardable” response provided to the within 48 hours (2 working days) of receipt of the call/complaint/concern.

The “forwardable” response must include:

1. Validity – is there a violation.
2. Completeness – are there more issues/violations at the location than reported.
3. History with details as may appropriate. NOT – “This place has been a problem since 1999”
4. *Action – what is being done - is there a current case, or an action pending (on hold for appeal – in court – awaiting warrant from court - etc.) or has a new action been initiated out of the complaint/concern
5. *Proposed enforcement/compliance date – when do you anticipate enforcement/compliance and what will be the additional steps if compliance is not obtained by that date.

** This may be difficult in some cases; however, court dates, hearing dates, re-inspection dates, warrant and abatement dates can be included to give an estimated time frame. The response should be realistic but error on the side of caution. Do not “over promise and under deliver.”*

As with all complaints, inspections and investigations all steps shall be documented in the case management system (Empyra) including a copy of the original complaint/concern and the “forwardable” response noted above.

Each inspector is responsible for the follow-up and follow-through of the High-Level Complaints in their assigned area.



1.5 INSPECTOR/STAFF INITIATED COMPLAINTS

Author		Revised by#	
Revision #		Implementation Date	

1. PURPOSE

To establish a standard as to when and how inspectors/staff proactively address violations.

2. PHILOSOPHY

It is not unusual for code enforcement staff to get caught up in responding to the complaints and concerns of residents and business owners. At times these concerns, although very important to the individual reporting the violation, can be a lower priority than conditions nearby that have a more detrimental impact on the community. As such, code enforcement staff must have the ability and authority to address unreported conditions they observe to make the greatest possible positive impact in the areas in which they are assigned.

3. POLICY

While in the field inspectors and staff are to be conscious the overall conditions and needs of their assigned area, they are to be watchful for hazardous conditions, such as vacant accessible structures, and address them as they occur and not wait for them to be reported.

It is required that inspectors and staff address all observable violations at a subject property while conducting an inspection based on a complaint received even if the condition(s) was not part of the original complaint.

It is also highly recommended that inspectors and staff address similar or like issues on adjacent properties as time and workload allow.

4. PRACTICE

When inspectors and staff observe a condition that is hazardous or potentially hazardous – such as an open accessible structure – they are to proactively address the property/condition. So as not to waste time and efforts they are to research the Empyra system to see if: 1) There is an open case 2) There is an open unaddressed complaint/report. The inspector is to conduct an inspection and document the conditions/violations observed.

- If there is no active case or complaint the inspector is to open a case in Empyra and indicate the results of the inspection.
- If there is unaddressed complaint the inspector is to update the Empyra system indicating the results of the inspection.
- If there is an open case, the inspector is to update the Empyra system indicating the current conditions at the location.

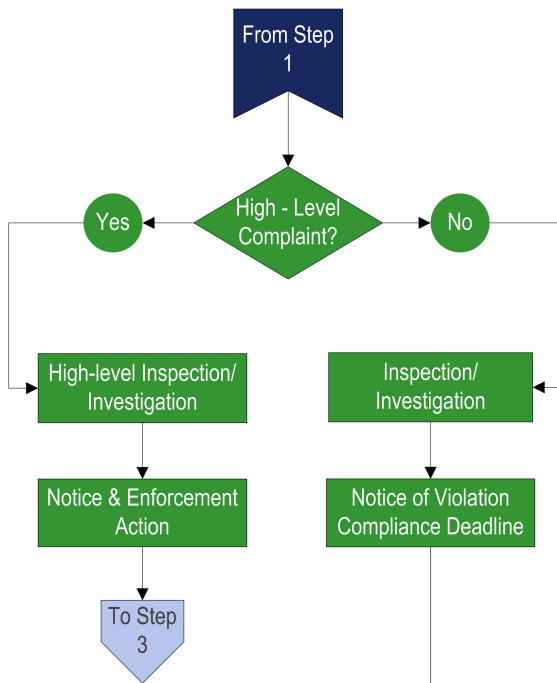
- If there is no active enforcement action on the property, the inspector shall initiate the appropriate action(s) based on the condition(s) observed at the property.

If there has already been an enforcement action on the property, the inspector shall take the next level of enforcement as deemed appropriate in Section 3.4 Case Management/Selection of Enforcement Action or the action(s) as directed by the Property CE superintendent.



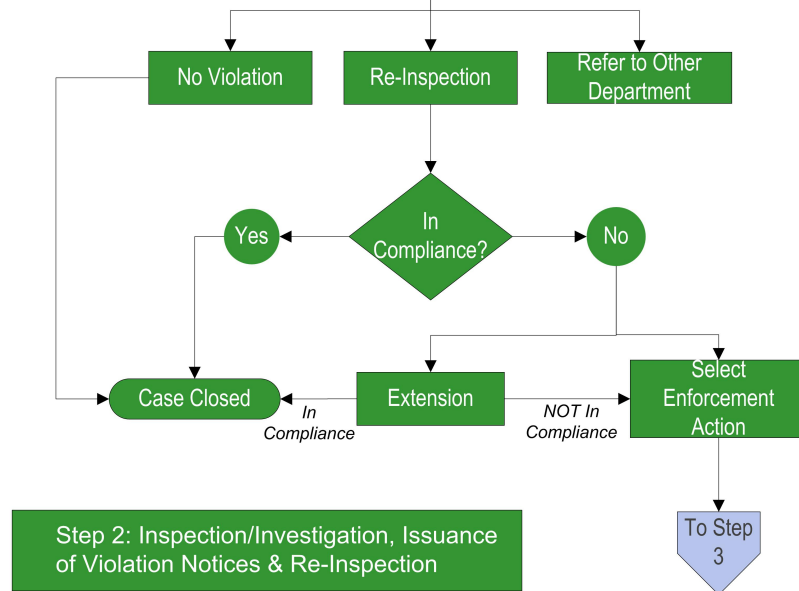
Chapter 2

Inspections, Investigation & Case Management



NOTES:

- For most cases, CE inspectors, with assistance from staff, research the ownership records to identify the responsible party, and then inspect/investigate the property to determine if the property has conditions which violate the Property Maintenance code or other relevant state and local codes.
- The P&P Manual sets time frames and overall standards of performance by when inspections and investigations must be done. It also outlines special investigation rules for special types of cases, such as the inspection of vacant properties.
- If violations are present, the inspector typically issues a written Notice of Violation (NOV) on form prescribed by this P&P Manual. The form outlines the violations, the code sections, and a compliance time frame. If no violations are found, the case is closed or cases are sent to other departments for compliance and enforcement of code sections/property conditions outside the authority of Housing CE.
- NOV's typically give the property owner/responsible person a reasonable period of time to bring their property into compliance. Based on the relevant ordinances, this P&P Manual sets general timeframes for compliance and some ordinances set specific or special compliance and notification deadlines.
- Upon re-inspection of the property, if the violations are corrected, the property is in compliance and the case is closed.
- If the violations or conditions still remain, the inspector should consult with the CE Superintendent to select the most approximate enforcement action (see below). Note that inspectors have limited authority to grant extensions of compliance deadlines so please consult the relevant provisions of the P&P Manual and consult with their supervisor and the CE Superintendent.



CITY OF YOUNGSTOWN

	2.1 ADMINISTRATIVE INSPECTION WARRANT			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish the standards for how inspectors can gain legal access to private property (interior and/or exterior) to determine whether its conditions currently violate relevant sections of the Youngstown Code of Ordinance or applicable state laws and regulations while also respecting the property owner/responsible party's expectations of privacy.

2. PHILOSOPHY

Owners of real property have certain expectations of privacy that are protected under the laws of the US and Ohio Constitutions. As a general rule, law enforcement officials must obtain a search warrant before inspecting private homes as set forth by general principles of the 4th Amendment's prohibition against unwarranted searches and seizures. Much of the 4th Amendment case law can apply to code enforcement inspectors who have formal governmental positions similar to law enforcement. Moreover, code enforcement inspectors spend a considerable amount of time inspecting and investigating conditions of single family residences (occupied and rentals) which the courts have applied a higher degree of legal protections when compared to businesses or commercial enterprises.

Inspection of private property by a code enforcement inspector who takes on quasi-law enforcement characteristics is a complex and sensitive area of the law. Hundreds of federal and state court decisions explain when it is permissible to inspect without a warrant and when it is required by the law. The situations often depend on important facts about the property, the nature of the violation, and the property owner's behavior and attitude. Given such complexity and uncertainty, inspectors should exercise caution by seeking an administrative inspection warrant instead of forcing an inspection that later could be thrown out of court and could potentially subject the city and inspector to a civil lawsuit for violating the civil rights of the property owner.

3. POLICY

When inspecting private property as part of their responsibilities to protect public health and safety, inspectors should respect these legal rights and expectations of privacy. Unless the property and circumstances present imminent danger or threat to public safety, if the property owner or responsible party in control of the premises refuses access to the property (interior or exterior) and the inspector has a reasonable belief, based on reliable information that violations do or could exist on the property, the inspector should respect the owner or responsible parties'

refusal and seek assistance from the Property CE superintendent and Law Office on obtaining an administrative inspection warrant from the courts.

Note this policy applies to initial inspections, re-inspections, and the implementation of abatement and court orders.

Inspectors should do their best to get the voluntary consent of the owner to enter the premises (interior and/or exterior). Inspectors should also consult and follow relevant sections of the P&P Manual (e.g., Sections 2.5 and 2.6) that offer further guidance on how to obtain consent and how to inspect vacant properties. As discussed in these sections, the inspector might be able to determine whether the property has violations by viewing the property from the street or public right of way. If the owner or responsible party expressly denies the inspector's request for inspections (in person, in writing, via email, etc.), the inspector should seek assistance to obtain an administrative inspection warrant.

4. PRACTICE

Administrative Inspections Warrants are governed per the Ohio Revised Codes. The following section outlines the general requirements, conditions, and processes for obtaining inspection warrants. The municipal court and the court of common pleas have the authority to review and sign administrative inspections warrants. Depending on the local court rules and judge, in most cases it will be the City Prosecutor who will file the appropriate court documents requesting the administrative inspection warrant.

Before the Law Office can go to court to request that a judge sign and issue an administrative inspection warrant, the inspector and/or Property CE superintendent will prepare some type of official court declaration or affidavit and sign under the penalty of perjury that such information is truthful and accurate. For the judge to issue the inspection warrant, the inspectors statement must typically show two critical facts: 1) Refusal to inspect the property; and 2) the facts surrounding this case indicate there is a reasonable belief that violations could or do exist on the property.


Inspectors should document the refusal to inspect using any available means, such as making log notes, compiling and tracking correspondence with the owner where the owner's refusal is clearly stated (written and email), recording the refuse using video, etc. Often these situations can result in "he said this, and I said that." As such, it is important, to the inspectors' credibility in the eyes of the court, to document these exchanges with the owner/responsible party as soon as they happen. Do not wait until the court day to go back and make these notations in the log books.

Inspectors should also explain in their statement the coinsurances of the case that lead them to believe violations do or currently exist. These could include reports or statements from the

complainant, previous inspections on the property, statements of neighborhood and the inspectors experience and expertise—that you have seen these types of cases before!

After initial meetings with the inspector, the Property CE superintendent will consult with the City Prosecutor to make a preliminary decision on whether to seek an inspection warrant. The Prosecutor may suggest how to obtain consent without a warrant or how to conduct the inspection without a warrant. For example, the prosecutor might call the owner to seek voluntary consent. If the prosecutor and Property CE superintendent decide an administrative inspection warrant is appropriate, the Property CE superintendent will work with the inspector to prepare the declaration/affidavit and prepare the case for the prosecutor. The prosecutor prepares the official documents and requests a date and time to meet with the judge depending on local rules.

CITY OF YOUNGSTOWN

	2.2 CONSENT TO INSPECT			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard for inspectors as to when they must gain written consent to inspect private property.

2. PHILOSOPHY

As agents of the government, inspectors have certain rights, responsibilities and restrictions by which they must abide while performing their duties. One responsibility and restriction is protecting an individual's right to privacy as granted by the Constitution. While inspectors carry a great deal of authority they must gain consent from legally responsible parties prior to entering/inspecting areas that are not open to the public and/or visible from the public right-of-way. As with any public agency, the Property Code Enforcement Office can be the target for, and recipient of allegations of misconduct and abuse of power. It is not uncommon to receive complaints from owners, employees and tenants that state, "The inspector just barged in without asking for permission!"

3. POLICY

Prior to inspecting any portion of a property that is not open to the public and/or cannot be viewed from the public right-of-way, the inspector shall obtain written consent, via the attached consent form(s), from a legally responsible party over eighteen years of age.

4. PRACTICE

As stated in Section 2.5 Inspection/Investigation and Section 2.7 Interview/Identification policies, inspectors are required to attempt to contact a responsible party at each location being inspected. While inspecting a property, should the inspector have reason to believe that further violations and/or unsafe conditions exist in an area that is not open to the public and/or cannot be seen from the public right-of-way, the inspector shall request consent to inspect from a legally responsible party over eighteen years of age. A legally responsible party includes but is not limited to:

Property Owner	Property Manager	Legal Tenant
Business Owner	Business Manager	Employee
Legal Guardian		

Inspectors must use caution and common sense when obtaining written consent, as one person cannot give up another person's right to privacy. The most common situation is that of a property

owner or manager who has asked the inspector to inspect a tenant's house or apartment. Although the owner/manager, with proper notice, can inspect the house or apartment, they CANNOT grant Property CE inspectors consent to inspect individual units. Only the person with legal control over the property has that right. The same holds true for guests, relatives, baby sitters, and hired help, etc. Although they may be on or at the property legally, they do not have the legal authority to grant consent. A similar situation exists in the case of roommates, adult children and parents of adult children living on the property. A roommate, an adult child, or a parent of an adult child living at the residence, cannot grant consent for the other roommate or adult child or parent of an adult child living at the residence, to personal space (i.e. unshared or "private rooms"). They may grant consent for all **common** areas such as rear yards, garages, kitchens, living rooms or any other room that is not used by another person exclusively. If consent to inspect cannot be legally obtained, the inspector must resort to inspection alternatives which are outlined in Section 2.5 Inspection/Investigation and eventually obtain an inspection warrant (Section 2.1. Administrative Inspection Warrant).

To aid in the determination of a "legally" responsible party, the inspector must interview the party and request information, identification and documentation as outlined in Section 2.7 Interview/Identification.

Consent must be given freely and without duress. For the purposes of this policy, duress is defined as the obtaining of consent through fear, intimidation, misrepresentation, or promise. The party must feel that they have the freedom to say "no" or the consent is invalid and could lead to overturned cases and litigation. As an example, it would be extremely difficult for a person in police custody to grant consent without duress.

Police officers and fire fighters cannot give consent to inspectors nor can they direct inspectors to perform inspections without consent of the "legally" responsible party. Although they may be legally in control of the property during their efforts or investigation, they do not have the legal authority to waive another person's right to privacy.

Responsible parties (those signing the consent form) can withdraw their consent at ANY point during the inspection and inspectors and assisting personnel are obligated to leave/exit the property as requested. Inspectors may not continue the inspection as they exit but must stop immediately upon request. If consent is revoked, inspectors are to utilize the options listed in the Section 2.5 Inspection/Investigation.

As with any other action taken by the Property Code Enforcement Office, inspectors should stop and ask for direction via the chain of command.

NOTE: The differences in the two forms are simple. The Consent to Inspect Private Property form is used when an inspector is requesting to inspect a private property that has apparent violations. The Consent to Inspect **FROM** Private Property is used when the property owner refuses to consent and the violations must be viewed from a neighboring property.



CITY OF YOUNGSTOWN

Code Enforcement and Demolitions Division

5th Floor, City Hall

26 South Phelps Street

Youngstown, OH 44503

330.742.8888

www.youngstownohio.gov

Office Hours: Monday – Friday from 8:00 am to 4:00 pm

CONSENT TO INSPECT PRIVATE PROPERTY

The undersigned herein consents to the City of Youngstown inspector(s) entry onto/into the property listed below to inspect all yard areas and building exteriors and interiors to determine if the listed property complies with local and state codes.

The undersigned herein states that he/she is a minimum of eighteen years of age, is in lawful possession or control of the property designated below, or has the authority to act in the owner(s) behalf and in their absence.

The undersigned may, at any time and without cause, reason or explanation, revoke consent.

ADDRESS OF PROPERTY TO BE INSPECTED:

SPECIFIC AREAS EXCLUDED FROM CONSENT (if any):

ADDRESS OF PROPERTY ACCESSED FROM WHICH THE INSPECTION WILL BE CONDUCTED:

CONSENTING PARTY

NAME: _____ DATE OF BIRTH: _____

SIGNATURE: _____ DATE SIGNED: _____

RELATIONSHIP TO PROPERTY:

OWNER: _____ TENANT: _____ AGENT: _____ MANAGER: _____ OTHER: _____



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CONSENT TO INSPECT FROM PRIVATE PROPERTY

The undersigned herein consents to the City of Youngstown inspector(s) to enter the property listed below to view/inspect and take photographs of adjacent/neighboring/nearby properties yard areas and building exteriors to determine whether or not said property complies with local and state codes.

The undersigned herein states that he/she is a minimum of eighteen years of age, is in lawful possession or control of the property designated below, or has the authority to act in the owner(s) behalf and in their absence.

The undersigned may, at any time and without cause, reason or explanation, revoke consent.

ADDRESS OF PROPERTY ACCESSED FROM WHICH THE INSPECTION WILL BE CONDUCTED:

CONSENTING PARTY

NAME: _____ DATE OF BIRTH: _____

SIGNATURE: _____ DATE SIGNED: _____

RELATIONSHIP TO PROPERTY:

OWNER: _____ TENANT: _____ AGENT: _____ MANAGER: _____ OTHER: _____



2.3 DUE DILIGENCE/OWNERSHIP RESEARCH

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a policy and procedure for conducting ownership research.

2. PHILOSOPHY

Many property owners do not live at the property that is under inspection (vacant, rental, etc.). Inspectors often find themselves in need of locating the property owner, who may be living in a different county, state, or country. Locating and establishing contact with the property owner is key to obtaining compliance with the property and holding those parties accountable.

3. POLICY

Inspectors shall adhere to the process contained herein to ensure ownership research is conducted efficiently and accurately.

4. PRACTICE

Each case is different, so no one single policy can cover all of the potential property relationships or circumstances. Property ownership rules vary and can be complex. Thus, it becomes critical to document the information at each step of the investigation.

If the house/unit is occupied: Inspectors should first identify the occupant(s) and determine if they are owner(s) or tenant(s). If tenants the inspector shall ascertain to whom and what address the rent is being paid. Inspectors shall also check with the rental records clerk to establish if the unit is a rental property. If the property is a rental, check with clerk for contact information, or follow the instructions above for locating the owner. If the house is not a rental property, send notices directly to the property.

If the house/unit is vacant: Inspectors should first rely on the Mahoning County Auditor records to establish the owner of the property. Inspectors should then conduct a web-based search on the name of the property owner, to attempt to locate an address, phone number, etc. for the owner. Inspectors may also use City water records to find this information.

In addition there will be instances in which inspectors will need to research mortgage/lien holders. Those instances include but are not limited to:

- Vacant
- Possible foreclosure/pre-foreclosure
- Possible demolition



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard by which extensions will be considered and granted/rejected.

2. PHILOSOPHY

Extensions are a valuable tool within code enforcement. They can encourage and motivate the violator. But, as with any other tool, they can be abused and taken advantage of. To shorten compliance/enforcement time frames and bring consistency to the division the following policy has been instituted.

3. POLICY

- Extensions may not be granted by inspectors.
- Any extension granted will be based on the total circumstances of the case.
- Extensions must be approved by the Property CE superintendent and not more than one extension may be granted.
- No extensions are to be granted without an onsite inspection.

4. PRACTICE

The Property Code Enforcement Office general policy is not to grant extensions without approval by a supervisor. Limited exceptions will be based on the owner's good faith, seriousness of the violation, progress made to date, financial or physical ability to make corrections, the severity and extent of the original violation(s) cited at the location, the amount of corrective action remaining to bring the property into compliance along with community concerns and visibility. If the property can be brought into compliance within three to five working days, an extension may be granted by a supervisor.

When an inspector receives a request for an extension he/she must document the request within the case file and data management system (Empyra) as per Section 3.4 Case Management/Selection of Enforcement Action. This documentation is to include the date and time the request was made, who made the request and why.

The inspector shall conduct a re-inspection as per Section 2.5 Inspection/Investigation and document the current conditions as per Section 2.9 Photo & Video Documentation. If, in the inspector's opinion and experience, the corrective action required to bring the property into compliance can be completed within 3 to 5 business days, the inspector will present the extension request to

the Property CE superintendent for consideration. If, in the inspector's opinion and experience, the corrective action required to bring the property into compliance can NOT be completed within 3 to 5 business days, the inspector may deny the extension without consulting the Property CE superintendent.

Extension Granted: If the extension is granted by the Property CE supervisor, the case inspector shall document the extension approval within the case file and data management system (Empyra), as per Section 3.4 Case Management/Selection of Enforcement Action, and schedule a re-inspection in the case file and data management system (Empyra). The inspector must contact the individual that requested the extension and 1.) inform the person that the extension was granted and the duration of the extension and 2.) provide the date re-inspection will be performed.

Extension Denied: If the extension was denied, the inspector shall document the denial within the case file and data management system (Empyra), as per Section 3.4 Case Management/Selection of Enforcement Action, and schedule a re-inspection in the case file and data management system (Empyra). The inspector must contact the individual that requested the extension and 1) inform the person that the extension was denied and 2) explain the next step in the enforcement process.

Regardless of the approval or denial of an extension request, the inspector shall re-inspect the subject property in accordance with Section 2.5 Inspection/Investigation.

CITY OF YOUNGSTOWN

	2.5 INSPECTION/INVESTIGATION			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which properties of all zoning designations are inspected for violations of the Youngstown Code of Ordinances to ensure that minimum standards for health, safety, welfare, curb appeal and "livability" are met.

2. PHILOSOPHY

Any neighborhood is only as clean and safe as the worst property on the block. This is true of residential, commercial and industrial properties. As related in the "broken window theory," code violations or "blight" left unaddressed will only result in further code violations or more blight. Blight lowers property values, contributes to increased crime and reduces the "livability" of the area, which in turn creates more blight. With that in mind it is imperative that code enforcement inspectors complete timely, thorough and comprehensive inspections to curb blight and help stabilize and then improve neighborhoods. Failing to do so lessens effectiveness and credibility, lengthens compliance time frames and can give the appearance of selective enforcement and/or harassment as inspectors make repeated inspections on properties "one violation at a time."

3. POLICY

While conducting inspections, inspectors are to address ALL violations of the Youngstown Code of Ordinances that they observe on the property. This policy applies to inspection of all property types: occupied and vacant.

4. PRACTICE

As inspectors respond to complaints of alleged violations of the Youngstown Code of Ordinances, they are to perform complete and thorough inspections of properties looking for ANY AND ALL code violations that may be present, not just those that were reported as per Section 1.5 inspector/Staff Initiated Complaints. They are to adhere to the requirements, limitations and restrictions of city and division policy, the law and the Constitution while conducting these inspections always keeping in mind an individual's right to privacy. They are to exit their vehicle at every location and initiate the inspection by attempting to contact the responsible party at the property as per Section 2.7 Interview/Identification.

If **contact is made** inspectors are to explain the reason for the inspection. If they have reason to believe or suspect that there are additional violations in/on that portion of the property that cannot be viewed/inspected from the public right-of-way OR they need a better view of the violations that can be seen from the right-of-way they are to request consent to inspect as per the Consent to Inspect Policy. If consent is denied they are to utilize one or all of the following alternatives

- Seek another "legal" vantage point
- Request consent from a neighboring property
- Obtain aerial photo documentation
- Request an inspection/search warrant as per the Inspection Warrant Policy

If **consent is NOT obtained** the code enforcement inspector is to advise the responsible party of the inspection alternatives listed above allowing them an additional opportunity to consent. This must be done in an informative, non-threatening manner so as not to create an issue of duress. If consent is again denied the code enforcement inspector is to move the case forward as per Section 3.4 Case Management/Selection of Enforcement Action.

If **consent is obtained** the inspector is to perform a complete inspect on those areas consented to and under the lawful control of the individual(s) granting consent.

In either case the inspector is to document the conditions in violation as per section 2.9 Photo & Video Documentation and inform the responsible party of their findings and the follow-up or enforcement process that will take place.

If **contact with a responsible party cannot be made**, the inspector should leave a notice on the property, along with a business card, requesting a return call.

If no call is received within three (3) business days, the inspector is to reattempt the inspection as stated in Section 3.4 Case Management/Selection of Enforcement Action.

When a call is received, the inspector is to make an appointment to meet the responsible party at the property and follow to steps previously outlined in this policy.

In the case of **vacant properties**, the code enforcement inspector must evaluate the circumstances and conditions present and determine if the property is simply vacant or if it is vacant, abandoned and accessible as there are different restrictions and levels of authority as noted in Section 2.6 Inspection of Vacant Properties and Section 4.8 Established Levels of Responsibility/Authority.

Regardless of the type of violation or property that is the subject of an inspection inspectors must always be cognizant of their surroundings and keep their personal safety in mind as per Section 4.11 Officer/inspector Safety.



2.6 INSPECTION OF VACANT PROPERTIES

	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which properties of all zoning designations are inspected for violations of the Youngstown Code of Ordinances to ensure that minimum standards for health, safety, welfare, curb appeal and "livability" are met.

2. PHILOSOPHY

Any neighborhood is only as clean and safe as the worst property on the block. This is true of residential, commercial and industrial properties. As related in the "broken window theory" code violations or "blight" left unaddressed will only result in further code violations or more blight. Blight lowers property values, contributes to increased crime and reduces the "livability" of the area, which in turn creates more blight. With that in mind it is imperative that code enforcement inspectors complete timely, thorough and comprehensive inspections to curb blight and help stabilize and then improve neighborhoods. Failing to do so lessens the effectiveness and credibility, lengthens compliance time frames and can give the appearance of selective enforcement and/or harassment as inspectors make repeated inspections on properties "one violation at a time."

3. POLICY

While conducting inspections, inspectors are to address all violations of the Youngstown Code of Ordinances that they observe on the property. This policy offers additional steps when inspecting a property that is vacant and could be abandoned.

4. PRACTICE

As inspectors respond to complaints of alleged violations they are to perform complete and thorough inspections of properties looking for ANY AND ALL code violations that may be present, not just those that were reported. They are to adhere to the requirements, limitations and restrictions of City and division policy, the law and the Constitution while conducting these inspections always keeping in mind an individual's right to privacy.

They are to exit their vehicle at every location and initiate the inspection by attempting to contact the responsible party at the property as per the Interview/Identification Policy. There will be cases where a subject may appear vacant but is occupied and vice versa therefore, inspectors must treat every property as if it is occupied until the evidence proves otherwise.

Once it is determined the property is vacant it must then be determined if the property is vacant and secured or vacant and accessible (open to casual entry).

NOTE: Vacant and secured properties are defined as being unoccupied and secured against unlawful or casual entry by unauthorized individuals.

- Secured is defined as any and all measures taken to board, close and lock any opening or breach on ground level large enough to allow entry by a child.
- Vacant and accessible properties are defined unoccupied and having unsecured openings or breaches on ground level large enough to allow entry by a child.
- Properties with illegal occupancy (squatting) and/or trespass are NOT considered “occupied”.

If the inspector determines the property is legally occupied: the inspector shall continue as per Section 2.5 Inspection/Investigation.

If the inspector determines the property is vacant and secured: the inspector is to complete an exterior inspection noting conditions that can be viewed/inspected from the public right-of-way. If the inspector feels there may be additional violations that cannot be viewed from the public right-of way they are to utilize one or all of the following alternatives:

- Seek another "legal" vantage point
- Request consent from a neighboring property
- Obtain aerial photo documentation
- Request an inspection/search warrant as per the Inspection Warrant Policy

If the inspector determines the property is vacant and accessible: the inspector is to complete both an exterior and interior inspection noting conditions that are in violation. In addition, the inspector is to note any conditions that would provide evidence that the property has been/is being accessed by unauthorized individuals. Refer to Section 2.9 Photo & Video Documentation for additional information).

Regardless of the type of violation or property that is the subject of an inspection inspectors must always be cognizant of their surroundings and keep their personal safety in mind as per Section 4.11 Officer/inspector Safety.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard by which inspectors are to follow as to identifying and interviewing responsible persons, witnesses, neighbors, and other people relevant to their investigation.

2. PHILOSOPHY

It is important to complete thorough inspections of violations of the Youngstown Code of Ordinances. As a part of these inspections, it is just as important to interview parties that are responsible for, related to, have complained about or witnessed the conditions of the properties in violation. Inspections may result in enforcement action; thus, inspectors must make every effort to properly identify all those who may be affected by such action. This will aid later enforcement efforts and may be beneficial if complaints regarding inspectors' conduct are received.

3. POLICY

While conducting inspections/investigations inspectors are to identify and interview all persons related to the case over eighteen (18) years of age. This information is to be recorded in the case file. As part of the interview they are to ask questions that will aid in the enforcement process should it become necessary.

4. PRACTICE

When performing inspection/investigation, inspectors are to exit their vehicle, approach the property in question and attempt to contact a responsible party as per Section 2.5 Inspection/Investigation. When contact is made, they are to explain the reason for the inspection and interview the contact as to their relationship to the property. They are to identify the contact asking for their name, address, contact phone number and date of birth (DOB). As public officials, inspectors have the right to complete investigation and may request that a person involved in that investigation identify themselves. They do not have the right to refuse. They do not have to provide their identification (ID) but must give their name, address, phone number and DOB when requested. Inspectors can request to see their identification but cannot demand it.

The inspector is to ask interview questions that will provide background and evidence should the case proceed to an enforcement action. Interviews are not restricted to owners and tenants but should be conducted with neighbors, passersby, transients etc. as may be appropriate depending on the nature of the violations. This information will prove invaluable in enforcement proceedings. If a person refuses to identify him/herself the code enforcement inspector is to

continue the inspection as per Section 2.5 Inspection/Investigation and Section 2.2 Consent to Inspect. Depending on the circumstances, the inspector may request assistance from the Property CE superintendent or the Youngstown Police Department. This is done only in serious cases where not gaining the identification of a person may weaken or hamper our enforcement efforts or where the person appears upset and the inspector has legitimate concerns the situation may escalate. If this is not the case, the inspector is to document the description of the person refusing to ID and record it in the case file. The inspector is to, when reasonably safe; take a photograph of the person as per Section 2.9 Photo & Video Documentation.

Regardless of identification of an individual, the code enforcement inspector should, through conversation, ask questions relevant to the inspection.

Examples of Interview Questions

- “How long have you lived here?”
- “How many people live here? How old are they?”
- “How many families live here?”
- “How much is your rent?”
- “Are you current on your rent?”
- “What is the owners name, address, phone number?”
- “Have you reported this to the landlord?”
- “How long has the property been vacant?”
- “Have you seen any activity there?”
- “Do you know when the neighbors will be home?”
- “Does this _____ (car, couch, etc.) belong to you? Who does it belong to?”
- “Did you see who dumped/left it here? Did you get a license number? Do you think you would you recognize them if you saw them again?”

No policy/procedure can possibly list all the questions that should be asked. As such it is important to obtain the phone number of all contacts made at/near the property. Follow-up phone calls are much easier and less time consuming than repeated trips to the property.

Notes from these investigations are to be documented the data management system (Empyra), as per Section 3.4 Case Management/Selection of Enforcement Action, for future reference

NOTE: Inspectors must be overly cautious so as not to give persons any reason to claim that their personal right to privacy has been violated.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard by which inspectors provide notice of violations of the Youngstown Code of Ordinances.

2. PHILOSOPHY

Property owners and responsible parties must be informed of the violations based on the specific requirements set forth in the Youngstown Code of Ordinances. Giving notice to responsible parties is a core constitutional requirement of due process. Thus, if the notice does not comply with the Youngstown Code of Ordinances, the enforcement case could be thrown out of court or subject the City of Youngstown to potential civil liability.

3. POLICY

Inspectors shall adhere to the steps contained in this policy to ensure noticing follows the Youngstown Code of Ordinances.

4. PRACTICE

Once inspection is complete and the inspector deems a violation of the Youngstown Code of Ordinances is present, they must notify the owner of the property. Every type of notice is sent out via regular mail and the condemnation (raze and repair order) goes certified mail. Administrative penalties, Appeals Board notices and order are sent via regular mail too.

The inspector shall prepare the notice letter which should:

- List all violations observed
 - Refer to the sections and divisions violated
 - Order remedial/corrective action that will affect compliance
 - Specify a reasonable time within which to comply
- NOTE:** inspectors shall adhere to any minimum or maximum time frames noted/cited within the code they are enforcing
- Set forth the procedure to appeal the notice and order

The inspector should mail the notice to the owner's resident, last known address, or place of business. In addition the inspector is to post a copy of the notice on the subject property. The inspector shall take a photograph of the posting as per Section 2.9

. Mailings and posting shall be completed on the same day.

In the case of a condemnation the notices are to be sent via certified mail as well as first class and posted. Certified mailings may be required by the Code Enforcement Superintendent on a case by case basis depending on circumstances.

NOTE: In the event of “personal service” – in which an individual accepts receipt of the notice before the inspector can post it – the name of the individual accepting the notice and their relationship to the property shall be documented and noted in the case file. When possible the inspector is to take a photograph of the individual receiving the notice.

Youngstown Code of Ordinances

546.06 NOTICE OF VIOLATION.

- (a) Whenever the Code Official or his/her designee determines that there has been a violation of any provision of this code, he or she may give notice to the person or entity responsible therefore and order compliance, as herein provided, except when condemning property or equipment pursuant to 546.08. The notice and order shall:
 - (1) Be put in writing on the appropriate form, as the Code Official shall determine;
 - (2) Include a list of violations;
 - (3) Refer to the sections and divisions violated;
 - (4) Order remedial action which will effect compliance with the provisions of this code;
 - (5) Specify a reasonable time within which to comply; and
 - (6) Set forth the procedure to appeal the notice and order.
- (b) Such notice and order shall be deemed to be properly served if a copy is delivered to the responsible party, owner, operator, entity in control of the premises, or occupant, personally, or by regular mail to their residence, regular place of business, or last known address, and posted in a conspicuous place in or on their residence, regular place of business, last known address, or the building affected.

546.08 CONDEMNATION OF UNSAFE STRUCTURES OR EQUIPMENT.

- (a) **Condemnation.** When a structure or equipment is found by the Code Official to be unsafe, unfit for human occupancy, or unlawful, such structure may be condemned pursuant to the provisions of this code.
- (b) **Notice.**
 - (1) When the Code Official has condemned a structure or equipment under the provisions of this section, a Condemnation Notice shall be issued.
 - (2) The Notice shall:

- a. Be in writing,
- b. Include a description of the property sufficient for identification,
- c. Include a statement of the reason or reasons for its issuance,
- d. Include an order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code; and
- e. Set forth the process for appeal.

(3) The Notice shall be provided as follows:

- a. Notice shall be sent via certified and regular U.S. mail to the property owner's last known address;
- b. Notice shall be sent via certified and regular U.S. mail to all holders of legal or equitable liens of record upon the real property at issue, if applicable;
- c. Notice shall be posted to the property at issue, in a conspicuous place; and
- d. If the certified mail in subsections (a) and (b) hereof goes unclaimed, notice shall be published in a local newspaper of general circulation at least once a week for two consecutive weeks.

(c) Mitigation of Hazards

- (1) Placarding. Upon condemning a structure or equipment, the Code Official shall post on the premises or defective equipment a Notice bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (2) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No person shall remove or deface the condemnation placard without the approval of the Code Official.
- (3) Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. No person shall enter, remain in, or occupy any placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official. No owner, operator, or person responsible for a placarded premises shall allow or permit anyone to occupy, enter, or remain in the placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official.
- (4) Failure to comply with Order. If any person, when ordered by the Code Official or his or her designee to vacate an unsafe building or structure, should fail to comply with the order, the Chief of Police shall be advised of all the facts in the case and it shall be the duty of the Chief of Police to vacate such building or structure.

- (e) Demolition of a condemned structure.
 - (1) Structures condemned in accordance with the above requirements are subject to demolition.
 - (2) The property owner of a condemned structure may appeal the Condemnation Notice within 15 days of the date on the notice.
 - (3) If the property owner fails to file an appeal within 15 days, and the property is not razed or repaired within the time provided on the Notice of Condemnation, the City may raze the property at anytime thereafter.
 - (4) If the property owner files an appeal, then the appeal shall be heard by the Property Maintenance Appeals Board within 60 days of the date of receipt of the appeal.
 - (5) If an appeal is denied by the Property Maintenance Appeals Board, the Board shall issue a notice of denial to the property owner, and the City may raze the property at anytime thereafter.
- (f) Recovery of costs. Costs incurred in carrying out the provisions herein shall be collected pursuant to Section 546.99.
- (g) Emergency Demolition and Condemnation
 - (1) If at any time during the condemnation process the property presents emergency conditions, as outlined in section 1525.01 of the Codified Ordinances of the City of Youngstown, the property shall be subject to an emergency demolition order and procedure as provided in Chapter 1525.
 - (2) The fact that a property has been condemned shall not affect or preclude the use of the emergency demolition process.

546.96 ADMINISTRATIVE PENALTIES.

- (a) Any person or entity who violates or fails to comply with any provision of this code or any order issued by the Code Official or his or her designee, after receipt of a Notice of Violation and expiration of a reasonable time within which to comply, shall be subject to an administrative penalty.
- (b) Notice of an Administrative Penalty shall:
 - (1) Be put in writing on an appropriate form as the Code Official shall determine;
 - (2) State the basis for the administrative penalty, including the section of this code that has been violated;
 - (3) Specify the date and manner by which the penalty must be paid; and

- (4) Set forth the procedure to appeal.
- (c) The penalty amounts are as follows:
 - (1) For a first offense, an administrative penalty of \$100.00
 - (2) For a second offense, within one year of the date of the first offense, an administrative penalty of \$500.00
 - (3) For a third offense, within one year of the date of the first offense, an administrative penalty of \$1,000.00
- (d) For purposes of this section, “offense” means any violation of this code, such that a citation for a second or third offense may be for a violation different than that for which the first notice was issued.
- (e) Notice of an administrative penalty shall be provided in accordance with the Notice Procedures in Section 546.06.

546.99 RECOVERY OF COSTS

- (a) As used in this Chapter, “total cost” means any cost incurred by the City of Youngstown due to labor, materials, equipment and compliance with local, state or federal laws, including, but not limited to laborers wages, costs of labor, cost of materials and equipment, costs of notice and publication, and abatement costs.
- (b) The City of Youngstown may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance. At any time after such costs are incurred, subject to limitations as provided by law, the City of Youngstown shall send an invoice to the property owner at his or her last known address, via regular U.S. mail. If the property owner fails to pay the invoice within 30 days of the date of the invoice, then the City of Youngstown or a duly retained agent or attorney at law may collect the total cost by any of the following methods:
 - (1) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor, who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification

- shall not, however, preclude other methods of recovery of such costs as may be authorized generally by law; and/or
- (2) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.
 - (c) This section applies to any action taken by the City of Youngstown pursuant to sections 715.26 and 715.261 of the Ohio Revised Code, Section 3, Article XVIII of the Ohio Constitution, or Chapter 546 of the Codified Ordinances of the City of Youngstown.
- .



2.9 PHOTO & VIDEO DOCUMENTATION

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To standardize the process for documenting inspections and investigations with photographs and video.

2. PHILOSOPHY

Violations of the Youngstown Code of Ordinances detract from the enjoyment of residents, create conditions that can be hazardous and life threatening, may increase crime, and negatively impact property values. It is the responsibility of the Property Code Enforcement Office to address these issues as they are identified and attempt to bring them into compliance by any and all of the remedies afforded within the Youngstown Code of Ordinances. To provide effective and timely enforcement, it is necessary to properly photo-document the conditions/violations that exist on properties not in compliance. This is done to educate, update and inform fellow staff members, other city officials, legal counsel (both internal and external) as well as provide evidence at trials and hearings. To put a slight twist on an old expression, “A GOOD picture is worth a thousand words.”

3. POLICY

Photographs are to be taken of all inspections and actions for documenting conditions and notices posted on the property.

4. PRACTICE

Photographs are to be taken of all inspections and actions in the following manner:

Inspections:

- Inspectors shall exit their City vehicle to take all photographs.
- Inspectors shall take one overall shot of the property with as much detail as possible.
- Inspectors shall take individual shots of all visible violations.
- All photographs shall be taken from public right-of-way and/or other legally obtained vantage point.
- As **needed or required**, inspectors shall take photos of “adjacent properties” for comparison at hearing, trial or other review.

In the case of attractive nuisances or open, vacant and accessible buildings, inspectors shall take supporting photographs of activity on or near the property.

- Supporting photos include but are not limited to:
 - Transients or evidence of transient activity;
 - Children on or near the nuisance/property;
 - The nuisance/property's proximity to schools, parks, churches, liquor stores, etc.

NOTE: If the property being inspected is “in compliance” and has no violations the inspector is to take photos documenting the compliant condition of the property.

Re-Inspections:

- Inspectors shall exit their vehicle to take all photographs.
- Inspectors shall take one overall shot of the property with as much detail as possible.
- Inspectors shall take individual shots of all previously photographed violations documenting their current condition.
- All photographs are to be taken from the same location as those previously taken, whenever legally possible.
- As needed or required, inspectors are to take photos of “adjacent properties” for comparison at hearing, trial or other review.
- In the case of attractive nuisances or open, vacant and accessible buildings, inspectors shall take supporting photographs of activity on or near the property.
- Supporting photos include but are not limited to:
 - Transients or evidence of transient activity;
 - Children on or near the nuisance/property;
 - The nuisance/property's proximity to schools, parks, churches, liquor stores, etc.

Postings:

- Inspectors shall take a photograph of the document being posted.
- Inspectors shall exit their vehicle to take all additional photographs.
- After the document, has been posted inspectors shall take one photo of each posting close enough to identify what was posted.
- Inspectors shall take one overall shot of the property with as much detail as possible to indicate where item was posted.
- Inspectors shall take additional photographs of all significant change (better or worse) to the property.
- In the case of attractive nuisances or open, vacant and accessible buildings, inspectors shall take supporting photographs of activity on or near the property.
- Supporting photos include but are not limited to:
 - Transients or evidence of transient activity;
 - Children on or near the nuisance/property;
 - The nuisance/property's proximity to schools, parks, churches, liquor stores, etc.

All digital photos are to be taken with the field tablet within the Empyra data management system. For photos to be date/time they must be taken in the service that you are providing at the time. As the field tablet connects to the mainframe via the cellular data system no more than two photos are to be taken and uploaded (attached) at a time. Attempting upload (attach) more than two photos at a time may be counterproductive as it slows the process and causes the action to “time out”.

When not easily recognizable inspectors are to attach, a note describing what the photo depicts and where in/at the property it was taken.

CITY OF YOUNGSTOWN



2.10 REFERRING COMPLAINTS TO OTHER DEPARTMENTS

Author		Revised by#	
Revision #		Implementation Date	

1. PURPOSE

To establish and outline a policy for forwarding/referring complaints and /or issues outside the scope of the Property Code Enforcement Office's responsibility, authority or expertise.

2. PHILOSOPHY

Inspectors are called to numerous locations in response to various conditions and situations in violation of the Youngstown Code of Ordinances. It is not uncommon for there to be additional violations, circumstances and issues at these locations that are beyond the scope, experience and authority of the inspectors. Many times, these issues can involve children, the elderly and the disabled. In other instances, they might involve suspected criminal activity. Whatever the circumstance, it is important that code enforcement staff remember they are part of a much larger effort working toward neighborhood stabilization and community improvement. As such they should refer problematic issues they witness or suspect to the appropriate department or agency via the appropriate method.

3. POLICY

A code enforcement staff member that witness an issue or suspect a circumstance that is criminal, unsafe, hazardous or diminishes the quality of life in a neighborhood, but is beyond their scope, experience and/or authority, as per Section 4.8 Established Levels of Responsibility/Authority are to report the issue to the proper department/agency and inform the Property CE superintendent via Section 4.4 Chain of Command.

4. PRACTICE

As with many other sections within the policy and procedures manual there is no way to provide a complete list of those issues, situations or circumstances that would warrant reporting to another more appropriate department/agency. It is up to each staff member to be proactive in reporting issues that are unhealthy, unsafe and/or criminal and beyond their authority and experience.

Currently, staff should be referring issues that need to be addressed by other departments/divisions via the email and Empyra systems (when available). Any referral to another department or division should be noted in the "outcome" selection in Empyra, a note placed into the e-file and an email sent to the appropriate department/division.

The common city and county departments, divisions, agencies to refer issues include:

- Police
- Fire
- Health
- Zoning
- Public Works
- Building (Mahoning County)

Mandated Reporters:

Some public officials and employees, such as teachers, medical personnel, and law enforcement inspectors are “mandated reporters,” meaning that State law **REQUIRES** that they report certain issues such as child or elder abuse, etc. As code enforcement inspectors are frequently inside occupied residences they can be witness to circumstances and conditions that would fall into a mandated reporting category. Code enforcement staff need to be aware of such circumstances and report any issues observed as required within the law.

- Failure to do so may result in:
- Injury/death to an individual
- Criminal/civil prosecution
- Personal liability (Civil suits)
- Loss of employment

Regardless of mandate, inspectors must take it upon themselves to report such issues or suspected issues to the proper department/agency as a larger overall effort of community improvement.

CITY OF YOUNGSTOWN



2.11 TIME TRACKING

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE


2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW

CITY OF YOUNGSTOWN

	2.12 VIOLATION RESPONSE PRIORITY			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard for determining the priority of response by the Property Code Enforcement Office regarding complaints/reports of violations of the Youngstown Code of Ordinances.

2. PHILOSOPHY

The Property Code Enforcement Office receives thousands of calls each year, reporting everything from trash cans left at the curb too long, to fire damaged dangerous buildings and unsanitary conditions that are a threat to health and safety. It is important that these calls be prioritized in a way that best serves and protects the community.

3. POLICY

Violations have been separated into following response categories.

LEVEL I: Life-Health-Safety

- Lack of egress – stationary security bars on sleeping room windows
- Discarded/abandoned appliances
- Unsecured and/or unmaintained pools/spas/ponds
- Open, vacant accessible buildings (problem board-ups)
- Sewage leaks/spills
- No water service
- Fire hazards
- Dry weeds in fire season
- Mayor/Council/City Attorney complaints
- Other items assigned by the Property CE superintendent

LEVEL II: Safety-Livability

- Re-inspections of Level I complaints
- Traffic hazards (overgrown vegetation/view)
- Non-permitted/illegal dwelling units
- Substandard housing
- Trash/debris waste matter on unoccupied property or vacant lot

(CONTINUE NEXT PAGE)

- Repeat complaints of Level III violations
- Re-inspections of Level II & III complaints
- Complaints referred by other departments
- Other items assigned by the Property CE superintendent

LEVEL III: Livability-Visual Blight

- Exterior property maintenance
- Lack of landscape/ improper landscape maintenance
- Overgrown vegetation (not a traffic hazard)
- Weeds not in dry/fire season
- Trash/debris waste matter on occupied property
- Inoperable vehicles
- Parking violations
- Improper outdoor storage
- Fencing (unless issue is lack of/damaged fencing around a pool)

4. PRACTICE

Level I violations require an **immediate response** or approval from a supervisor to delay response until the next day.

Level II violations handled ASAP after any/all Level I complaints have been addressed – within two (2) business days.

Level III violations are addressed after all Level I & II complaints have been addressed. – within three (3) business days.



Chapter 3

Enforcement Actions & Procedures



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard by which administrative penalties are imposed and collected on non-compliant properties.

2. PHILOSOPHY

Although voluntary compliance is the goal, it is not always readily obtained. In some instances, responsible parties should be compelled to abate the violations and bring their properties into compliance. Administrative penalties are one method or “tool” that the City of Youngstown can use to encourage or motivate a responsible party to bring their property into compliance. As such, inspectors should always attempt to take the least intrusive or “aggressive” action required to motivate a responsible party.

3. POLICY

When a responsible party does not bring their property into compliance within the time frames allowed by the Youngstown Code of Ordinances and any/all notices and/or extensions granted, the Property Code Enforcement Office can impose administrative penalties for violations of the Youngstown Code of Ordinances. Before imposing administrative penalties on a responsible party, the inspector must consult with and gain approval from the Superintendent. Administrative penalties shall be implemented as noted in Youngstown Code of Ordinances section 546.96.

4. PRACTICE

When an inspector has a case involving a non-compliant property and they choose administrative penalties, they must follow the requirement outlined in Youngstown’s Code Section 546.96.

As with any policy and procedure actions must be cross referenced with other applicable sections such as Section 2.3 Due Diligence/Ownership Research and Section 2.8 Noticing Requirements.

The code does NOT require that the same section OR the same property be in violation to issue a second, third or any subsequent penalties. This indicates that an inspector or inspectors may address a responsible party rather than a single violation type on a property. Inspectors must research responsible parties to ascertain if they have current or previous actions that would warrant/allow for increased administrative penalties at other locations.

Once a property or responsible party has amassed a total of \$1,600 in administrative penalties (\$100, \$500 and \$1,000) the case(s) are to be referred to the Property CE superintendent to prepare for collection. If the property is also still in violation, the Property CE superintendent shall select another enforcement action to take, such as criminal prosecution, civil receivership, spot blight (eminent domain), Tax Foreclosure (land bank), etc. For further directions, see Inspections Flow Chart in Appendix A Process Flow Diagram.

NOTE: Administrative penalties may be combined with other incurred costs and collected at the same time in the same manner.

Youngstown Code of Ordinances

546.96 ADMINISTRATIVE PENALTIES.

(a) Any person or entity who violates or fails to comply with any provision of this code or any order issued by the Code Official or his or her designee, after receipt of a Notice of Violation and expiration of a reasonable time within which to comply, shall be subject to an administrative penalty.

(b) Notice of an Administrative Penalty shall:

- (1) Be put in writing on an appropriate form as the Code Official shall determine;
- (2) State the basis for the administrative penalty, including the section of this code that has been violated;
- (3) Specify the date and manner by which the penalty must be paid; and
- (4) Set forth the procedure to appeal.

(c) The penalty amounts are as follows:

- (1) For a first offense, an administrative penalty of \$100.00
- (2) For a second offense, within one year of the date of the first offense, an administrative penalty of \$500.00
- (3) For a third offense, within one year of the date of the first offense, an administrative penalty of \$1,000.00

(d) For purposes of this section, “offense” means any violation of this code, such that a citation for a second or third offense may be for a violation different than that for which the first notice was issued.

(e) Notice of an administrative penalty shall be provided in accordance with the Notice Procedures in Section 546.06.

546.97 COLLECTION OF ADMINISTRATIVE PENALTIES

(a) The City of Youngstown may collect administrative penalties by either of the following methods:

The City of Youngstown may certify the administrative penalty, together with a proper description of the land, to the County Auditor who shall place the amount of the administrative penalty upon the tax list and duplicate. The penalty is a lien upon such lands from and after the date the penalty was imposed. The penalty shall be collected as other taxes and returned to the City of Youngstown. The placement of the penalty on the tax list and duplicate relates back to, and is effective in priority, as of the date the fine was imposed, provided that the City of Youngstown or its duly appointed agent or attorney at law certifies the total costs within one year from the date the penalty was imposed. Such certification shall not, however, preclude other methods of recovery of such cost as may be authorized generally by law; and/or

The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total penalty from the owner.

(b) Money collected pursuant to this section shall be used exclusively for the enforcement of this code.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard for managing the Property Maintenance Appeals process.

2. PHILOSOPHY

When property owners or other responsible parties disagree with the notice of violation or other order issued by the Property CE superintendent, building official, and/or inspector, they may seek review of the notice and order by the Property Maintenance Appeals Board. Property owners and responsible parties always have the option to file a lawsuit and have a court review their case. However, Youngstown's administrative appeals process also provides an objective review to ensure compliance with the principles of due process.

3. POLICY

Inspectors shall ensure appeals process is conducted efficiently and in accordance with the specific requirements of the Youngstown's Code of Ordinances and general concepts of due process. Failure to follow appropriate process may result in an unfavorable decision.

4. PRACTICE

Once the owner or responsible party completes and returns the appeal form to the corresponding address or the inspector the inspector will give the form to the designated Property Maintenance Board Hearing Inspector who will schedule the appeals hearing in Empyra and make note in the Appeals log. Note that the inspector may complete form for owner. The inspector will conduct an update inspection at the appropriate time and deem the property in compliance or work in progress/no work.

If property complies: Inspector will update Empyra with the relevant information (Appeals Board hearing outcome, compliance, demolition) and the Appeals log. This is the end of the appeal.

If property is deemed work in progress/no work: Inspector will update Empyra and Word log accordingly, and appeals hearing will then take place.

If owner does not appear at hearing: Inspector will call owner and reschedule for 2 weeks. If hearing is rescheduled, inspector will refer to process after obtaining appeal form and start over. If hearing is not rescheduled, inspector will update Empyra noting appeal has been denied. Inspector will then refer case to the prosecutor.

If owner appears at hearing:

- Appeal is denied: inspector will update Empyra noting appeal has been denied. This is the final administrative decision. Inspector will then refer case to the prosecutor.

NOTE: This action takes 14 – 30 calendar days. Prior to any additional action the inspector will reinspect the property to verify if any corrective action has been completed.

- Appeal is upheld as work in progress: Inspector will update Empyra and Appeals log noting appeal result and need for follow-up repair/inspection. Inspector will generate and mail letter detailing next hearing date and compliance requirements. Inspector will then refer to process after obtaining appeal form and start over.
- Appeal is upheld as in compliance: inspector will update Empyra and Appeals log noting appeal result (in compliance or demolished). Inspector will then generate and mail compliance letter. This is the end of the appeal.

Youngstown Code of Ordinances

546.09 APPEALS.

- (a) Notice of Appeal. Any recipient of a notice or order issued by the Code Official in connection with the enforcement of this code may request a hearing on the matter before the Property Maintenance Appeals Board. The Appellant shall file, in the Code Enforcement Department, Youngstown City Hall - 5th Floor, 26 S. Phelps Street, Youngstown, Ohio 44503, a written request for appeal setting forth the address of the property which was the subject of the notice or order, the name, address, and telephone number of the Appellant, and a brief statement of the grounds for the appeal. Requests shall be filed within fifteen (15) days after the date of the notice, and shall be accompanied by a deposit of \$15.00 which shall be nonrefundable, or an affidavit of indigency. Upon receipt of the request, the Property Maintenance Appeals Board will set a hearing within 60 days. Upon setting the hearing, the Appeals Board shall notify the appellant of the date, time and place. Written notice of the hearing shall be sent by ordinary U.S. Mail at least seven (7) days prior to the hearing. At the hearing, the Appellant shall be given an opportunity to be heard and to show cause why the notice or order should be modified or dismissed, or why a variance should be granted. The failure of the Appellant or his/her representative to appear and present his/her position at the hearing shall be grounds for dismissal of the appeal.
- (b) Variances. The Property Maintenance Appeals Board shall interpret the intent of this code in specific cases where, on appeal, it clearly appears that, by reason of special conditions, undue hardship would result from a literal application of any section of this code. Where undue hardship is clearly demonstrated, the Board may permit a variance

from the applicable section if the dwelling will vary only slightly from the literal provisions of this code, but will comply with the spirit and intent of this code.

- (c) Decisions. After a hearing on the request, the Property Maintenance Appeals Board may affirm, disaffirm, modify or dismiss the notice or order, or grant a variance from the notice or order, by a majority vote of the Board members who are present. The Appellant shall be notified within 15 days of the hearing, in writing, of the findings. Decisions shall be sent by regular U.S. mail to the Appellant's address as provided on the appeal form.
- (d) Records. The proceedings before the Property Maintenance Appeals Board shall be recorded and its decisions shall be set forth in writing. The recordings and written decisions shall be entered as a matter of public record in the Code Enforcement Department. Any person aggrieved by the decision of the Property Maintenance Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Ohio.

CITY OF YOUNGSTOWN



3.3 APPEALS/HARDSHIP WAIVER

Author

Revised by#

Revision #

Implementation Date


1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW

CITY OF YOUNGSTOWN			
	3.4 CASE MANAGEMENT/SELECTION OF ENFORCEMENT ACTION		
	Author		Revised by#
	Revision #		Implementation Date

1. PURPOSE

To establish a standard for the management and selection of enforcement actions for Property Code Enforcement & Demolition cases.

2. PHILOSOPHY

Code Enforcement (CE) handles complaints regarding alleged violations of the Youngstown Code of Ordinances. The City of Youngstown can choose from actions or several administrative or judicial remedies to obtain compliance. The remedies are independent and one remedy does not need to precede another remedy. The remedy will be chosen based on the type of violation, the history of the property, the level of cooperation with the alleged violator, and other relevant issues. This policy sets a standard for the management and coordination of the cases throughout the different steps for each CE action. Remember the goal is to gain compliance. Thus, this policy outlines the critical steps for selecting the most appropriate remedy to compliance.

3. POLICY

Repetitive warnings (notice of violations) will no longer be given. That means that if any notice of the observed violation has been given previously (i.e. courtesy notice, notice to correct, notice to abate, notice and order, administrative citation warning, etc.) and no progress or progress is minimal, no more “warnings” will be given. The policy is to then select the most effective and efficient remedy or action given the circumstances of the case. The inspector must ask the following question – Same property, same party, and same problem? **NEXT STEP!!** The next step does not mean that another warning or another citation is the correct remedy. It simply means selecting an enforcement action or remedy which will best motivate the reasonable party and encourage compliance.

If the violation involves the same property and the same owner and notice has been given within the previous 12 months of that violation, no further warnings should be issued. If a new code compliance inspector takes over the case, no further warnings will be issued. Instead, the new inspector should prepare the case for enforcement action. The next step is to be taken by whomever the case files is currently assigned.

Remember: it is not necessary to exhaust ALL “lower” remedies before escalating the case; select the remedy that will best address the situation given the violation, response, and history of the property. When inspectors reach this juncture on a case, they should make a recommendation and consult with Property CE superintendent or coordinator to ensure consistency. For example,

administrative citations are intended for quick-fix violations like removal of trash, debris, discarded items, cutting overgrown vegetation/grass-mowing, illegally parked vehicle; things that can be brought into compliance in a matter of hours or a few days. It is not ideal or necessary to require such citations BEFORE taking more serious or different enforcement actions. The goal is to motivate the violator to move toward compliance (See Section 3.11 Quality of Life for additional information on use of Administrative Citations).

Administrative Penalties are appropriate for properties with long-term problems or those that would not be motivated by the lower fine amounts of the Administrative Citations (See Section 3.1 Administrative Penalties for additional information on their implementation and use).

The goal is compliance and the notices should state a compliance date that is the shortest time period allowed in the Youngstown Code of Ordinances for that violation. If several violations exist with different time periods, all violations should be given the same compliance date, which is the latest date allowed within the code.

It is not unusual for responsible parties to request extensions (see Section 2.4 Extensions for more information regarding extensions). An initial notice and a request for consent are required if you are going to seek a warrant to inspect and/or abate nuisances. After the abatement, has been executed, if there are other violations remaining on the property, an inspector can move on to the appropriate remedy to address violations which do not involve abatement. Refer to Section 2.1 Administrative Inspection Warrant for additional information.

DO NOT COMBINE THE LISTED REMEDIES. TAKE THE MOST APPROPRIATE ENFORCEMENT ACTION AND USE IT UNTIL YOU NEED TO SWITCH TO ANOTHER REMEDY

In addition to the above administrative remedies, judicial remedies are available and will be determined with the assistance of the City Attorney.

4. PRACTICE

The practice for this section is well contained within the Policy. If questions or concerns arise from inspectors they are to be addressed by Property CE superintendent.

NOTE: As a general rule the first enforcement action beyond the original Notice of Violation is decided, in part, by the location of the owner/responsible party – local vs. non-local.

Local = An owner/responsible party with an address in the State of Ohio and western Pennsylvania.

Non-local = An owner/responsible party with an address outside the State of Ohio and western Pennsylvania.

Local owners/responsible parties are issued a Notice of Prosecutor Hearing. Non-local owners/responsible parties are issued Administrative Penalties.

CITY OF YOUNGSTOWN



3.5 CASE PREPARATION FOR LITIGATION

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW

CITY OF YOUNGSTOWN



3.6 COLLECTION OF FINE PENALTIES

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW



3.7 COMPLIANCE TIME FRAMES

	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard for the number of days allowed to bring a non-compliant property into compliance.

2. PHILOSOPHY

Not all conditions in violation are of equal nature and/or severity. Many issues of visual blight may be readily remedied while dangerous buildings and substandard housing may take additional time to procure a contractor, materials and permits. Unfortunately, there are those conditions that must be attended to as a matter of safety. In these cases, the standard notice giving the owner or responsible party “30 days to comply” is not only unreasonable but can be hazardous.

3. POLICY

As a general rule for first time cases, inspectors shall provide responsible parties thirty (30) calendar days to correct property code violations and bring property into compliance.

NOTE: If the violations are of such nature that they pose a risk to life, health and safety the code enforcement inspector is to bring the case to the attention of the Property CE superintendent as soon as possible to gain direction and approval to allow the responsible party fewer days to abate the hazard and bring the property into compliance.

In addition inspectors can establisher fewer days (less than 30) for repeat cases and/or for repeat offenders. This includes the same location with repeat cases AND different locations with similar violations and the same owner/responsible party. Other circumstanced may also warrant fewer days to comply; however, inspectors should consult and inform the CE superintendent.

4. PRACTICE

As a matter of routine when issuing a Notice of Violation, Notice of Corrective Action or any similar document, inspectors are to provide the responsible party thirty (30) calendar days to make the corrections and bring the property into compliance.

If the violations are of such nature that they pose a risk to life, health, and safety, the inspector is to bring the case to the attention of the Property CE superintendent as soon as possible to gain direction and approval to allow the responsible party fewer days to abate the hazard and bring the property into compliance. If the inspector is unsure if the conditions are of such nature they are to seek the advice of the Property CE superintendent. In short – when in doubt ask for direction. See Section 4.8 Established Levels of Responsibility/Authority for additional information and detail.

CITY OF YOUNGSTOWN



3.8 COST RECOVERY

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard as to when Property Code Enforcement staff shall require dangerous and/or vacant structures are to be demolished either by property owners and responsible parties or the City of Youngstown.

2. PHILOSOPHY

There will be those occasions in which a structure, by act of God, accident, vandalism or neglect, has become unsafe, uninhabitable and/or dangerous. In these instances, code enforcement inspectors are to require that the hazard be addressed and removed through remediation, reconstruction or demolition. In some instances, demolition is the only prudent, efficient and cost effective method.

3. POLICY

Whenever a code inspector locates a structure that is deemed unsafe, uninhabitable and/or dangerous they are to notify the Property CE superintendent and the responsible party as noted in Section 2.3 Due Diligence/Ownership Research and Section 2.8 Noticing Requirements.

The Building Code Official has the authority to condemn and order the structure demolished as noted in Youngstown Code of Ordinance sections 546.08 and 1309.04.

4. PRACTICE

When an inspector discovers a structure that they believe to be unsafe, uninhabitable and/or dangerous potentially requiring demolition, they are to perform an inspection in keeping with the policies governing inspections as well as inspector safety, and immediately bring it to the attention of the Property CE superintendent.

The Property CE superintendent will provide direction to the inspector as allowed/required by the following code sections. See Demo City Contract and Demo Emergency IDC Flow Charts in Appendix A Process Flow Diagrams for additional information and direction.

Youngstown Code of Ordinances

546.08 CONDEMNATION OF UNSAFE STRUCTURES OR EQUIPMENT.

- (a) Condemnation. When a structure or equipment is found by the Code Official to be unsafe, unfit for human occupancy, or unlawful, such structure may be condemned pursuant to the provisions of this code.
- (b) Notice
 - (1) When the Code Official has condemned a structure or equipment under the provisions of this section, a Condemnation Notice shall be issued.
 - (2) The Notice shall:
 - a. Be in writing,
 - b. Include a description of the property sufficient for identification,
 - c. Include a statement of the reason or reasons for its issuance,
 - d. Include an order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code; and
 - e. Set forth the process for appeal.
 - (3) The Notice shall be provided as follows:
 - a. Notice shall be sent via certified and regular U.S. mail to the property owner's last known address;
 - b. Notice shall be sent via certified and regular U.S. mail to all holders of legal or equitable liens of record upon the real property at issue, if applicable;
 - c. Notice shall be posted to the property at issue, in a conspicuous place; and
 - d. If the certified mail in subsections (a) and (b) hereof goes unclaimed, notice shall be published in a local newspaper of general circulation at least once a week for two consecutive weeks.
 - e. Mitigation of Hazards.
 - (1). Placarding. Upon condemning a structure or equipment, the Code Official shall post on the premises or defective equipment a Notice bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
 - (2). Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding

action were based have been eliminated. No person shall remove or deface the condemnation placard without the approval of the Code Official.

- (3). Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. No person shall enter, remain in, or occupy any placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official. No owner, operator, or person responsible for a placarded premise shall allow or permit anyone to occupy, enter, or remain in the placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official.
- (4). Failure to comply with Order. If any person, when ordered by the Code Official or his or her designee to vacate an unsafe building or structure, should fail to comply with the order, the Chief of Police shall be advised of all the facts in the case and it shall be the duty of the Chief of Police to vacate such building or structure.

(c) Demolition of a Condemned Structure.

- (1). Structures condemned in accordance with the above requirements are subject to demolition.
- (2). The property owner of a condemned structure may appeal the Condemnation Notice within 15 days of the date on the notice.
- (3). If the property owner fails to file an appeal within 15 days, and the property is not razed or repaired within the time provided on the Notice of Condemnation, the City may raze the property at any time thereafter.
- (4). If the property owner files an appeal, then the appeal shall be heard by the Property Maintenance Appeals Board within 60 days of the date of receipt of the appeal.
- (5). If an appeal is denied by the Property Maintenance Appeals Board, the Board shall issue a notice of denial to the property owner, and the City may raze the property at any time thereafter.

(d) Recovery of Costs. Costs incurred in carrying out the provisions herein shall be collected pursuant to Section 546.99.

(e) Emergency Demolition and Condemnation.

- (1). If at any time during the condemnation process the property presents emergency conditions, as outlined in Section 1525.01 of the Codified Ordinances of the City of Youngstown, the property shall be subject to an emergency demolition order and procedure as provided in Chapter 1525.

- (2). The fact that a property has been condemned shall not affect or preclude the use of the emergency demolition process.
(Ord. 16-119. Passed 4-6-16.)

1309.01 SCHEDULED TIMES FOR DEMOLITION WORK.

Anyone who does demolition work within the City, shall only perform demolition work between the hours of 8:00 a.m. and 5:00 p.m. daily, excluding legal holidays, Sundays and inclement weather days. The Code Official or his/her designee may approve exceptions to these specified times, upon written request from the contractor.

1309.02 DEMOLITION AND REMOVAL PROCEDURES.

In addition to the Section 8 Supplemental Specifications required of each contractor performing demolition work in the City, each contractor shall adhere to the following requirements in performing such demolition work.

- (a) The contractor must obtain a valid 30 day permit prior to commencing the demolition work, and if requested, display it when performing the demolition work. Extensions may be granted by the Deputy Director of Public Works.
- (b) Contractors must apply for Refuse Hauler permits pursuant to Chapter 737 and comply with all hauling regulations therein.
- (c) Contractors must hose down the work site during the operations by connecting to City hydrants adjacent to the work site. This is for dust control measures. Contractors will pay the City Water Department a Ten-dollar (\$10.00) user fee per single residential structure being demolished or Twenty dollars (\$20.00) per commercial structure, if larger than a duplex, unless the contractor provides his own water through portable means.
- (d) It shall be illegal to dump debris from any site into basements or to dispose of debris on any site other than at an approved landfill or at a construction and demolition landfill. However, bricks/masonry may be buried on site.
- (e) Contractors shall remove all garages, sheds and other out-buildings along with shrubs, bushes, walls, fences and foliage from property, along with structures, and all disposable material must be removed from the site.
- (f) When a contractor applies for payment for demolition work performed, all landfill manifests relating to the disposal of demolition debris and asbestos-containing materials must be supplied in order to secure payment.
- (g) Contractors must protect the area around the site during the demolition process to prevent debris from falling on active sidewalks and streets (not blocked off). Sidewalks, directly adjacent to the site, shall be properly closed and barricaded throughout the demolition

project. Street traffic lanes may be closed as needed only in conjunction with the City Traffic Coordinator's Office.

- (h) Contractors shall reasonably grade lots. They shall present a neat, well drained appearance and shall prevent water from draining unnecessarily onto adjacent properties or collecting on the site.
- (i) Contractors shall not leave mud or any mess on streets or sidewalks while equipment is being loaded or unloaded. See also Section 339.08.
- (j) All demolition work, once commenced, must be completed within a reasonable time, seventy-two hours for residential structures and, once started, commercial demolition work must be continued daily until finished (excluding holidays, Sundays and inclement weather days).
- (k) Any damage to City property such as sidewalks, curbs, catch basins, fire hydrants, etc., will be the responsibility of the contractor.

1309.03 DEMOLITION BOND.

In addition to the Section 8 Supplemental Specifications required of each contractor performing demolition work in the City, each contractor shall adhere to the following requirements in performing such demolition work.

- (a) The contractor must obtain a valid 30 day permit prior to commencing the demolition work, and if requested, display it when performing the demolition work. Extensions may be granted by the Deputy Director of Public Works.
- (b) Contractors must apply for Refuse Hauler permits pursuant to Chapter 737 and comply with all hauling regulations therein.
- (c) Contractors must hose down the work site during the operations by connecting to City hydrants adjacent to the work site. This is for dust control measures. Contractors will pay the City Water Department a Ten-dollar (\$10.00) user fee per single residential structure being demolished or Twenty dollars (\$20.00) per commercial structure, if larger than a duplex, unless the contractor provides his own water through portable means.
- (d) It shall be illegal to dump debris from any site into basements or to dispose of debris on any site other than at an approved landfill or at a construction and demolition landfill. However, bricks/masonry may be buried on site.
- (e) Contractors shall remove all garages, sheds and other out-buildings along with shrubs, bushes, walls, fences and foliage from property, along with structures, and all disposable material must be removed from the site.

- (f) When a contractor applies for payment for demolition work performed, all landfill manifests relating to the disposal of demolition debris and asbestos-containing materials must be supplied in order to secure payment.
- (g) Contractors must protect the area around the site during the demolition process to prevent debris from falling on active sidewalks and streets (not blocked off). Sidewalks, directly adjacent to the site, shall be properly closed and barricaded throughout the demolition project. Street traffic lanes may be closed as needed only in conjunction with the City Traffic Coordinator's Office.
- (h) Contractors shall reasonably grade lots. They shall present a neat, well drained appearance and shall prevent water from draining unnecessarily onto adjacent properties or collecting on the site.
- (i) Contractors shall not leave mud or any mess on streets or sidewalks while equipment is being loaded or unloaded. See also Section 339.08.
- (j) All demolition work, once commenced, must be completed within a reasonable time, seventy-two hours for residential structures and, once started, commercial demolition work must be continued daily until finished (excluding holidays, Sundays and inclement weather days).
- (k) Any damage to City property such as sidewalks, curbs, catch basins, fire hydrants, etc., will be the responsibility of the contractor.

1309.04 DEMOLITION AUTHORITY.

- (a) In the interest of the health, safety and welfare of the citizens, and the betterment of the City, the City has the authority to order and/or perform or contract for the provision of emergency and non-emergency demolitions.
- (b) Authority. The Code Official has the authority to order non-emergency demolitions pursuant to 546.07. The Fire Chief has the authority to order emergency demolitions pursuant to section 1525.01.
- (c) Notice. Emergency demolitions shall require no prior notice to the property owner. Non-emergency demolitions shall be ordered after a structure is condemned pursuant to 546.07, and a Notice of Demolition is issued.

1309.99 PENALTY.

- (a) Whoever violates any provision of Section 1309.01 is guilty of a minor misdemeanor. When any person is found guilty of a subsequent offense, such person is guilty of a

misdemeanor of the fourth degree. Such fine is mandatory and shall not be suspended or remitted when found guilty of a third or subsequent offense.

- (b) Whoever violates any provision of Section 1309.02 shall be guilty of an unclassified misdemeanor, punishable by up to six months incarceration or a fine of up to five hundred dollars (\$500.00) or both.

546.07 TRANSFER OF OWNERSHIP

Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

546.99 RECOVERY OF COSTS

- (d) As used in this Chapter, “total cost” means any cost incurred by the City of Youngstown due to labor, materials, equipment and compliance with local, state or federal laws, including, but not limited to laborers wages, costs of labor, cost of materials and equipment, costs of notice and publication, and abatement costs.
- (e) The City of Youngstown may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance. At any time after such costs are incurred, subject to limitations as provided by law, the City of Youngstown shall send an invoice to the property owner at his or her last known address, via regular U.S. mail. If the property owner fails to pay the invoice within 30 days of the date of the invoice, then the City of Youngstown or a duly retained agent or attorney at law may collect the total cost by any of the following methods:

- (3) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor, who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification shall not, however, preclude other methods of recovery of such costs as may be authorized generally by law; and/or
- (4) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.

This section applies to any action taken by the City of Youngstown pursuant to sections 715.26 and 715.261 of the Ohio Revised Code, Section 3, Article XVIII of the Ohio Constitution, or Chapter 546 of the Codified Ordinances of the City of Youngstown.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard by which inspectors will address illegal dwelling units.

2. PHILOSOPHY

It is not unusual for inspectors to come across “dwelling units” that are illegal for a variety of reasons, such as lack of building permits, zoning approvals, etc. In some instances, the unit(s) may be illegally converted to garages, basements, attics etc. In other instances, the units were lawfully constructed but have been altered or allowed to deteriorate to a condition that is no longer habitable. Many of these illegal swelling units also pose serious threats to the health and safety of the occupants and neighborhood and thus can be unsafe. Thus, inspectors must understand the potential risk to health, life and safety that illegal dwellings can pose

3. POLICY

When an inspector locates an illegal dwelling unit which may be unsafe, they are to notify the Property CE superintendent as soon as possible. Depending on the circumstances of the cases and conditions of the property, the CE superintendent will determine if the cases requires action by the Property CE Office and/or other city departments. As a general guide, the following property conditions and issues are handled by the following city department:

- Unsanitary/Health related – Property Code Enforcement
- Structural – Fire Department
- Egress – Fire Department

The Property CE superintendent will provide direction to the inspector as to how to proceed.

4. PRACTICE

When conducting an inspection of ANY structure where space is being used for sleeping and habitation, inspectors are to take special note of the legality and safety of the area(s) being so used. If they suspect that the area has been constructed or altered without the proper permits, inspections and approvals, they are to document the conditions as per Section 2.9 Photo & Video Documentation and contact the Property CE superintendent for additional direction.

If the inspector observes conditions that are unhealthy or unsafe exposing a risk to health and/or life they are to document the conditions as per Section 2.9 Photo & Video Documentation and contact the Property CE superintendent for additional direction.

NOTE: Illegal construction of “habitable” space and/or alteration/conversion of non-habitable space into “habitable space” are unsafe as noted in the Youngstown Code of Ordinances Section 546.08 below.

Youngstown Code of Ordinances

546.08 CONDEMNATION OF UNSAFE STRUCTURES OR EQUIPMENT.

(a) Condemnation. When a structure or equipment is found by the Code Official to be unsafe, unfit for human occupancy, or unlawful, such structure may be condemned pursuant to the provisions of this code.

(b) Notice.

(1) When the *Code Official has condemned a structure or equipment under the provisions of this section, a Condemnation Notice shall be issued.

(2) The Notice shall:

- a. Be in writing,
- b. Include a description of the property sufficient for identification,
- c. Include a statement of the reason or reasons for its issuance,
- d. Include an order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code; and
- e. Set forth the process for appeal.

(3) The Notice shall be provided as follows:

- a. Notice shall be sent via certified and regular U.S. mail to the property owner's last known address;
- b. Notice shall be sent via certified and regular U.S. mail to all holders of legal or equitable liens of record upon the real property at issue, if applicable;
- c. Notice shall be posted to the property at issue, in a conspicuous place; and
- d. If the certified mail in subsections (a) and (b) hereof goes unclaimed, notice shall be published in a local newspaper of general circulation at least once a week for two consecutive weeks.

(c) Mitigation of Hazards.

(1) Placarding. Upon condemning a structure or equipment, the Code Official shall post on the premises or defective equipment a Notice bearing the word "Condemned" and a statement of

the penalties provided for occupying the premises, operating the equipment or removing the placard.

(2) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No person shall remove or deface the condemnation placard without the approval of the Code Official.

(3) Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. No person shall enter, remain in, or occupy any placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official. No owner, operator, or person responsible for a placarded premise shall allow or permit anyone to occupy, enter, or remain in the placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official.

(4) Failure to comply with Order. If any person, when ordered by the Code Official or his or her designee to vacate an unsafe building or structure, should fail to comply with the order, the Chief of Police shall be advised of all the facts in the case and it shall be the duty of the Chief of Police to vacate such building or structure.

(e) Demolition of a Condemned Structure.

(1) Structures condemned in accordance with the above requirements are subject to demolition.

(2) The property owner of a condemned structure may appeal the Condemnation Notice within 15 days of the date on the notice.

(3) If the property owner fails to file an appeal within 15 days, and the property is not razed or repaired within the time provided on the Notice of Condemnation, the City may raze the property at any time thereafter.

(4) If the property owner files an appeal, then the appeal shall be heard by the Property Maintenance Appeals Board within 60 days of the date of receipt of the appeal.

(5) If an appeal is denied by the Property Maintenance Appeals Board, the Board shall issue a notice of denial to the property owner, and the City may raze the property at any time thereafter.

(f) Recovery of Costs. Costs incurred in carrying out the provisions herein shall be collected pursuant to Section 546.99.

(g) Emergency Demolition and Condemnation.

(1) If at any time during the condemnation process the property presents emergency conditions, as outlined in Section 1525.01 of the Codified Ordinances of the City of Youngstown, the property shall be subject to an emergency demolition order and procedure as provided in Chapter 1525.

(2) The fact that a property has been condemned shall not affect or preclude the use of the emergency demolition process. (Ord. 16-119. Passed 4-6-16.)

*Code Official = Property Code Enforcement Superintendent .

546.99 RECOVERY OF COSTS

(f) As used in this Chapter, “total cost” means any cost incurred by the City of Youngstown due to labor, materials, equipment and compliance with local, state or federal laws, including, but not limited to laborers wages, costs of labor, cost of materials and equipment, costs of notice and publication, and abatement costs.


(g) The City of Youngstown may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance. At any time after such costs are incurred, subject to limitations as provided by law, the City of Youngstown shall send an invoice to the property owner at his or her last known address, via regular U.S. mail. If the property owner fails to pay the invoice within 30 days of the date of the invoice, then the City of Youngstown or a duly retained agent or attorney at law may collect the total cost by any of the following methods:

(5) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor, who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification shall not, however, preclude other methods of recovery of such costs as may be authorized generally by law; and/or

(6) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.

This section applies to any action taken by the City of Youngstown pursuant to sections 715.26 and 715.261 of the Ohio Revised Code, Section 3, Article XVIII of the Ohio Constitution, or Chapter 546 of the Codified Ordinances of the City of Youngstown.

CITY OF YOUNGSTOWN

	3.11 QUALITY OF LIFE			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard of understanding and operation of the Quality of Life Ordinance and Program.

2. PHILOSOPHY

To maintain and improve the livability of neighborhoods within the City of Youngstown, the Mayor and City Council adopted the Quality of Life Ordinance/Program. The program operates to address issues of visual blight and deterioration that, if left unaddressed, can spread and destabilize a neighborhood. The ordinance sections below spell out what issues/conditions are covered under this program and the methods in which those issues/conditions are to be addressed.

3. POLICY

Inspectors are to enforce the Quality of Life Ordinance (attached below) as stated in the Quality of Life Rules and Regulations (attached below) written and issued by the Law Department, unless otherwise directed by the Property CE superintendent.

4. PRACTICE

The ordinance sections and rules and regulations below provide detailed instruction as to when, where and how the program is to be implemented. In any case where the ordinance and/or rules and regulations do not speak to or cover a specific issue/condition code enforcement staff should discuss the situation with the Property CE superintendent.

For information and guidance on appeals see Section 3.2 Appeals and for abatements see Section 3.15 Trash/Junk/Debris Abatement, Section 3.17 Weed/ Vegetation Abatement, Section 4.15 Securing Standards.

Youngstown Code of Ordinances

546.16 QUALITY OF LIFE.

- (A) Adoption; Purpose. The purpose of this Section is to establish Quality of Life Provisions, and put into effect a ticketing system which will allow for the issuance of tickets for nuisances and properties that are not properly maintained, and/or address issues that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City, which reduces business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Youngstown are negatively impacted by the occurrences and existence of these activities. Recognizing that these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean and safe environment for the citizens of Youngstown.
- (B) Non-exclusive Remedies. Nothing in this Chapter shall be construed to waive, relieve or otherwise excuse any person, property owner or tenant from compliance with all applicable codes, ordinances, statutes or laws. Nothing in this Chapter shall be construed to prevent the enforcement of other provisions of the Codified Ordinances of the City of Youngstown or the Ohio Revised Code, and nothing in this Chapter shall be construed to relieve an owner or interested party from duties imposed pursuant to any regulatory code, ordinance, statute, or law of the City of Youngstown or State of Ohio.
- (C) Applicability. This Chapter shall be applicable to all persons, vacant properties, and residential, commercial, and industrial structures located within the City of Youngstown. For purposes of this Chapter, “persons” shall include individuals, partnerships, corporations, limited liability companies, property management groups, and other legal entities.
- (D) Quality of Life Violations. The Quality of Life Violations are as follows. Refer to the specified Sections or Chapters of the Codified Ordinances of the City of Youngstown, which are incorporated herein by reference, for further detail and information.

- QOL 1: Accumulation, littering or deposit of garbage, rubbish or junk—Section 521.08
- QOL 2: Animal abuse and cruelty—Section 505.071
- QOL 3: Animal maintenance and waste/feces clean up—Section 505.08
- QOL 4: Barking or howling dogs—Section 505.19
- QOL 5: Burning of trash, rubbish or garbage—Section 1511.05
- QOL 6: Clothing Donation Containers—Chapter 786
- QOL 7: Dumping garbage, refuse or waste—Section 1737.03
- QOL 8: Garbage receptacles—Section 979.02
- QOL 9: Illegal operation of a food cart or truck—Chapter 761
- QOL 10: Illegal parking of motor vehicles—Section 351.03 + Zoning
- QOL 11: Illegal parking of trucks, trailers and tractors—Section 351.16
- QOL 12: Loud music—Section 539.07
- QOL 13: Maintenance of grass and plants and elimination of weeds—Section 1749.01, 1749.02
- QOL 14: Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks—Section 921.01, 921.02
- QOL 15: Permanent or portable basketball hoop on or near City property—Section 311.06
- QOL 16: Possession or storage of hazardous materials—Section 1501.05
- QOL 17: Storage of inoperable motor vehicles—Section 351.17
- QOL 18: Storage of junk—Section 747.18
- QOL 19: Storing or discarding of appliances—Section 521.01
- QOL 20: Vicious and unleashed dogs—Section 505.19

(E) Enforcement

- (1) Upon finding a Quality of Life Violation, any peace officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances may issue Quality of Life Violation Tickets to the owner and/or occupant of the property at issue, or to the person known to have violated this ordinance.
- (2) Any violation of the provisions referenced herein may be cause for a violation ticket, and/or a notice of violation to be issued to the violator.
- (3) A violation ticket shall be served upon a violator by personal service to the violator, personal service to an adult member at the violator's residence, or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, or by mailing the notice to the violator's address of record.

(F) Regulations

The Code Official is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

(G) Separate Offense

Each day a violation continues may constitute a separate offense for which a separate ticket may be issued.

(H) Fines and Penalties

A. Violation Ticket Fines

1. For the first violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25.00) or Fifty Dollars (\$50.00) as set forth on the chart below.
2. For the second violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50.00) or One Hundred Dollars (\$100.00) as set forth on the chart below.
3. For the third and any subsequent violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amount of One Hundred and Fifty Dollars (\$150.00) or Two Hundred and Fifty Dollars (\$250.00) as set forth on the chart below.
4. Any person who receives a violation ticket may within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

Violation number for Quality of Life Ticket Ordinance	Brief description of violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for third and subsequent instance
QOL 1	Accumulation, littering or depositing of garbage, rubbish or junk	\$25.00	\$50.00	\$100.00
QOL 2	Animal abuse and cruelty	\$25.00	\$50.00	\$100.00
QOL 3	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL 4	Barking or howling dogs	\$25.00	\$50.00	\$100.00
QOL 5	Burning of trash, rubbish or garbage	\$50.00	\$100.00	\$250.00
QOL 6	Clothing Donation Containers	\$25.00	\$50.00	\$100.00
QOL 7	Dumping garbage, refuse or waste	\$50.00	\$100.00	\$250.00
QOL 8	Garbage receptacles	\$25.00	\$50.00	\$100.00
QOL 9	Illegal operation of a food cart or truck	\$25.00	\$50.00	\$100.00
QOL 10	Illegal parking of motor vehicles	\$25.00	\$50.00	\$100.00
QOL 11	Illegal parking of trucks, trailers and tractors	\$25.00	\$50.00	\$100.00
QOL 12	Loud music	\$25.00	\$50.00	\$100.00
QOL 13	Maintenance of grass and plants and elimination of weeds	\$25.00	\$50.00	\$100.00
QOL 14	Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks	\$25.00	\$50.00	\$100.00
QOL 15	Permanent or portable basketball hoop on or near City property	\$25.00	\$50.00	\$100.00
QOL 16	Possession or storage of hazardous materials	\$50.00	\$100.00	\$250.00
QOL 17	Storage of inoperable motor vehicles	\$25.00	\$50.00	\$100.00
QOL 18	Storage of junk	\$25.00	\$50.00	\$100.00
QOL 19	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL 20	Vicious and unleashed dogs	\$25.00	\$50.00	\$100.00

B. Violation Ticket Penalties

1. If the person in receipt of a Twenty-Five Dollar (\$25.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) penalty for days sixteen (16) through thirty (30).
2. If the person in receipt of a Fifty Dollar (\$50.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five dollar (\$25.00) penalty for days sixteen (16) through thirty (30).
3. If the person in receipt of a One Hundred Dollar (\$100.00) or Two Hundred and Fifty Dollar (\$250.00) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty Dollar (\$50.00) penalty for days sixteen (16) through thirty (30).

(I) Abatement of Violation

Any person or business violating this ordinance is hereby directed to satisfy the City of Youngstown and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. Any peace officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Code Official or his/her designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

The City of Youngstown and/or their contractor, per the direction of the City, reserve the right to abate the violation in question at the expense of the owner. If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket.

In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant, the abatement charges and such other charges established by the Code Official in the rules and regulations.

(J) Appeal

A. Administrative Appeal

1. A person in receipt of a violation ticket may appeal to the Property Maintenance Appeals Board by filing a request with the Property Maintenance Division in writing within fifteen (15) calendar days of the date of the violation ticket.

2. In order for an appeal to be deemed valid and a hearing date and time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days of the date that the Quality of Life Ticket was issued:
 - A. All paperwork including the appropriate appeal form must be submitted and complete.
 - B. A cash appeal bond must be posted in the amount of the fine which will be refunded within thirty (30) calendar days should the alleged violator win his or her appeal.
3. The appeal hearing will be held before the Property Maintenance Appeals Board. The Board may uphold the appeal, deny the appeal, or modify the violation ticket and/or any associated costs, fines or penalty amounts as it deems appropriate.

B. Subsequent Appeals

Any subsequent appeal shall be filed in a court of competent jurisdiction.

(K) Disbursement of Funds

All monies collected pursuant hereto shall be transferred to the following funds in the proportion noted: Clerk Computerization Fund (10%), Police Equipment Fund (45%), Property Code Enforcement Fund (45%).

(L) Severability.

If any provision, paragraph, word or subsection of this Section is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

Quality of Life Rules and Regulations

The following Rules and Regulations shall govern the enforcement and implementation of the Quality of Life Ordinance, Section 546.16 of the Codified Ordinances of the City of Youngstown. These Rules and Regulations may be amended at any time with or without advanced notice. Upon each amendment, a copy shall be provided to the head of the Code Enforcement Division, the head of the Community Police Officers, the Clerk of Court, and any other person designated by the Mayor to enforce this Code.

- (1) “Grace Period” for Quality of Life Violation Notices
 - The period from November 15, 2015 through December 31, 2015 shall constitute a “grace period” during which Quality of Life Violation Notices will be issued but will serve only as a warning. No fines will be assessed during the designated grace period.
- (2) Guidelines for Issuing Quality of Life Violation Tickets
 - If a Quality of Life Violation exists, a Violation Ticket shall be issued forthwith.
 - All violations present at the time of the issuance of the Ticket shall be included on the Violation Ticket.
 - If a violation exists on a property that is owned and occupied by different parties, the first Violation Ticket shall be issued to the occupant, while any subsequent violation tickets may be issued to the owner of the property.
- (3) Service of a Quality of Life Violation Ticket
 - A Quality of Life Violation ticket may be served in any of the following ways:
 - (1) Personal service to the violator;
 - (2) Personal service to an adult member at the violator’s residence, or other person in charge at the residence;
 - (3) By leaving or affixing the violation ticket to the property where the violation exists; or
 - (4) By mailing the violation ticket to the violator’s address of record.
 - If a violation ticket is personally served on the violator, the party issuing the ticket shall ask the violator to sign the front of the violation ticket. If the violator refuses, the issuing party shall write “Refused” on the signature line.
 - If a violation ticket is affixed to a property, the issuing party shall take a photograph of the ticket with some frame of reference so there is evidence of proper service, and write “Not present” on the violator’s signature line.
- (4) Handling of Multiple Tickets
 - After an initial Quality of Life Violation Ticket is issued, the issuing authority shall wait at least 16 days before issuing a second violation ticket for the same violation. The individual issuing the ticket shall be responsible for searching the Clerk of

Court's public access system in determining whether a ticket has been issued for the same violation in the past 16 days. This will assure that the alleged violator has a reasonable opportunity to appeal the initial violation ticket.

- If the alleged violator appeals a violation ticket, this shall stay the issuance of a second violation ticket for the same violation until the appeal is resolved. The status of the appeal will be displayed on the clerk of court's public access system.

(5) Abatement

- If the City is forced to abate a nuisance, the City shall collect the total cost of all abatement activities, including, but not limited to, the cost of materials, equipment and labor.

(6) Appeals

- All Appeals shall be heard within 30 days of the date of Appeal.
- The Appeals Board shall send all decisions to the Clerk of Court's office the day following the Board's decision so they can be entered into the public access system.

Violation number for Quality of Life Ticket Ordinance	Brief description of violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for third and subsequent instance
QOL 1	Accumulation, littering or depositing of garbage, rubbish or junk	\$25.00	\$50.00	\$100.00
QOL 2	Animal abuse and cruelty	\$25.00	\$50.00	\$100.00
QOL 3	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL 4	Barking or howling dogs	\$25.00	\$50.00	\$100.00
QOL 5	Burning of trash, rubbish or garbage	\$50.00	\$100.00	\$250.00
QOL 6	Clothing Donation Containers	\$25.00	\$50.00	\$100.00
QOL 7	Dumping garbage, refuse or waste	\$50.00	\$100.00	\$250.00
QOL 8	Garbage receptacles	\$25.00	\$50.00	\$100.00
QOL 9	Illegal operation of a food cart or truck	\$25.00	\$50.00	\$100.00
QOL 10	Illegal parking of motor vehicles	\$25.00	\$50.00	\$100.00
QOL 11	Illegal parking of trucks, trailers and tractors	\$25.00	\$50.00	\$100.00
QOL 12	Loud music	\$25.00	\$50.00	\$100.00

QOL 13	Maintenance of grass and plants and elimination of weeds	\$25.00	\$50.00	\$100.00
QOL 14	Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks	\$25.00	\$50.00	\$100.00
QOL 15	Permanent or portable basketball hoop on or near City property	\$25.00	\$50.00	\$100.00
QOL 16	Possession or storage of hazardous materials	\$50.00	\$100.00	\$250.00
QOL 17	Storage of inoperable motor vehicles	\$25.00	\$50.00	\$100.00
QOL 18	Storage of junk	\$25.00	\$50.00	\$100.00
QOL 19	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL 20	Vicious and unleashed dogs	\$25.00	\$50.00	\$100.00

B. Violation Ticket Penalties.

1. If the person in receipt of a Twenty-Five Dollar (\$25.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) penalty for days sixteen (16) through thirty (30).
 2. If the person in receipt of a Fifty Dollar (\$50.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five-dollar (\$25.00) penalty for days sixteen (16) through thirty (30).
 3. If the person in receipt of a One Hundred Dollar (\$100.00) or Two Hundred and Fifty Dollar (\$250.00) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty Dollar (\$50.00) penalty for days sixteen (16) through thirty (30).
- (i) Abatement of Violation. Any person or business violating this ordinance is hereby directed to satisfy the City of Youngstown and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. Any peace inspector, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Code Official or his/her designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

The City of Youngstown and/or their contractor, per the direction of the City, reserve the right to abate the violation in question at the expense of the owner. If the City has affected the abatement of the violation, the cost thereof may be charged to the owner of the property,

tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket.

In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant, the abatement charges and such other charges established by the Code Official in the rules and regulations.

(j) Appeal.

A. Administrative Appeal.

1. A person in receipt of a violation ticket may appeal to the Property Maintenance Appeals Board by filing a request with the Property Maintenance Division in writing within fifteen (15) calendar days of the date of the violation ticket.
2. For an appeal to be deemed valid and a hearing date and time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days of the date that the Quality of Life Ticket was issued:
 - A. All paperwork including the appropriate appeal form must be submitted and complete.
 - B. A cash appeal bond must be posted in the amount of the fine which will be refunded within thirty (30) calendar days should the alleged violator win his or her appeal.
3. The appeal hearing will be held before the Property Maintenance Appeals Board. The Board may uphold the appeal, deny the appeal, or modify the violation ticket and/or any associated costs, fines or penalty amounts as it deems appropriate.

B. Subsequent Appeals. Any subsequent appeal shall be filed in a court of competent jurisdiction.

- (k) Disbursement of Funds. All monies collected pursuant hereto shall be transferred to the following funds in the proportion noted: Clerk Computerization Fund (10%), Police Equipment Fund (45%), Property Code Enforcement Fund (45%).

- (l) Severability. If any provision, paragraph, word or subsection of this Section is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

(Ord. 16-119. Passed 4-6-16.)

CITY OF YOUNGSTOWN



3.12 RECORDATION & SUSPENSION OF ENFORCEMENT

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW

CITY OF YOUNGSTOWN



3.13 RED TAGGING VACATING STRUCTURES

Author

Revised by#

Revision #

Implementation Date


1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW

CITY OF YOUNGSTOWN				
	3.14 RENTAL HOUSING REGISTRATION, INSPECTION & LICENSING			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard for managing a residential rental property registration, inspection and licensing program.

2. PHILOSOPHY

Mismanaged, substandard rental properties can have a disastrous impact on a neighborhood. Beside the risk to health and safety they impact the quality of life, not only for the tenant(s) but residents of neighboring properties as well. If left unaddressed these properties continue to deteriorate and “encourage” blight and crime. This in turn can impact the safety of residents, result in increased calls for service and reduce the value and marketability of properties nearby. Outside of the impact on resident’s health and safety these conditions have a negative effect on the City budget by way of higher costs for services and lower property tax revenues as the values decrease. Our City is sending a positive message to prospective renters that we require certain standard of living for rental properties. We expect that this will make more people comfortable in looking at Youngstown as an option for renting. We also expect that by enforcing these standards neighborhoods will start to look more appealing, which will have a positive impact for all the properties in our neighborhoods. All this points to an improved bottom line for landlords and improved neighborhoods in our City.

Positive impact on real estate values:

- 1.) Stabilized neighborhoods by improving properties. People buy neighborhoods first, and *then* they buy the home. If the neighborhood does not appeal to them, they won’t look at the house, and we have some true gems in our City.
- 2.) Encourages landlords to rent to tenants who will act *responsibly* with the property and thus the neighborhood. Neighbors who damage rental properties also damage the neighborhood. These are often the neighbors that are associated with other behavioral problems and criminal activity. These are the tenants that are often the trouble-makers of the community.
- 3.) Makes prospective Youngstown renters feel safe renting in our market knowing that properties meet inspection requirements. Some landlords are now advertising their rental units as having passed this inspection to make their unit more marketable.
- 4.) Encourages investment activities by neighbors and other landlords who are considering doing business in Youngstown. When neighbors are investing in their houses, it makes

people feel safer to invest in their own property. They don't see property repairs and investments as a bad financial decision, but a good one.

5.) Supports and nurtures healthy tenant/landlord relationships.

Tenants sometimes perceive that they will ruin their relationship with the landlord and possibly even face eviction by complaining about repairs that are needed. The RPR Program activity means that the tenant doesn't have to ask the landlord to make repairs since this directive comes from the City.

To counteract these impacts the City of Youngstown enacted the Rental Property Registration Program outlined below.

3. POLICY

The City of Youngstown requires all rental properties to be registered. Owners must annually complete the Rental Property Registration (RPR) Form for each rented property and return it, along with the fees for each unit, to the Finance Department of the City of Youngstown.

The fees are as follows:

- Single unit property: \$40.00
- Multi-unit properties: \$40.00 for the first unit plus \$25.00 for each additional rental unit that is in that building.

Upon completion and return of the form and fees, owners will be issued a provisional license.

All properties are subject to inspection. If the property complies with the Rental Property Registration (RPR) Ordinance, a Rental Property License will be issued. All Rental Property Licenses or a Provisional Licenses must be renewed every year. The renewal fees are the same as those outlined above.

If the property is not in compliance with the Rental Property Registration ordinance upon completion of the inspection, the owner must make repairs and have the rental property re-inspected within 60 days. The cost of re-inspection is fifty dollars (\$50.00). If after the re-inspection the property is still not in compliance, the owner may be ordered to pay up to \$100.00 per inspection until the property meets the RPR ordinance standards. The fee for a third (and any subsequent) inspection is \$100.00.

Any property that does not meet the standards outlined in the RPR ordinance is subject to license denial, revocation, suspension or non-renewal. The penalty fee may be up to \$100.00 for units that are rented without a valid rental license or provisional license.

4. PRACTICE

To provide a more detailed explanation of the foundation of the ordinance and program, as well as the practice of enforcement, excerpts from the City of Youngstown webpage and the ordinance are included below.

(1). Which properties are required to be registered with the City of Youngstown?

Every property that is not occupied by the owner of record in the City of Youngstown is required to be registered except for Voucher properties (Government Assistance) which are inspected through the Youngstown Metropolitan Housing Authority.

(2). What are the fees and requirements for rental or vacant property registration?

Rental registration fee:

- • Residential: \$40.00 per year/per single family residence
- • Multi-unit: \$40.00 for the first unit and \$25.00 for each additional unit in that structure

***Note:** Public housing units or other properties subject to annual inspection pursuant to Federally Mandated Regulations (Section 8) do NOT have to register their properties or pay the registration fee.*

(3). How will you enforce the law? What are the penalties for not registering?

The penalties are strict for those that are not in compliance with the Rental Property Registration ordinance. Penalties are \$100 per day for **Rental** property owners that have not complied with the law. The City vigorously enforces the ordinances and has a very active citizenry that is eager to report unregistered landlords and vacant property owners. It will be in the best interest of all landlords and vacant property owners to comply with this ordinance.

(4). Is the information used for?

The city will find the information gathered useful for planning purposes and right sizing our City. When a City has many rental properties and vacant structures these factors must be considered when planning improvements and projects.

(5). What if the tenant is the party responsible for violations, such as debris and refuse on the front lawn or porch?

It is ultimately the owner's responsibility to maintain the property. They should include terms in their lease that require tenants to keep the property orderly. If they end up renting to people who then fill the porch with sofas and debris, the landlord would have the right to warn the tenant that they are not in compliance with their lease. If that tenant does not then come into compliance, the landlord would have grounds to evict the tenant.

The City of Youngstown expects that by enforcing this ordinance landlords will be more apt to rent to tenants that will be responsible.

Youngstown Code of Ordinances

546.11 RESPONSIBILITIES OF OWNERS AND OPERATORS OF RENTAL UNITS.

- (a) Obligations of the Owner of a Rental Unit. The owner of the rental unit shall (1) maintain the interior, exterior property areas, and exterior structure in accordance with this code, (2) keep the interior, exterior property areas and exterior structure in good repair, (3) keep all common areas in a clean and sanitary condition, (4) provide all utilities, facilities, equipment and services required by this code, (5) provide for the extermination of insects in an acceptable means not injurious to human health, (6) provide solid waste disposal facilities or containers for all dwelling units, and (7) comply with all regulations and rules designated by the Code Official or his or her designee to enforce and interpret this section.
- (b) Code Official. The Code Official or his or her designee is charged with the enforcement of this section including but not limited to, conducting inspections and issuing notices, orders and penalties.
- (c) Rental License Requirement. Any person, corporation, business entity or owner of property seeking to rent or let a rental unit shall first obtain a valid rental license for said unit.

Exception: Owners or operators of public housing or rental units subject to annual inspections pursuant to federal regulations are not required to obtain a rental license.

- (d) Applying for a Rental License. To apply for a rental license, the owner of the property must:
 - (1) Complete a Rental License Application Form, and
 - (2) Pay a nonrefundable fee of \$40.00 for a single rental unit, or \$40.00 for the first rental unit and \$25.00 for each additional rental unit for properties containing multiple units.
- (e) Provisional Rental License. Upon applying for a rental license, the Code Official or his or her designee shall issue a provision rental license. The provision license will remain valid for a period of up to one year, unless earlier revoked as provided for herein, or replaced by a rental license. A provisional license will allow for occupancy until the property is inspected by the Code Official or his or her designee.
- (f) Inspection. Within 30 days of the receipt of a rental application and required fee, the Code Official or his or her designee will attempt to schedule an inspection of the rental unit. If the owner and occupant, if applicable, consent to the inspection, the owner shall make the property available for inspection at a time agreeable to the owner and Code Official. If the owner and/or occupant, if applicable, refuse to allow an inspection of the property, the Code

Official or his or her designee shall seek to secure an administrative warrant.

If after inspection, the Code Official or his or her designee determines that the rental unit is in compliance with this code, the Code Official shall issue an authorized rental license for the rental unit. Such license shall be valid for one year from the date of issuance unless a change or alteration of the premises shall alter the authorized occupancy.

If after inspection, the Code Official or his or her designee determines that the rental unit is not in compliance with this code, the Code Official shall notify the titled owner that the rental unit does not comply with the requirements of this section, set forth the violations, and order that the violations be corrected within thirty (30) days. This notice shall be sent via regular U.S. mail to the address the owner provided on his or her application. Upon the expiration of the thirty (30) days, the Code Official or his or her designee shall schedule a re-inspection of the rental unit. A fee of \$40.00 shall be imposed for this re-inspection.

Should an owner schedule an appointment with the Code Official or his or her designee and seek to cancel said appointment, but fail to do so by 8:00 AM the day of the inspection, the Code Official shall impose a penalty of \$25.00 against the owner. If this occurs a second time, the Code Official shall impose a fine of \$100.00 against the owner.

- (g) Violation. No person, corporation, business entity or owner of property shall rent or let a rental unit unless he or she has first obtained a valid rental or provisional rental license from the Code Official for said unit. The occupation of a premises by a person other than the titled owner coupled with the fact that the owner lists a different address as his or her own in the records of the Office of the Mahoning County Auditor shall be prima facie evidence that the premises is a rental unit being rented or let.
- (h) Penalties. Any person, corporation, business entity or owner of property who violates this section shall be subject to a penalty of \$100.00 for each week an unlicensed rental unit is being rented or let. In addition, any violator of any provision of this section is subject to the penalties set forth in Section 546.98.

546.98 CRIMINAL PENALTIES.

- (a) Any person in control who violates or fails to comply with any provision of Chapter 546 of the Youngstown Codified Ordinances, or any order issued by the Code Official or his or her designee, after notice pursuant to 546.06, shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$500.00 or imprisoned more than 60 days or both. Completion of any administrative appeals process is not a prerequisite to criminal prosecution.
- (b) The provisions of this Code are specifically intended to impose strict liability.

CITY OF YOUNGSTOWN



3.15 TRASH/JUNK/DEBRIS ABATEMENT

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW



3.16 VACANT PROPERTY FORECLOSURE BOND

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish standards for managing the vacant foreclosed property bonding requirement.

2. PHILOSOPHY

Vacant, unmaintained or “abandoned” properties have a disastrous impact on a neighborhood. Beside the visual blight they produce, they are a risk to health and safety and have a negative impact on the quality of life for the entire neighborhood.

If left unaddressed these properties are an attractive nuisance and potential danger to children, a harborage for vagrants and provide cover for criminals and immoral persons. Without proactive enforcement, they continue to deteriorate and “encourage” blight and crime. This in turn impacts the safety of residents, results in increased calls for service and reduced value and marketability of properties nearby. Outside of the impact on resident’s health and safety these conditions have a negative effect on the City budget by way of higher costs for services and lower property tax revenues as the values decrease. To counter act these impacts the City of Youngstown enacted the Vacant Property Bonding Program outlined below.

3. POLICY

In addition to the registry requirement as noted in Section 3.12, the owner/responsible party/foreclosing lender of any structure that has become vacant as defined in Youngstown Code of Ordinances 546.13 must provide a cash bond as noted below:

Any Owner of a property which files a foreclosure action against said property, or for which a foreclosure action is pending, or a judgment of foreclosure has been issued shall:

- Provide a cash bond acceptable to the Deputy Director of Public Works or his designee, in the sum of not less than Ten Thousand Dollars (\$10,000.00), to secure the continued maintenance of the property throughout its vacancy
- Remunerate the City for any expenses incurred in inspecting, securing, repairing, marking and/or making such building safe by any legal means including, but not limited to, demolition.

A portion of the bond shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, repairing and/or marking said building and other buildings which are involved in the foreclosure process or vacant.

NOTE: All religious, educational, benevolent or charitable associations, all governmental agencies shall be exempt from the payment of the annual registration fee.

All vacant properties/structures shall be inspected, whether registered or not, and notices sent to all responsible parties outlining the violations noted, corrective action required and, if unregistered, the registration and bonding requirements noted

The registrant shall notify the Code Official within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided for such purposes.

All vacant properties/structures shall be inspected, whether registered or not, and notices sent to all responsible parties outlining the violations noted, corrective action required and, if unregistered, the registration and bonding requirements noted in the ordinance below.

4. PRACTICE

To provide a more detailed explanation of the foundation of the bonding ordinance and program, as well as the practice of enforcement, excerpts from the City of Youngstown webpage and the ordinance are included below.

1. **What is the purpose of this ordinance?**

The City of Youngstown is a government entity (a chartered municipality of the State of Ohio) which has the legal authority to exercise its police powers to address problems. It has identified the prevalence of properties which are essentially abandoned by the interested parties and for which it is hard to locate a responsible party as a problem. It therefore adopted an expansive definition of “Owner” in its Vacant Property Registry ordinance to hold multiple such entities responsible for ensuring that the property is registered as vacant. Regarding the foreclosure bond requirement on foreclosing entities which are in the process of foreclosing on vacant or abandoned structures, it is addressing an even more problematic practice engaged in by banks which has had a devastating effect on its neighborhoods. That practice is the initiation of foreclosure proceedings on the property owner until the point at which the property owner is driven from the home, and then the foreclosure is dismissed prior to a transfer of title. This practice creates a vacant and abandoned property where one did not exist before. The bank exercises a substantial amount of control over the property during the foreclosure process and must take steps to maintain such properties. A common scenario is that the foreclosing entity drives away the responsible party who was maintaining the home but then fails to assume responsibility for the property itself. They have created an abandoned property which swiftly falls into disrepair which the City is then forced to suffer costs to address. It is this particularly harmful practice that the City was entitled, nay obligated, to respond to by requiring the foreclosing entity to post a cash bond.

2. **What fees are due and payable?**

- a. \$10,000 cash bond on all foreclosure actions filed on vacant structures or if the structure becomes vacant during the foreclosure process. Should the foreclosing entity fail to maintain the property during the foreclosure process, the City may use the bond funds to act to maintain the property.
- b. \$100 registration fee for a vacant residential structure or a \$250 registration fee for a vacant commercial structure.
- c. \$200 will be deducted from the \$10,000 as an administrative fee.

3. When is the balance of the cash bond returned?

Upon responsible transfer of the property, the foreclosing entity that placed the bond will submit a Foreclosure Bond Refund form requesting the balance owed. All registration fees, administrative fines and/or fees and maintenance costs will be deducted and the balance will be returned. Further, if the property becomes occupied during this period, the foreclosing entity that placed the bond will submit a Foreclosure Bond Refund form requesting the balance owed. All registration fees, administrative fines and/or fees and maintenance costs will be tabulated and the balance will be returned.

4. If the property follows the property code, is the bond still required?

Yes.

5. What happens if the Foreclosure Bond is not filed as required?

The failure to file a Foreclosure Bond as required by YCO 546.14 is a Misdemeanor of the First Degree. An organization convicted of a Misdemeanor of the First Degree shall be fined \$5,000. An individual convicted of a Misdemeanor of the First Degree is subject to up to 180 days in jail and a \$1,000 fine. The minimum fine is \$200. Additional criminal and administrative penalties also apply for any violations of the Youngstown Property Maintenance Code.

6. Who is legally responsible for making the repairs to a vacant property in foreclosure?

All owners of a property are jointly and severally liable for the maintenance of the property.

7. Who is considered an owner of a vacant property?

"Owner" means the registered owner of a property, any person who holds legal or equitable title to the property, is a mortgagee, a vendee-in-possession, assignee of rents, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a property. The Owner of a property in default or for which a foreclosure action is pending or for which a judgment in foreclosure has been issued shall include the mortgagee, the successor in interest to the mortgagee, the lender or servicing company and any agent acting for the mortgagee, its successors, or a lender or servicing company and any agent acting for the

mortgagee, its successors, or a lender or servicing company. Under this definition, there may be more than one "Owner" of a property.

8. If there are violations on the property will the "owner" be notified or will the City access the funds automatically out of the \$10,000 bond?

Although it is within the purview of the City to access the \$10,000 bond to ensure that the property follows the codes, the Property Code Enforcement Office will first notify the bank that violations exist. If the property is brought up to code within the time line stipulated in the notice, the bond will not be accessed.

9. What is the mailing address for the forms and payment?

A check can be made payable to City of Youngstown and sent to:

City of Youngstown, Property Code Enforcement/Foreclosures
26 S. Phelps Street, 5th Floor
Youngstown, OH 44503

Youngstown Code of Ordinances

546.13 VACANT PROPERTY REGISTRY (*Bonding element noted in bold below*)

- a) Adoption; Purpose. The purpose of this Section is to establish a vacant property registration program and to regulate the maintenance of properties which are in the foreclosure process, abandoned or vacant. This Section is intended to reduce and prevent neighborhood blight, to avoid the creation and maintenance of public nuisances, to ameliorate conditions that threaten the public health, safety and welfare, to promote neighborhood stability and occupancy by preserving the condition and appearance of residential properties and the worth and activity of commercial and industrial properties, and to maintain property values and assessments.
- (b) Applicability. This Section shall be applicable to all residential, commercial and industrial structures located within the City of Youngstown, but does not apply to County Land Reutilization Corporations organized under Chapter 1724 of the Ohio Revised Code.
- (c) Registration. The owner of any structure that is or has become vacant as defined in Section 546.02(e)(44) of this Code shall, within thirty (30) days after the structure becomes vacant file a registration statement for each such structure with the Code Official or his or her designee on forms provided for such purposes and pay an annual registration fee.
 - (1) Registration Fee. The annual registration fee shall be one hundred dollars (\$100.00) for each residential structure and two hundred and fifty dollars (\$250.00) for each commercial or industrial structure; provided, however, that all religious, educational, and charitable associations, and all governmental agencies shall be exempt from the

payment of the annual registration fee. The registering party shall not be entitled to a refund of any part of the registration fee should the structure no longer be deemed vacant during the annual registration period.

- (2) Registration Statement. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner of the structure.
 - (3) Annual Registration Requirement. The registration statement shall remain valid for one year from the date of registration. The registering party shall be required to annually renew the registration so long as the structure remains vacant.
 - (4) Authorized Agent. In addition to other information required by the Code Official, the registration shall include the name, street address and telephone number of a natural person twenty-one years of age or older, designated by the owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action on behalf of such owner in connection with the enforcement of this code. This person must maintain an office in Mahoning County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself or herself as the agent. By designating an authorized agent under the provisions of this subsection, the owner is consenting to receive any and all notices of code violations concerning the registered structure and all process in any court proceeding or administrative enforcement action brought to enforce provisions of this code concerning the registered structure by service on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation until the owner notifies the Code Official or his or her designee in writing of a change of authorized agent, or until the owner files a new registration statement. Any owner who fails to register a vacant structure under the provisions of this subsection shall further be deemed to consent to receive, by posting at the structure, any and all notices of code violations and all process in an administrative action brought to enforce any provision of this code.
 - (5) Duty to Update Registration Information. The owner shall notify the Code Official or his or her designee within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided for such purposes.
 - (6) Liability. An owner shall be liable under this section for failing to register an authorized agent, failing to register a vacant structure, failing to pay the appropriate annual registration fee, or failing to timely update any change in registration.
- (d) **Foreclosure Bond Requirement.** Any owner of a property which files a foreclosure action against such property, or for which a foreclosure action is pending, or a judgment of foreclosure has been issued shall, in addition to all other requirements of

this Section, provide a cash bond to the Deputy Director of Public Works or his or her designee, in the sum of Ten Thousand Dollars (\$10,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, repairing and/or making such building safe by any legal means including, but not limited to, demolition. A portion of said bond to be determined by the Deputy Director of Public Works shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, repairing and/or marking said building and other buildings which are involved in the foreclosure process or vacant.

- (e) **Nuisance Abatement.** In the event the City of Youngstown or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with 546.99, or if the property is subject to a foreclosure bond, the bond will be drawn upon to cover such costs.
- (f) **Penalty.** Any owner who fails to comply with any provision of this Section shall be subject to a Fifty Dollar (\$50.00) per day administrative penalty with a maximum penalty of One Thousand Dollars (\$1,000.00) or shall be guilty of a third degree misdemeanor and shall be fined not more than \$500.00 or imprisoned more than 60 days or both.
- (g) **Appropriation of Fees Collected.** All monies collected pursuant hereto shall be used for the enforcement of the Property Maintenance Code of the City of Youngstown.
- (h) **Severability.** If any provision, paragraph, word or subsection of this Section is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

CITY OF YOUNGSTOWN



3.17 WEED/ VEGETATION ABATEMENT

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW



Chapter 4

Internal Operations



4.1 AREA ASSIGNMENTS

		4.1 AREA ASSIGNMENTS		
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which inspectors are assigned to areas beats or wards throughout the City of Youngstown.

2. PHILOSOPHY


The Property Code Enforcement Office responds to complaints in all areas of the City. The community has a diverse population and each area can be unique. The Property CE superintendent will assign inspectors to each beat/ward or area based on the needs of the residents, business owners and the City, taking into consideration the knowledge and experience of the inspector.

3. POLICY

On a rotating schedule, no less than 18 months, all inspectors will be re-assigned to different beat/ward or area allowing them the opportunity to work all areas of the city.

4. PRACTICE

- Reassignments will not be made by seniority.
- inspectors will not repeat an assignment until they have worked each beat/ward or area.
- An effort will be made to ensure that inspectors will not work in the same ward/area that they live in.
- The Property CE superintendent has the option to evaluate and reassign staff, as deemed necessary.

CITY OF YOUNGSTOWN				
	4.2 CARE & USE OF DEPARTMENTAL ISSUED EQUIPMENT			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard for the care and use of office issued property.

2. PHILOSOPHY

Inspectors have been provided with clothing and equipment (vehicles, cell phones, computers, cameras and other items) by the City for use in the performance of their duties, and all inspectors shall be responsible for caring and using such property in a responsible manner.

3. POLICY

Inspectors shall be personally responsible for the items of identification issued by the Property CE superintendent (i.e., badge, business cards, uniforms, etc.) and all other equipment (vehicles, cell phones, computers, cameras tec.). Inspectors shall neither loan nor borrow, sell or dispose of such items without prior approval and shall immediately report the loss of such items to the Property CE superintendent and prepare a written report of the circumstances leading to the loss.

The official badge of the Property Code Enforcement Office shall be prescribed by the Property CE superintendent and shall be returned by inspectors upon separation or request/demand by the Property CE superintendent for any reason.

An inspector will not “flash” his/her badge for personal reasons nor carry it for any reason while off duty. An inspector will not use their badge for any reason that could possible bring discredit upon the Property Code Enforcement Office or himself/herself.

Inspectors shall use business cards only for official purposes. Such cards shall not bear notations or endorsements other than those pertaining to the official functions of Property Code Enforcement Office. Business cards are not issued to obtain special privileges or benefits for any person, to request that the bearer receive any type of favorable consideration, or to indicate the relationship of the individual to the inspector named on the card.

4. PRACTICE

The practice is outlined in the following policy.



4.3 CITY ISSUED CELL PHONES

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard in the use of city issued cell phones and voicemail systems by the code enforcement staff.

2. PHILOSOPHY

The Property Code Enforcement Office staff receive calls and voicemail messages from citizens and other city staff regarding code violations and inspection/case status. There are times when staff -administration, Mayor, Council, and the City Attorney's Offices - receive complaints of, not only unreturned messages, but a lack of response from CE staff. This creates a lack of trust and confidence, not only with Property Code Enforcement Office, but the City as a whole. To avoid such occurrences, the following policy has been established.

3. POLICY

In addition to the City of Youngstown Policy Regarding the Acquisition and Use of Cellular Telephones (included at the end of this section), inspectors shall adhere to the following:

Inspectors are to keep their cell phone adequately charged and on their person always during work hours.

Inspectors will answer all incoming cell phone calls while they are working unless they are:

1. Driving
2. Engaged in a conversation with a resident
3. Currently on a call

If an inspector misses an incoming call for any reason stated above, they shall check to see if a voicemail was recorded.

All voicemail messages should be returned ASAP and within no more than 24 hours of receiving the messages.

A staff member that will be gone for a full day or longer (e.g. Vacation etc.) shall indicate the dates of their absence, when they will return and provide an optional contact within code enforcement while they are gone on their outgoing message.

4. PRACTICE

1. All voice mail messages shall be returned ASAP and no more than 24 hours (1 business day) from receipt.
2. All voicemail messages should be entered on a duplicate phone message book or log.
3. If the incoming call/voicemail is regarding an open case a note regarding the call shall be placed into the case notes within Empyra.
4. When returning a message and there is no answer and/or no voicemail after two (2) attempts, note it on the phone message book or log as stated in practice #6. No additional attempts are required.
5. When returning a message and you can leave a detailed voicemail response, note it phone message book or log stated in practice #6.
6. The phone message book or log should be updated with each response or attempted response. To standardize notations, the following abbreviations should be used.

RTN = Returned call

S/W = Spoke with

L/M = Left message

N/A = No answer

B/N = Bad number

F/M/T = Forwarded message to

NRR = No return required

7. These abbreviations are to be followed by the date and time the action was taken.
(Example - RTN L/M 9-10-16)
8. When actions are complete and the information on the phone message book or log is related to a specific case an entry in the Empyra system detailing the call and response shall be made.
9. It is important to remember that your notes and records protect YOU and the City from allegations of unresponsiveness and misconduct. They will provide valuable help in memory and recollection at hearings and trials.

**CITY OF YOUNGSTOWN
POLICY
REGARDING THE ACQUISITION AND USE OF
CELLULAR TELEPHONES**

City of Youngstown [COY] issued cellular telephones are intended for official business use only. Personal calls made or received on a COY issued cellular telephone are only acceptable in Emergency situations or with prior supervisory knowledge and approval.

CELLULAR TELEPHONES ASSIGNMENT & USE:

Cellular telephones shall be issued only to those Employees with a demonstrated need for this type of communication. Cellular telephones shall be requested only by Supervisors and/or Department Heads within their individual departments. Unless justified, Employees shall be issued cellular telephones with only the basic features and minutes necessary to cover the needs of the position of the Employee. Extra charges for voicemail, text messaging, and data plans must be shown to be justified.

CELLULAR TELEPHONES RULES OF USE:

Employees who are issued a COY cellular telephone agree to the following RULES OF USE:

1. Charges for equipment purchases must be authorized and signed off by the Supervisor and Department Head. Employees must safeguard all cellular telephone equipment in their possession.
2. Lost, stolen, or damaged cellular telephones and/or equipment shall be immediately reported to the Employee's Supervisor and/or Department Head. If theft is suspected, the police should also be notified immediately and a report made. If the loss or damage is due to carelessness on the part of the Employee, the equipment must be replaced or repaired at the Employee's expense.
3. Employees should not use the cellular phone while driving. Unless utilizing a 'hands free' speakerphone option, Employees should stop their vehicle as soon as safely possible to use cellular telephones.
4. Employees shall limit all cellular calls to no more than 15 minutes. Calls over the 15-minute limit shall be documented and justification will be required.
5. Employees must identify and reimburse the City for any costs associated with Emergency personal use of COY issued cellular telephones.
6. When an Employee no longer has a demonstrated need for the cellular telephone, or when the employee terminates employment with COY, that

Employee shall immediately return all cellular telephone equipment to the Department.

7. It is the Employee's responsibility to understand the features and conditions of his/her particular plan. The employee will be required to reimburse the City of Youngstown for overages that may occur unless a documented emergency necessitated the usage of uncovered charges. Costs that are associated with excessive and/or personal costs that are not reimbursed by the Employee may be considered theft and will result in appropriate corrective action.
8. Repeated non-compliance with this policy and failure to remain within allotted minutes, costs, etc. shall result in progressive discipline and may result in loss of cellular equipment.

I have read the above CITY OF YOUNGSTOWN POLICY REGARDING THE ACQUISITION AND USE OF CELLULAR TELEPHONES and hereby agree to adhere to these requirements.

EMPLOYEE: _____ CELL #: 330. _____ DATE: _____

SUPERVISOR: _____ DATE: _____

DEPARTMENT HEAD: _____ DATE: _____

_____ DATE: _____

CAROL PETERS
PURCHASING AGENT

REV. 11.2013



4.4 CHAIN OF COMMAND

Author		Revised by#	
Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which Property Code Enforcement staff refer issues/information to their immediate supervisor or above when the supervisor is not available.

2. PHILOSOPHY

Is it common for the Property Code Enforcement Office staff to come across issues or situations that require the attention or input of a staff member with more authority/responsibility. It is important that there be an understanding regarding what issues should be forwarded and to whom they should be forwarded. Although it would be impossible to draft out a complete list of the exact issues that should be taken to the Property CE superintendent, using this policy along with Section 1.4 High-Level Administrative Complaints/Inquiries and Section 4.8 Established Levels of Responsibility/Authority staff members should be able to evaluate and properly address those issues that should be taken “up the chain of command.”

3. POLICY

Issues and concerns which require a higher level of authority/responsibility are to be taken “up the chain of command” to the next level of supervision and documented via e-mail.

4. PRACTICE

When a staff member becomes aware of an issue that falls into any/all of the following, they are to bring the matter to the attention of their direct supervisor as identified in the attached Code Enforcement Organizational Chart.

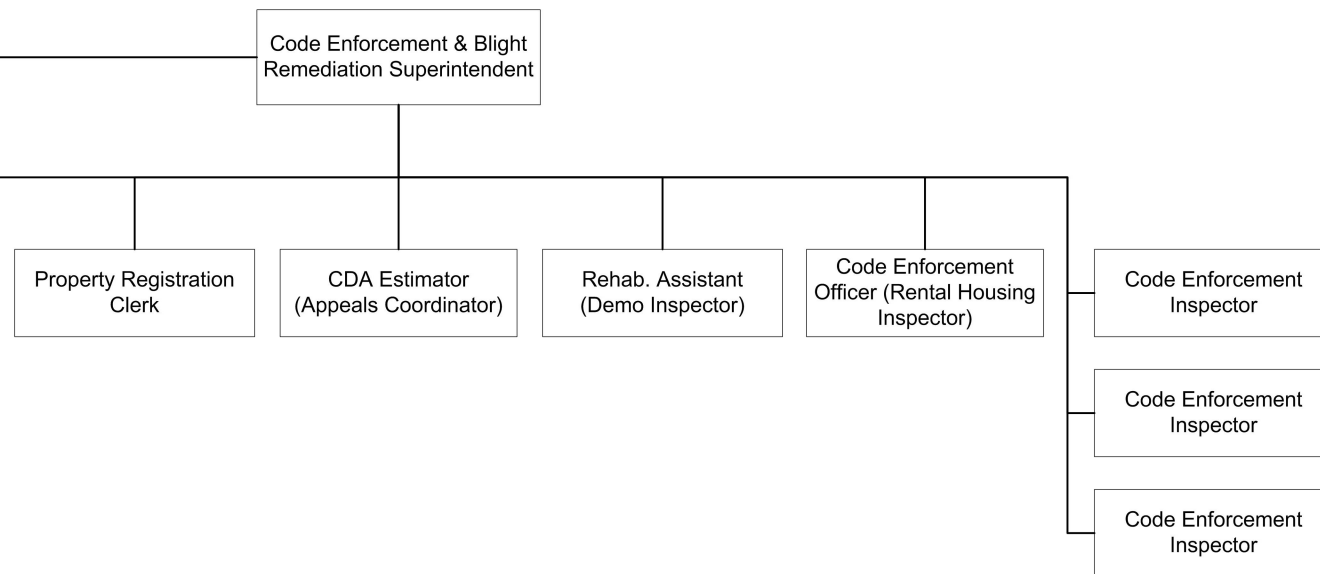
- Beyond their level of authority
- Imminently hazardous/dangerous
- Involves other departments/divisions
- Politically sensitive
- Could result in:
 - Compliant to elected officials and/or the media
 - Law suit or personnel complaint

(CONTINUE NEXT PAGE)

If their immediate supervisor is unavailable they are to move up the chain of command to the next level of supervision. If the chain is exhausted without locating a supervisor within the Property Code Enforcement Office, they are to document their attempts and contact the CE Coordinator, and if not available, the Director of Public Works for additional guidance.

NOTE: The Property CE superintendent must designate a replacement authority in their absence. This must be done in writing and disseminated throughout the Property Code Enforcement Office.

2016 Code Enforcement Division Organizational Chart





	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard by which the Property Code Enforcement Office staff report any potential or perceived conflicts of interest.

2. PHILOSOPHY

When working in an enforcement capacity within any community, there exists the possibility that a staff member may encounter a family member, friend, acquaintance and or individual they do business with. Although staff members are of high ethical character, working a case involving family member, friend, acquaintance and/or individual they do business with, can present the appearance of favoritism. Therefore, it is important to do whatever is necessary to reduce, if not eliminate, this perception by proactively addressing it before it becomes an issue.

3. POLICY

Upon discovering that a potential case involves a family member, friend, acquaintance and/or individual they do business with, Property Code Enforcement staff members shall immediately report the potential conflict to the Property CE superintendent who will then decide as to how to proceed with the case.

Staff members should never conduct personal business with a location in which they have an open case and are the enforcing inspector. In addition, staff members are discouraged from doing business with entities that have open code enforcement cases even when not directly involved with the enforcement. If this is not possible, staff members are to inform the Property CE superintendent of the nature and location of the business/transaction being conducted. The Property CE superintendent may request periodic updates until the business/transaction has been completed.

The following is taken from Section 4.2 Care & Use of Departmental Issued Equipment but directly applies to this section as well:

The official badge of the Property Code Enforcement Office shall be prescribed by the Property CE superintendent and shall be returned by code compliance inspectors upon separation or demand by the Property CE superintendent for any reason.

An inspector will not “flash” his/her badge for personal reasons nor carry it for any reason while off duty. An inspector will not use his/her badge for any reason that could possibly bring discredit upon the Property Code Enforcement Office or himself/herself.

Inspectors shall use business cards only for official purposes. Such cards shall not bear notations or endorsements other than those pertaining to the official functions of the Office. Business cards are not issued to obtain special privileges or benefits for any person, to request that the bearer receive any type of favorable consideration, or to indicate the relationship of the individual to the inspector named on the card.”

4. PRACTICE

When a Property Code Enforcement staff member becomes aware that a complaint/case involves a family member, friend, acquaintance and/or individual they do business with, they are to report the potential conflict to their supervisor immediately. The Property CE superintendent will then determine if the staff member is to continue the case or if it will be reassigned to another staff member that does not have a relationship with the family member, friend, acquaintance, and/or individual they do business with.

These instances, the disclosure of a potential conflict of interest, and any subsequent conversation and/or direction are to be noted within the case file/data management system and become part of the public record.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To create a standard by which clerical/support staff report their daily office activities.

2. PHILOSOPHY

As code enforcement actions, can be cumbersome and lengthy and the costs, including staff hours, may be recoverable, it is important that the division have a tracking system that can be recalled to provide a factual basis for billing. It is also important that we begin to establish basic acceptable time frames for the completion of various code enforcement duties such as interior inspections of sub-standard housing, preparing warrant declarations and administrative hearing packets, etc.

3. POLICY

Clerical staff is to complete a Daily Log (example attached at the end of this section) for each day worked. Logs are to be turned in to Property CE superintendent no later than last day worked each week – typically 4:00 pm Friday of each week. In the case of a sick day(s) logs are to be completed and turned in no later than 4:00 pm on the first day back at work.

4. PRACTICE

Each clerical staff member is to complete the attached daily log starting with the first activity of the day and ending with the last. Times are to be rounded up to the nearest 5-minute increment. Entries are to be made for each action throughout the day and the attached list of abbreviations used if there is not sufficient room for a complete description.

NOTE: Logs should be kept current throughout the day. Staff should never have a log entry that states “completing log” or “log” etc.

Start Time = Clerical staff start time is 8:00 a.m. unless they have taken time off or arrive late – in those cases the start time is the time of arrival at the office. All other start times are when the clerical staff begins/starts the next activity.

Stop Time = The end of shift or when they leave for the day and/or the time which they end the last activity.

Action Taken may require that you combine some of the listed abbreviations to give an indication of what was observed, the action taken and the date the next action is due.

(CONTINUE NEXT PAGE)

I/C	= Incoming Complaint
F/C	= Follow-up Call
DE	= Data Entry
D/PREHR	= Draft Pre-Hearing Letter/Notice
D/NOV	= Draft Notice of Violation
D/NTV	= Draft Notice to Vacate
D/N&O	= Draft Notice and Order
D/NOH	= Draft Notice of Hearing
D/H/O	= Draft Hearing Order
D/DEMO	= Draft Letter of intent to Demolish
M/PREHR	= Mail Pre-Hearing Letter/Notice
D/NOV	= Mail Notice of Violation
D/NTV	= Mail Notice to Vacate
D/N&O	= Mail Notice and Order
D/NOH	= Mail Notice of Hearing
D/H/O	= Mail Hearing Order
M/DEMO	= Mail Letter of intent to Demolish
M/AP	= Mail Administrative Penalties
M/Cite	= Mail Quality of Life Citation
AOD	= Assist Other Departments

Daily Log

Name:

Date:

DATE	TIME	Task	Property	Notes
9/16/15	8:08am	Checked voicemail	27 Glacier, Modern Office, Kyle, Councilman Ray	Kyle to Abby, Glacier to John
9/16/15	8:20am	permits for Street Department Demo	48 Willis, 52 Princeton, 258 Hollywood, 9028 McGuffey, 234 Neilson, 1209 Hylida	given to Jeanie
9/16/15	9:11am	Po created	Modern Office, Marlowes, Ludts Towing	
9/16/15	9:43am	Receipt of Goods	Safe Guard Title, Home Depot	
9/16/15	10:18am	Empyra Complaints	44 Halls Heights, 626 West Warren, 1875 Selma	
9/16/15	10:46am	Raize or Repair	See attached list	
9/16/15	12:38pm	Lunch		
9/16/15	1:35pm	check voicemail	33 Boardman St, Lisa in Finance, Nancy in the Mayor office, Jasmine	Abby to call Jasmine
9/16/15	1:44pm	Demo Permit	906 South Ave Ware	



4.7 DAILY LOGS - INSPECTOR

	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To create a standard by which inspectors report their daily field and office activities.

2. PHILOSOPHY

As code enforcement actions can be cumbersome and lengthy and the costs, including staff hours, may be recoverable, it is important that the division have a tracking system that can be recalled to provide a factual basis for billing. It is also important that we begin to establish basic acceptable time frames for the completion of various code enforcement duties such as interior inspections of sub-standard housing, preparing warrant declarations and administrative hearing packets, etc.

3. POLICY

Inspectors are to complete a Daily Log (example attached at the end of this section) for each day worked. Logs are to be turned in to their supervisor no later than last day worked each week – typically 4:00 pm Friday of each week. In the case of a sick day(s), the inspector must complete their logs and turn it in no later than 4:00 pm on the first day back at work.

4. PRACTICE

Each inspector is to complete the attached daily log starting with the first activity of the day and ending with the last. Times are to be rounded up to the nearest 5-minute increment. Entries are to be made for each action throughout the day and the attached list of abbreviations to be used if there is not sufficient room for a complete description.

Time spent in the office is to be entered by listing “office” in the address line next to the address that is being worked on and the activity that is being performed (i.e. preparing/issuing Notice of Violation, take pre-hearing photos, draft warrant declaration, return phone call, update Empyra, etc.). If an inspector arrives late or leaves early it is to be noted on the log with the reason why.

NOTE: Logs should be kept current throughout the day. Inspector should never have a log entry that states “completing log” or “log” etc.

Start Time = The inspectors first start time is 8:00 a.m. unless they have taken time off or arrive late – in those cases the start time is the time the inspector arrives at the office. All other start times are when the inspector begins/starts the next activity. Drive time from one location to the next is to be included in total of the time logged for the next address being inspected.

Stop Time = The end of shift or when the inspector left for the day and/or the time which the inspectors left one location to go to the next.


Action Taken may require that the inspector combines some of the listed abbreviations to give an indication of what was observed, the action taken and the date the next action is due.

I/I	= Initial Inspection
R/I	= Re-inspection
COMP	= Complied
N/C	= Non-complied
PREHR	= Pre-hearing
COURT	= Pre-trial/Court Appearance
POST	=POSTING (followed by what was posted)
NOV	= Notice of Violation
NTV	= Notice to Vacate
N&O	= Notice and Order
NOH	= Notice of Hearing
H/O	= Hearing Order/Decision
WAR	= Warrant
DEMO	= Letter of Intent to Demolish
V/A	= Notice of Intent to Tow/Remove a Vehicle
Cite	= Citation
N/W	= No Water
N/Heat	= No Heat
O/V	= Open & Vacant
D/B	= Dangerous Building
SEW	= Sewage Leak/Spill
HAZ	= Hazardous Conditions
WEEDS	= Overgrown Weeds/Vegetation
I/D	= Illegal Dumping
AOD	= Assist Other Departments

NOTE: It is anticipated that the code enforcement data/case management system will eventually have the capacity to track and report this data. Until it does, the previously documented method is required.

Daily Log

DATE	TIME	Property/ Task	Owner	Activity	Notes
9/16/15	9:11am	117 East Rayen		Exterior Inspection	
9/16/15	9:20am	22 Scott St		Exterior Inspection Follow Up	not complete set for PH
9/16/15	9:41 AM	1240 Redondo		Appeals Board Picture	9/17/2015
9/16/15	10:16am	9 West Front St		Basement Photo for demo	non compliant
9/16/15	10:32am	234 West Woodland		Exterior Inspection	unfounded complaint
9/16/15	10:50am	63 West Ravenwood		Exterior Inspection	
9/16/15	11:04 AM	Lunch			
9/16/15	11:58 AM	52 Princeton		Exterior Inspection / Red Tag	H2O off red tag
9/16/15	12:27pm	117 East Rayen Ownership	John Clark	Ownership/ notice mailing	New address from white pages scanned in
9/16/15	12:40 PM	22 Scott St	Sam Adams	Ownership	Obit from vidy scanned in

CITY OF YOUNGSTOWN				
	4.8 ESTABLISHED LEVELS OF RESPONSIBILITY/AUTHORITY			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a baseline and understanding of inspectors' level of responsibility and authority – what they accepted to do as well as what they are not allowed to do.

2. PHILOSOPHY

Inspectors respond to and address a multitude of issues, from the most routine to the ultra-complex. In some instances, the issues they face may require the input and guidance, if not approval, from the Property CE superintendent. It is important to have a written and documented understanding of those issues that may require such input.

3. POLICY

Code enforcement staff shall refer to the matrix and list below as well as Section 4.4 Chain of Command when addressing issues/violations within the City of Youngstown.

Five Levels of Responsibility & Authority

Do Routinely	Do & Report	Ask Before Doing	Do When Instructed	Never Do
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Examples -

- **Do Routinely:** Exterior Property Maintenance Violations
- **Do and Report:** Issue Notice to “high profile property owner”
- **Ask Before Doing:** Vacate Substandard Housing
- **Do When Instructed:** Secure Vacant Abandoned Structure
- **Never Do:** Demolition

PRACTICE

When a code enforcement inspector responds to a complaint, initiates an inspection or is working a case they must be aware of the levels of responsibility and authority noted above. The inspector must respond to the appropriate level if the issue(s) and action(s) involved go beyond “Do Routinely” as noted above.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard for management of Property Code Enforcement Office case files.

2. PHILOSOPHY

Code enforcement handles complaints regarding violations of the Youngstown Code of Ordinances and opens thousands of case files as the initial action is taken to obtain compliance. These case files may be handled by several people during the enforcement action. Therefore, it is necessary to establish a standard for management of the case files.

3. POLICY

All open case files will be filed in the active filing cabinets located in Property Code Enforcement Office except those files which are kept by the inspectors at their desks and which the inspectors shall report on an inventory form as described below. When an open case file is removed from the active filing cabinets, a “check-out card” must be filled out and put in its place. A copy of the “check-out card” is attached. Once the inspector has completed an action on the file, it will be returned to the active filing cabinets.

All case files will be opened and set up by the clerical support staff assigned to such duties, and filing of documents within the case files shall be maintained by clerical support staff assigned to such duties. Any correspondence to be mailed out or other activity to be performed by the support staff shall be accompanied by the case file so that copies may be filed concurrently with the mailing of the correspondence.

An inventory shall be prepared by each inspector bi-weekly and given to the Property CE superintendent or clerical support staff as maybe designated. The inventory may be completed in Excel and list: inspector – Date – Address – Case Number.

No code inspector shall close a case file without the review and written approval of the Property CE superintendent.

Open case files will be maintained in the active filing cabinets. When a case file is closed, it will be placed in the archive filing cabinets with a destruction date marked on the file. The closed files in the archive filing cabinets will be removed and destroyed each December, according to the date of destruction marked on the file: i.e., files which are 5 years old.

If a closed file is reopened, the destruction date will be removed from the file, and the file will be retained in the active files until the newest action has been completed.

4. PRACTICE

The practice is detailed in the policy.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard for the set-up and file arrangement of Property Code Enforcement Office case files.

2. PHILOSOPHY

A standard format for the set-up and file arrangement of Property Code Enforcement files is important, so that the status of a case can be quickly and accurately determined by review without the assistance of the inspector assigned to the case. The case file should be complete and up to date so that the information contained in the file is readily available for review.

3. POLICY

The case file will be standardized according to the type and complexity of the information contained within the file. Property Code Enforcement and Demolition case files will be set-up and file arranged as set forth in the Practice portion of this policy.

4. PRACTICE

Property Code Enforcement and Demolition case files will be set-up at the time the first action is taken on a complaint/case.

Case files will be set-up in regular letter-size manila folders after the first inspection/action on the case, except for the following specific issues:

1. Initial Notice;
2. Demolition;
3. Board-up;
4. Warrant
5. Appeal/Hearing
6. Vacating

All information in the file will be filed chronologically by date from the earliest date to the most current date on top.

For the specific cases listed above, the case file will be initially set-up in a six-part cardboard file, using the following file arrangement described below.

When it becomes necessary to expand the case file, due to the volume of information contained therein, the file will be transferred to a six-part cardboard file and will be set up as follows:

Part 1: PHOTOS

All printed pictures will be filed earliest to most current. The pictures are to be labeled with inspector Name/Site Address/Brief description of the alleged violations (what the picture depicts).

NOTE: Photos may not have to be printed if Appeals Board/Court allows digital depictions

Part 2: CONTACTS

Notes of correspondence, contacts or conversation with anyone connected to the case (incoming letters are to be noted here but filed in Part 6)

Part 3: INTERESTED PARTIES

A list showing the names and addresses for all parties interested in the property to whom notice will be given; such list will be updated as new information is received.

Part 4: RECORDATION/TITLE/MORTGAGE DOCUMENTS

All copies of title and mortgage documents as well as any recordings issued by the City are kept in this section.

Part 5: CASE

All other file documents should be filed in chronological order, with the earliest to most current date on top. When no more documents can be filed in Part 5, the subsequent documents will be filed in chronological order in Part 6. A cover page indicating the dates contained in Part 5 is to be prepared and placed as the last item in Part 5.

Part 6: OVERFLOW

This part will be used when Part 5 is full.



4.11 OFFICER/INSPECTOR SAFETY

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a mutual understanding of the potential threats that are present within the area of municipal enforcement, appropriate responses and ongoing communication and training regarding inspector/staff safety.

2. PHILOSOPHY

Every year, municipal enforcement personnel are injured and killed while performing their duties. In some instances, these incidents are the result of accidents, in others they are the result of individuals attacking municipal enforcement staff members. In either case, staff members must be aware of the dangers that may present, recognize a potential threat early, and can take the appropriate action to minimize the likelihood of injury. In short – ***Nothing we do is worth getting hurt over.*** We can always leave and return with help or when the threat has passed.

3. POLICY

Property Code Enforcement and Demolition staff, both field and office, must be able to react and retreat if they feel a credible or potential threat to their safety is present.

4. PRACTICE

It is important that the management and administration understand and allow the field and office staff the ability to react and/or retreat if they feel they are or may be in harm's way. Staff should never be placed in a "no win" situation in which they feel they cannot react or retreat without being accused of negligence or low performance. With that said, staff must understand that interacting with an upset public and inspecting unsafe, hazardous and unsanitary conditions is part of the job of inspectors. A staff member that never feels safe may require additional training or reassignment.

Beyond a policy inspector/staff safety should be an ongoing program of training which includes but is not limited to the following topics:

- Interpersonal skills (basic courtesy and respectful communications)
- Conflict avoidance (“verbal judo”)
- Basic human behavior
- Diversity/cultural awareness
- Recognizing persons with special concerns (sovereign citizens, mentally ill, etc.)
- Substance abuse and influence/intoxication identification
- Field Safety & Defensive Tactics with Practical Applications in inspector Safety/Survival

It is also important that staff share information and experiences that they have had in particular areas and/or locations as well as with certain individuals/responsible parties.

It is suggested that a “Training Officer” be selected and be responsible for scheduling monthly training topics related to inspector/staff safety.



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a policy and procedure for requesting/using a personal day.

2. PHILOSOPHY

Although a personal day is an earned benefit, it does not come without rules of use and possible restrictions based on scheduling, workload, performance, mandatory training etc. For supervision to maintain a minimum level of staffing required to serve the residents of the City of Youngstown, requests for use of a personal day must be considered within a larger framework of the needs of the department and community.

3. POLICY

Requests for use of a personal day must be submitted to the Property CE superintendent via a Personal Day Leave Request Form (example attached) no less than seven (7) business days prior to the personal day date/time requested. Requests for use of personal day will be considered on a first submitted – first considered basis. Requesting employees will be provided written notice of approval/denial of their request.

Before a Personal Day Leave Request Form may be submitted, it is the responsibility of the requesting employee to verify they have a enough personal time accrued to cover the entire request. An employee that requests and uses a personal day beyond the total leave they have accrued will be listed as “Absent Without Pay” and may be disciplined in accordance with the Attendance and Work Hours Policies set forth in by the City of Youngstown.

A personal day may be requested in no less than one (1) hour increments and no more than one (1) year in advance of the first date/time listed on the request.

NOTE: An employee may submit a Personal Day Leave Request Form within the seven (7) advance window for unforeseen emergencies however the reason for such variation of the policy must explained on the request.

4. PRACTICE

As personal days do not bank or rollover into the next year and requests for use are reviewed and approved/denied on a first submitted – first considered basis, it is incumbent upon the requestor to plan well in advance. Administration/management is under no obligation to approve a request simply because the requestor is at risk of “loosing” the time.



PERSONAL DAY LEAVE REQUEST

Name: _____ Date of Request _____

Department: _____

Partial Day Request

Date: _____ From _____ to _____ Number of Hours _____

Individual Day Use

Date: _____ Number of Hours _____


Employee Signature

Supervisor Signature

APPROVED _____
DENIED _____ DATE _____

Department Head Signature

APPROVED _____
DENIED _____ DATE _____

CITY OF YOUNGSTOWN				
	4.13 PUBLIC RECORDS/INFORMATION INQUIRIES (MEDIA/INDIVIDUAL)			
	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a policy regarding requests for information involving Property Code Enforcement and Demolition complaints/cases.

2. PHILOSOPHY

It is routine for staff to be asked for information regarding properties within the City of Youngstown, whether or not they involve current complaints/cases. Although simple questions may be answered, they often lead to additional questions and conversations that are unproductive. These are inquiries that can and should be addressed through an official records website or public records request. Engaging in these conversations can result in misunderstandings and misinformation. To provide a uniform response throughout the division the following policy has been implemented.

3. POLICY

When inquiries on properties go beyond a simple question and into specifics of a case or cases, ownership information, complainant information, proposed remedy etc. Property Code Enforcement and Demolition staff shall refer the requestor to the official code information website:

www.youngstownohio.gov

Home > City Hall > Departments > Property Code Enforcement > MVCCES Query (Mahoning Valley Collaborative Code Enforcement System) > “Start your MVCCES Inquiry”

If the requestor does not locate the desired information, would like to request additional information, or hard/e-copies of documents, photographs, etc. they shall be instructed to complete and submit an official public records request located at:

www.youngstownohio.gov

Home > City Hall > Forms > MISC Public Records Request (Copy attached below)

Once completed the form is to be submitted to the Legal Department in accordance with city policy and Ohio State law.

4. PRACTICE

The practice is detailed in policy above.

CITY OF YOUNGSTOWN
PUBLIC RECORDS REQUEST FORM

PLEASE PRINT CLEARLY

Date:	
Requestor's Name:	
Company:	
Address:	
City, State, Zip:	
Telephone Number:	
Fax Number:	
E-Mail Address:	

The City of Youngstown provides this form to manage the public records request process more efficiently, to enhance the ability to reply by helping to avoid delays and confusion. The availability of public records is not limited by or conditioned on completion of this form. A written request for records is not mandatory and you may decline to identify yourself. If you do not want to make a written request, or do not want to reveal your identity, please call the appropriate City office, department or division. If you choose to use this form, please provide specific details about what you want, including timeframes, locations, etc. (if applicable). You may write on the back of this form if necessary. Thank you.





4.14 PHONE AND VOICEMAIL

Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a standard in the use of the City's phone and voicemail systems by the code enforcement staff.

2. PHILOSOPHY

Property Code Enforcement and Demolition staff receive calls and voicemail messages from citizens and city staff regarding code violations and inspection/case status. There are times when staff -administration, Mayor, Council, and the City Attorney's Offices- receive complaints of, not only unreturned messages, but a lack of response from code enforcement staff. This creates a lack of trust and confidence, not only with code enforcement, but in some cases, it reflects negatively upon the entire City as an organization.

3. POLICY

Property Code Enforcement staff will answer incoming calls while they are at their desk. If a staff member will be away from their desk for more than a few minutes their voicemail shall be enabled. Voicemail shall be checked upon returning to your desk. Staff shall check their messages periodically throughout the day as well.

A staff member that will be gone for a full day or longer (vacation etc.) shall indicate the dates of their absence, when they will return and provide an optional contact within Property Code Enforcement and Demolition while they are gone on their outgoing message.

All voice mail messages shall be returned within 24 hours of receiving the messages.

There may be times when the incoming lines answered by clerical staff (330-742-8888 and 330-742-8833) are briefly left unattended while they perform a task away from their desk. When this occurs, it is the responsibility of remaining staff to answer these lines.

4. PRACTICE

1. All voice mail messages shall be returned ASAP or within 24 hrs.
2. All voicemail messages should be entered on a duplicate phone message book or log.
3. If the incoming call/voicemail is regarding an open case a note regarding the call shall be placed into the case notes within Empyra.
4. When returning a message, there is no answer and/or no voicemail after two (2) attempts, note it on the phone message book or log as stated in practice #6. No additional attempts are required.

5. When returning a message and you can leave a detailed voicemail response, note it phone message book or log stated in practice #6
6. The phone message book or log should be updated with each response or attempted response. To standardize notations, the following abbreviations should be used.

RTN = Returned call

S/W = Spoke with

L/M = Left message

N/A = No answer

B/N = Bad number

F/M/T = Forwarded message to

NRR = No return required

7. These abbreviations are to be followed by the date and time the action was taken.
8. When actions are complete and the information on the phone message book or log is related to a specific case an entry in the Empyra system detailing the call and response should be made.
9. It is important to remember that your notes and records protect “YOU” and the City from allegations of unresponsiveness and misconduct.



	Author		Revised by#	
	Revision #		Implementation Date	

1. PURPOSE

To establish a standard as to when Property Code Enforcement and Demolition staff shall require vacant structures be secured and by which property owners and responsible parties must secure vacant structures.

2. PHILOSOPHY

As has been discussed in previous sections, blight breeds blights and crime. As such, the Property Code Enforcement and Demolition must be vigilant in addressing vacant structures that can easily become an attractive nuisance and harborage for

3. POLICY

When an inspector discovers a vacant structure that is open and accessible to casual entry and/or criminal trespass they are to inspect the location as per Section 2.5 Inspection/Investigation, Section 2.6 Inspection of Vacant Properties and Section 1.5 inspector/Staff Initiated Complaints. If it is determined that the structure represents a hazard as per Section 2.6 Inspection of Vacant Properties, they are to notify the owner(s)/responsible party(s) of the conditions/violations as per Section 2.8 Noticing Requirements and require that the structure be secured as noted in the Youngstown Code of Ordinances sections listed below.

Youngstown Code of Ordinances

546.14 SECURING VACANT STRUCTURES.

- (a) Securing. All doors and windows of vacant residential and non-residential structures shall be in compliance with this code, or otherwise secured in accordance with Section 546.02(e)(35) of this Code.
- (b) Temporary Safeguarding. When a vacant structure is not in compliance with this Code or otherwise secured, and in the opinion of the Code Official, it poses an imminent danger due to an unsafe condition, the Code Official may order the securing of the structure to render such structure temporarily safe. Such action may be taken without prior notice to the property owner to meet such emergency.
- (c) Costs. The costs of the temporary safeguarding shall be determined by the Deputy Director of Public Works, and the cost list shall be on file in the Department of Public Works. All costs associated with the temporary safeguarding of the property will be recovered by the City in accordance with Section 546.99.

- (d) Appeals. All charges assessed pursuant hereto may be appealed to the City of Youngstown Special Assessments Board within 30 days of receipt of notice of the charges assessed.

546.02 DEFINITIONS.

(e) General Definitions.

- (1) **ABANDONED STRUCTURE:** A structure that is unoccupied as the result of the relinquishment of possession or control by an owner or other person with the right of possession or control of the structure, a mortgagor or the mortgagor's assigns whether or not the mortgagor or mortgagor's assigns have relinquished equity and title. A structure may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was abandoned, including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, mail, past due utility notices, or other means of notice by publication, the accumulation of junk, litter, trash, or debris, absence of windows or window treatments, absence of furnishings and personal items, statements of neighbors, delivery agents or similarly situated persons that the property is abandoned.
- (2) **APPROVED:** Approved by the Code Official.
- (6) **CODE OFFICIAL:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
- (19) **INSPECTOR:** A person employed by or under contract with the City of Youngstown to perform inspections to determine compliance with Codes and to order corrective measures and/or initiate administrative, civil, or criminal proceedings.
- (35) **SECURE:** To place a covering over all doors and windows which are within fifteen feet of the exterior grade, consisting of one-half inch thick plywood or polycarbonate attached to the framing of all such doors and windows by wood screws of a minimum length of one and one-half inches, placed twelve inches on center. Plywood shall be painted with a minimum of two coats of exterior paint, and shall be of a color that generally matches the structure.
- (44) **VACANT STRUCTURE:** A structure that is not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Multi-family residential structures shall be considered vacant when substantially all of the dwelling units are not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Commercial structures shall be considered vacant when all commercial activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant commercial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in commercial activity, or that otherwise qualifies as "Abandoned"

under this Section. Industrial structures shall be considered abandoned when all industrial or manufacturing activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant industrial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in industrial or manufacturing activity, or that otherwise qualifies as "Abandoned" under this Section.

In determining whether a structure is vacant, it is also relevant to consider, among other factors, the percentage of the overall square footage of the building or floor not in use to the occupied space; the condition and value of any items in the structure and the presence of rental or for sale signs on the property.

A property that is temporarily unoccupied and is in the process of being renovated under proper and unexpired permits shall not be considered vacant.

A property that is listed for sale with a licensed realtor under a fully executed listing agreement shall not be considered vacant for the first six months of the listing agreement under which the property was first listed for sale. Such property shall be considered vacant for purposes of this Section upon the expiration of the first six month period for which it is first listed for sale or upon a subsequent re-listing with the same or a different licensed realtor. Unoccupied property listed as "For Sale by Owner" shall be considered vacant for purposes of this Section.

546.03 ENFORCEMENT.

- (a) Code Official: There shall be appointed, by the Mayor, a Code Official charged with enforcing this code both directly and indirectly through his or her designees. The Code Official is authorized to make and adopt such rules and policies as may be necessary for the proper enforcement of this code.
- (b) Liability: The Code Official, his or her designees, and any officers, employees, or agents charged with enforcing this code, while acting in their official capacity, on behalf of the City of Youngstown, shall have no personal liability.
- (c) Entry and Inspection. The Code Official, his or her designees and any officers, employees and agents charged with enforcing this code are authorized to enter upon any premises, at reasonable times, for purposes of conducting an exterior inspection. Said persons may inspect the interior of any premises, at reasonable times, with the consent of the property owner or occupant. If consent is denied, the inspector may not enter unless there are exigent circumstances or an administrative or other warrant is obtained.
- (d) Owner access. Every occupant of a rental unit shall give the owner or operator thereof, his agent or employee, access to any part of a structure or premises, dwelling, dwelling unit or rooming unit at reasonable times for the purpose of permitting such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this

code. Except in the case of emergency, or if it is impracticable to do so, the owner or operator must give the occupant reasonable notice of the intent to enter. Twenty-four hours is presumed to be reasonable notice, in the absence of evidence to the contrary.

4. PRACTICE

The following Securing Specifications shall be included in all notices sent regarding the securing of a vacant accessible structure(s).

“All properties shall be secured in accordance with HUD requirements, listed below, and any additional local codes/requirements which may be included based upon the size, scope, accessibility, configuration and proximity of the structure being secured.

I. Specifications for Securing (NOTE: Clear polycarbonate materials may be substituted for plywood in each section below)

- 1. Exterior Plywood should be of un-sanded CDX grade.*
- 2. Plywood thickness should be 1/2” for window openings, 5/8” for door openings and 3/4” for sliding door and French door openings. When extra-large window openings are encountered use 5/8” or 3/4” as necessary.*
- 3. All holes should be drilled to accommodate bolts. The holes in the top of the plywood should be 12” down from the top and 20% of the width of the plywood cover, in from the side.*
- 4. The holes in the bottom should be 25% of the height of the plywood, up from the bottom and the same distance in from the side as the top.*
- 5. Carriage bolts mated with nut and two three inch flat washers as shown in the side view. Washers to be of sufficient size to fully accept the square portion of bolt beneath head. Bolt and mating hardware may be galvanized or cadmium plated. 3/8” x 12” bolts should be supplied with each 2’8” door, 3’0” door, and glass sliding door cover. 3/8 x 10” bolts should be supplied with the rest.*
- 6. 2” x 4” lumber should be graded and should be a minimum of 16” longer than the width of the plywood cover. (Note: 2x4s will be drilled with 1/2” diameter holes that line up with the holes in the plywood covers.)*
- 7. All windows and doors, except the front door (unless front door is missing), through which access to the interior of the dwelling is made, should be secured. All window boards will be cut to fit inside the concrete block or brick opening with a maximum 1/8” clearance. The plywood covering should be of one continuous piece when possible.*
- 8. All fabricated parts and ancillary materials become property of the land banking entity.*
- 9. All coverings are to be fabricated per the attached drawing and specifications.*

II. Securing Windows

- 1. Except as noted below, all window sashes, frames, glass and hardware are to be undamaged by the boarding installation.*
- 2. All screen inserts are to be removed, marked as to location and stored in a convenient closet or in the utility room.*
- 3. In all cases where it is possible to adjust the position of the sashes to accommodate the specifications for boarding above, the sashes are to remain in the frame.*
- 4. In instances wherein the sashes cannot be adjusted to accommodate the boarding specifications above, the sashes are to be removed from the frames and stored in a convenient closet or in the utility room. This includes all stationary lights secured by stops.*
- 5. In cases where in the sash cannot be removed and/or the frame is permanently built into the house and cannot be removed (i.e., Fenestra windows) it will be necessary to break the corner panes to accommodate the boarding and bolts. If the location of bolt holes, in the plywood, requires modification because of the muntin bar (a small bar that divides a windows glass), these locations are to be modified. In no case, in any type of window, is any sash or frame part to be damaged.*
- 6. In all instances where items should be removed from the frame and stored, the items should be clearly marked as to the area from which it was removed.*
- 7. All items are to be stored on edge and braced to prevent accidental tipping, sliding, etc. In no instance is any item to be stored laid flat.*
- 8. Hinged windows are to be completely removed from the frame and stored as stated in (7) above. If possible the hinge pins are to be removed and remain with the removed item.*
- 9. Faced nailing of panels to wood frame windows is prohibited.”*



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a policy and procedure for the notification and use of sick time.

2. PHILOSOPHY

Although sick time is an earned benefit it does not come without rules of notification and use. For supervision to maintain a minimum level of staffing required to serve the residents of the City of Youngstown, notification of the use of sick time is required – advanced notice, whenever possible, allows the Property CE superintendent to adjust staffing levels and responses.

3. POLICY

A staff member that needs to use sick time shall notify the Property CE superintendent as follows:

Unplanned Use – When a staff member becomes ill and must use sick time they are to contact the Property CE superintendent via direct phone call or cell text a minimum of one (1) hour prior to their scheduled start time. Currently the cell number to use for contact is – (330) 503-9090

Upon returning to work the staff member shall submit a Sick Time/Leave of Absence Use/Request Form (example attached) the indicating dates/hours of sick time usage.

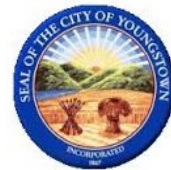
Planned Use – Staff members that wish to use their sick time for health-related appointments may do so by submitting a Sick Time/Leave of Absence Use/Request Form (example attached).

4. PRACTICE

Unlike vacation and personal days, sick time is often “unplanned” and used in response to an issue, regardless it is asked that staff provide as much advanced notice as possible to the Property CE superintendent via call or text to (330) 503-9090. Although, in the case of planned sick time usage, there is no required peruse request deadline, it is asked that staff provide as much notice as possible. It is understood that health related appointments may change with little to no notice, as such staff is asked to keep the Code Enforcement and Blight Remediation superintendent of changes as they become aware.

Use of sick time to care for an immediate member of the family is allowed. Immediate family member is defined as – spouse, dependent child or parent.

Sick time is not vacation or personal time and is to be used for health related is only. Use sick time as vacation or personal time may result in disciplinary action.



SICK TIME/LEAVE OF ABSENCE USE/REQUEST

Name: _____ Date Submitted _____

Department: _____

Partial Day Use

Date: _____ Number of Hours: _____

Individual Day Use

Date: _____ Number of Hours: _____

Consecutive Multi-day/Complete Week Use

Date: _____ Number of Hours: _____

Vacation Hours Available After Request: _____

Employee Signature

APPROVED _____

Supervisor Signature

DENIED _____ DATE _____

APPROVED _____

Department Head Signature

DENIED _____ DATE _____



Author

Revised by#

Revision #

Implementation Date

1. PURPOSE

To establish a policy and procedure for requesting/using accrued vacation time.

2. PHILOSOPHY

Although vacation time is an earned benefit it does not come without rules of use and possible restrictions based on scheduling, workload, performance, mandatory training etc. For supervision to maintain a minimum level of staffing required to serve the residents of the City of Youngstown requests for vacation time must be considered within a larger framework of the needs of the department and community.

3. POLICY

Requests for use of vacation time must be submitted to the Property CE superintendent via a Vacation Request Form (example attached) no less than seven (7) business days prior to the first vacation date/time requested. Requests for use of vacation time will be considered on a first submitted – first considered basis. Requesting employees will be provided written notice of approval/denial of their request.

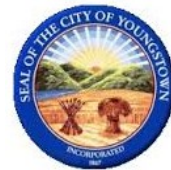
Before a Vacation Request Form may be submitted it is the responsibility of the requesting employee to verify they have enough vacation time accrued to cover the entire request. An employee that requests and uses vacation beyond the total they have accrued will be listed as “Absent Without Pay” and may be disciplined in accordance with the Attendance and Work Hours Policies.

Vacation time may be requested in no less than one (1) hour increments and no more than one (1) year in advance of the first date/time listed on the request.

NOTE: An employee may submit a Vacation Request Form within the seven (7) advance window for unforeseen emergencies however the reason for such variation of the policy must explained on the request.

4. PRACTICE

As vacation requests are reviewed and approved/denied on a first submitted – first considered basis, it is incumbent upon the requestor to plan well in advance.



VACATION REQUEST

Name: _____ Date of Request _____

Department _____

Vacation Hours Available Time of Request: _____

Partial Day Request

Date: _____ From _____ to _____ Number of Hours: _____

Individual Day(s) Request

Date: _____ Number of Hours: _____

Consecutive Multi-day/Complete Week Request

From Date: _____ to _____ Total Number of Hours: _____

Vacation Hours Available After Request: _____

Employee Signature

APPROVED _____

Supervisor Signature

DENIED _____ DATE _____

APPROVED _____

Department Head Signature

DENIED _____ DATE _____

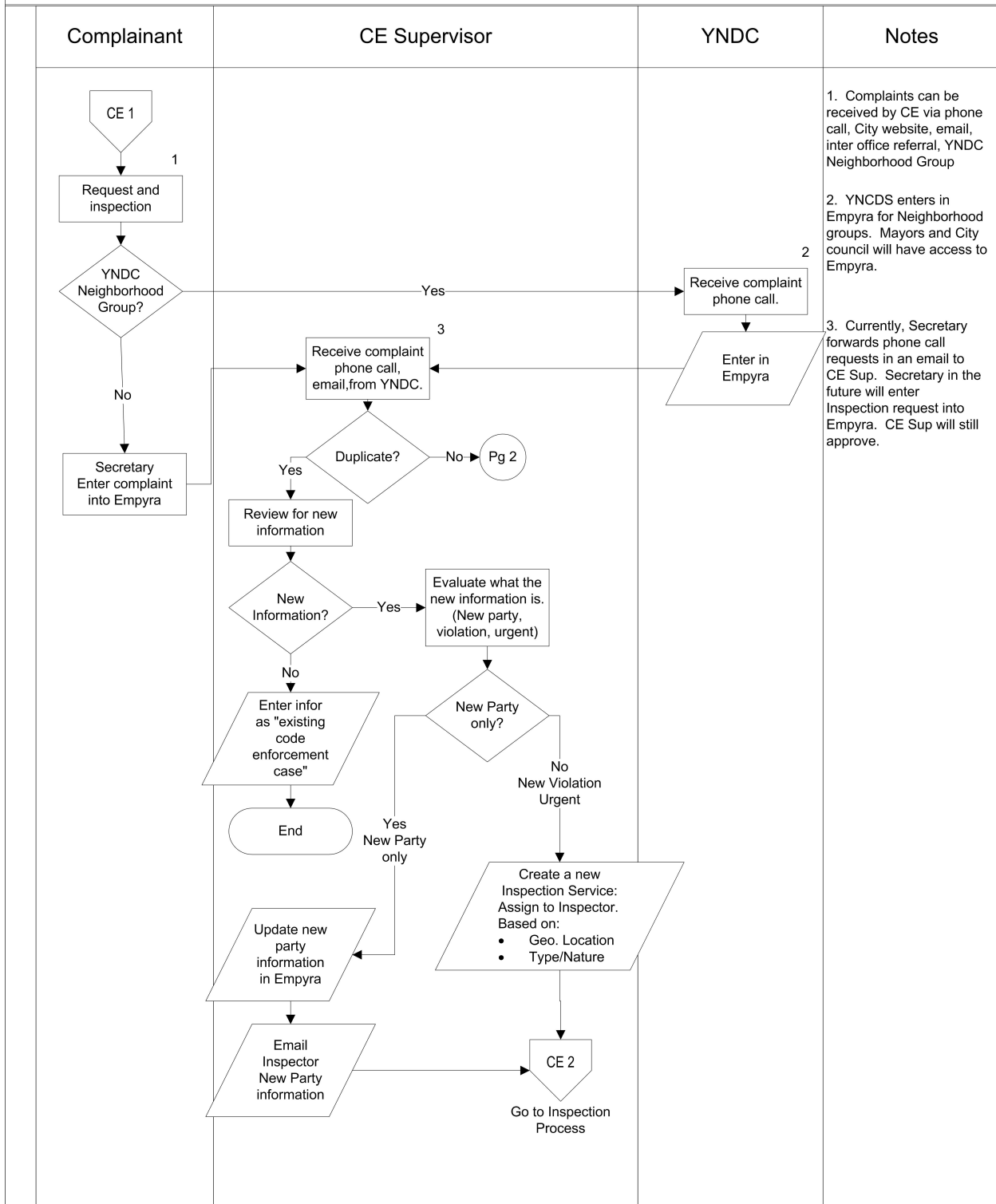


Appendix A

Process Flow Diagrams

City of Youngstown: Code Enforcement

Complaint Intake- 2015 State Process: Page 1 of 2

CE 1
DRAFT

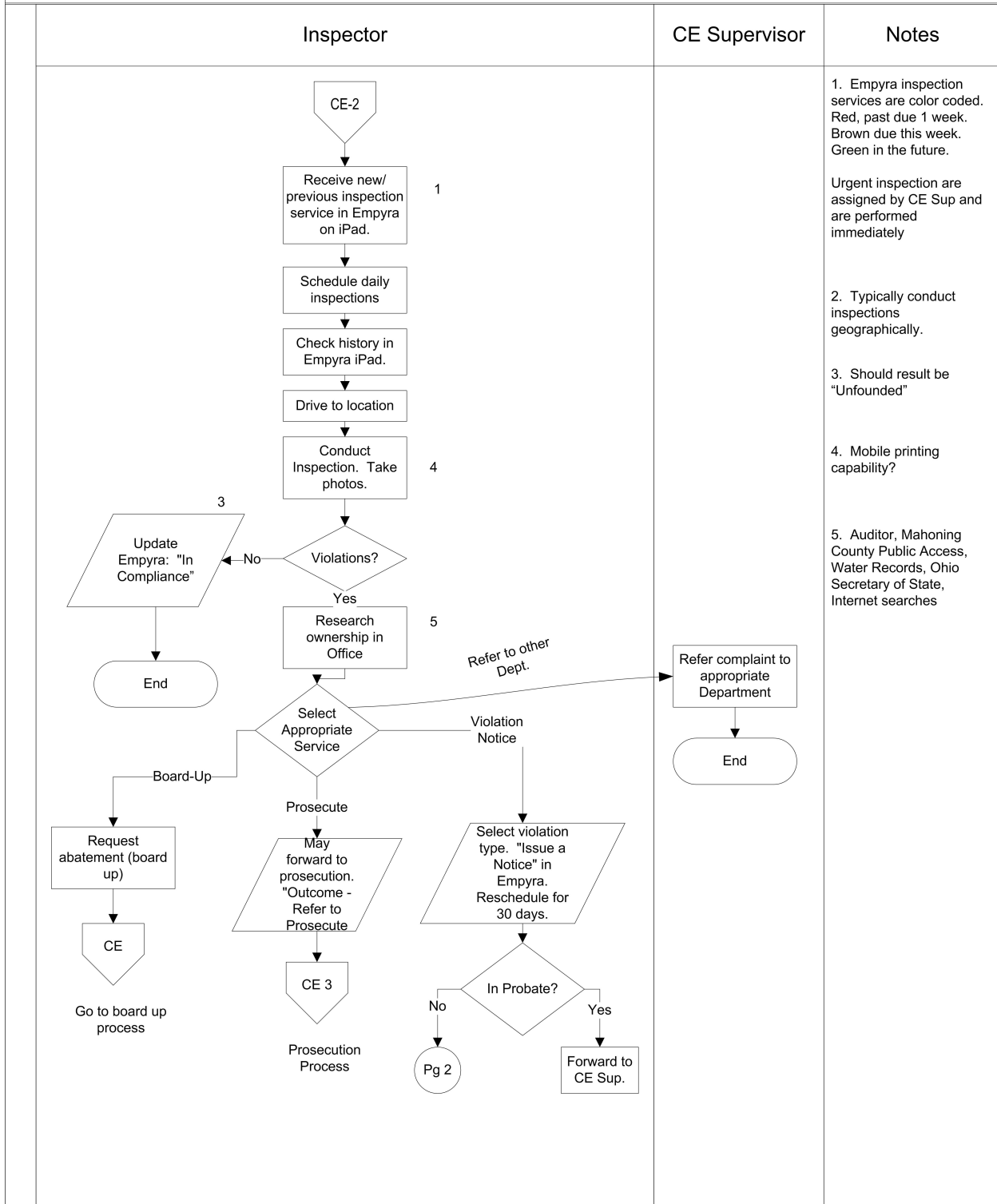
City of Youngstown: Property Maintenance
Complaint Intake- 2015 State Process: Page 2 of 2

CE 1
DRAFT

Complainant	CE Supervisor	YNDC	Notes
	<pre> graph TD Pg1((Pg 1)) --> InteriorRental{Interior Rental?} InteriorRental -- Yes --> Forward[Forward to Rental Property Registration] Forward --> CE3{{CE 3}} CE3 --> GoRental[Go to Rental Inspection Process] InteriorRental -- No --> Create[Create a new Inspection Service: Assign to Inspector. Based on: • Geo. Location • Type/Nature] Create --> CE2{{CE 2}} CE2 --> GoInspection[Go to Inspection Process] </pre> <p>The flowchart in the CE Supervisor column details the process flow. It begins with a start node 'Pg 1' leading to a decision diamond 'Interior Rental?'. If the answer is 'Yes', the process moves to a rectangle 'Forward to Rental Property Registration', then to a hexagon 'CE 3', and finally to the text 'Go to Rental Inspection Process'. If the answer is 'No', the process moves to a parallelogram 'Create a new Inspection Service: Assign to Inspector. Based on: • Geo. Location • Type/Nature', then to a hexagon 'CE 2', and finally to the text 'Go to Inspection Process'.</p>		<p>1. Owner occupied interior, would not be referred to Inspector, not Rental Property Registration</p>

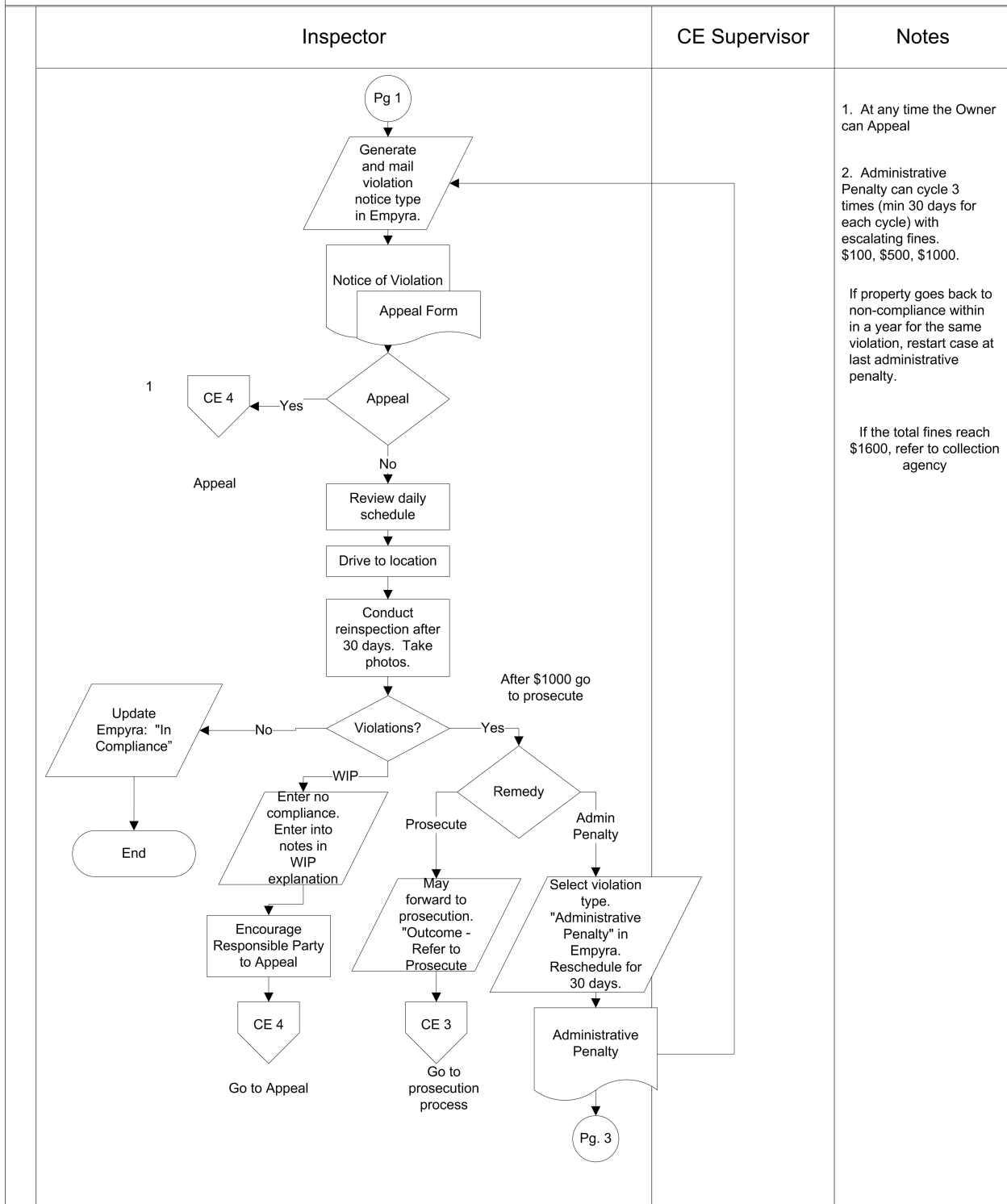
City of Youngstown: Code Enforcement

Inspection- 2015 State Process: Page 1 of 3

CE 2
DRAFT

City of Youngstown: Property Maintenance
 Regular Inspection- 2015 State Process: Page 2 of 3

CE 2
DRAFT



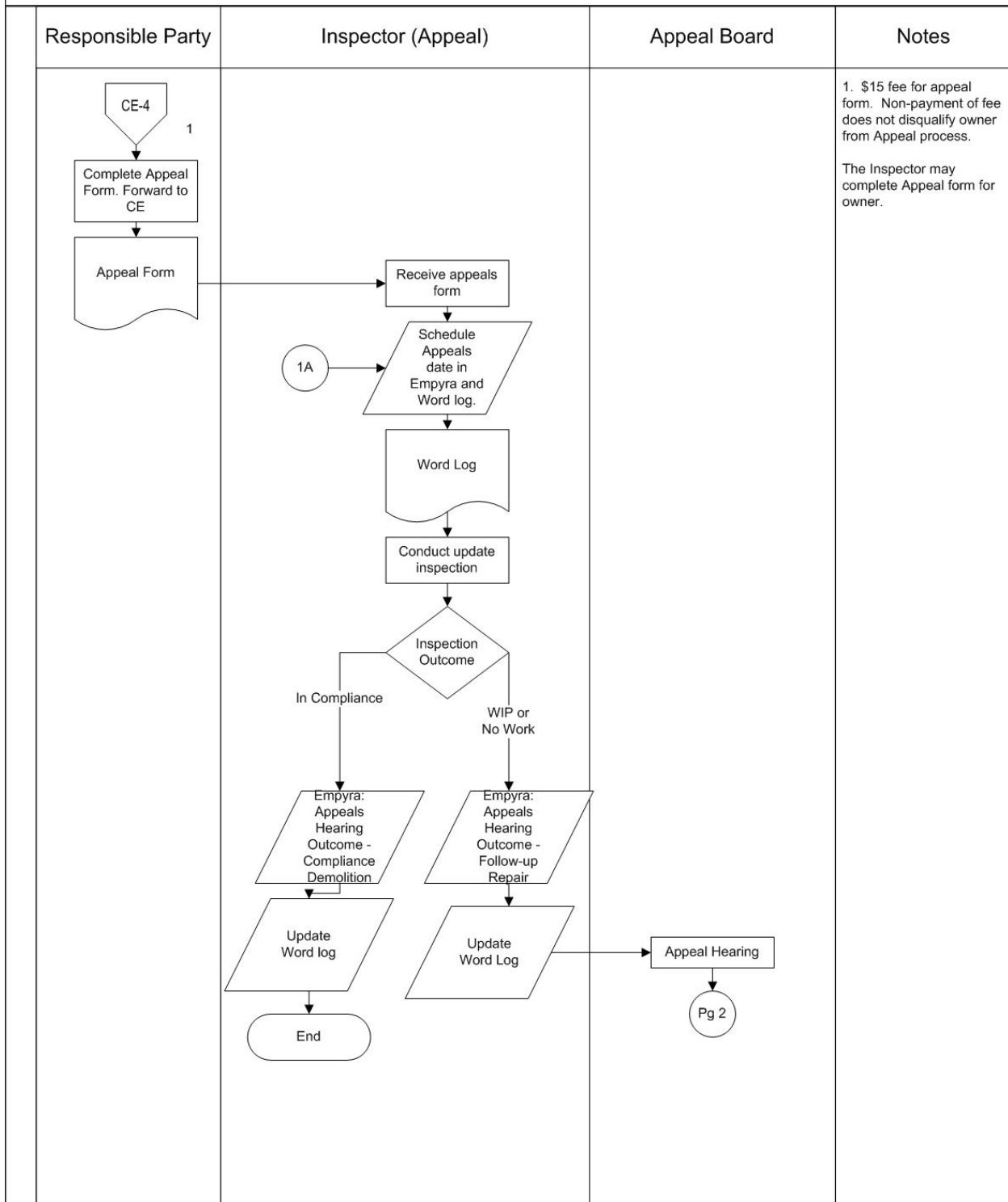
City of Youngstown: Property Maintenance
Regular Inspection- 2015 State Process: Page 3 of 3

CE 2
DRAFT

Inspector	CE Supervisor	Notes
<pre> graph TD Start((Pg 2)) --> Admin{Admin Penalty reach \$1600?} Admin -- Yes --> Referral[Refer to collection agency] Referral --> Compliance{Compliance?} Compliance -- Yes --> Update[/Update Empyra: "In Compliance"/] Update --> End([End]) Compliance -- No --> Remedy{Remedy} Admin -- No --> Remedy Remedy -- Prosecute --> Prosecute[/May forward to prosecution. "Outcome - Refer to Prosecute"/] Prosecute --> CE3{{CE 3}} CE3 --> GoToProsecution[Go to prosecution process] Remedy -- Other Legal --> OtherLegal[Spot Blight Tax Foreclosure] </pre>		<p>1. At any time the Owner can Appeal</p> <p>2. Administrative Penalty can cycle 3 times (min 30 days for each cycle) with escalating fines. \$100, \$500, \$1000.</p> <p>If property goes back to non-compliance within in a year for the same violation, restart case at last administrative penalty.</p> <p>If the total fines reach \$1600, refer to collection agency</p>

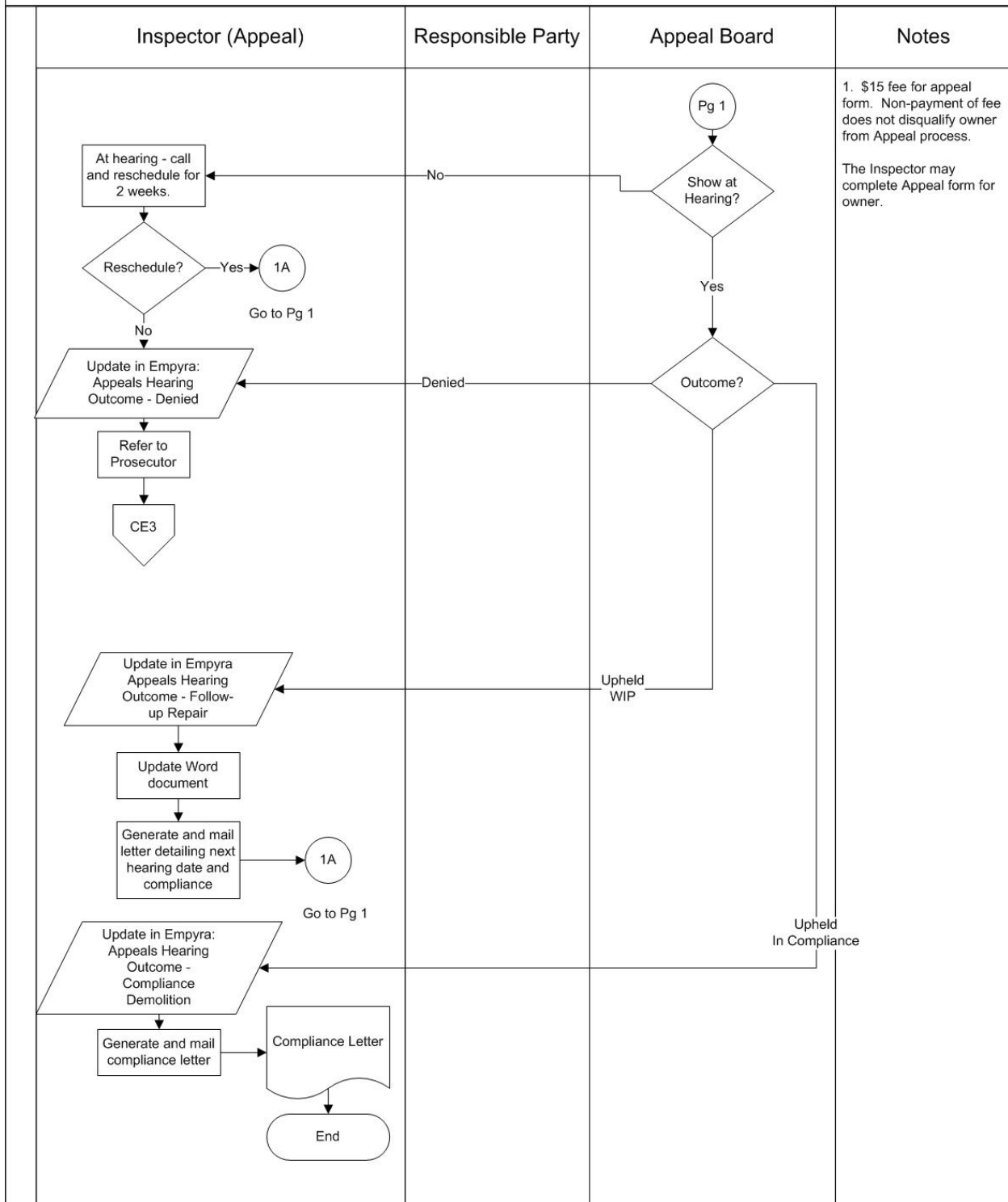
City of Youngstown: Code EnforcementCE 4
DRAFT

Appeal - Current State Process: Page 1 of 2



City of Youngstown: Code EnforcementCE 4
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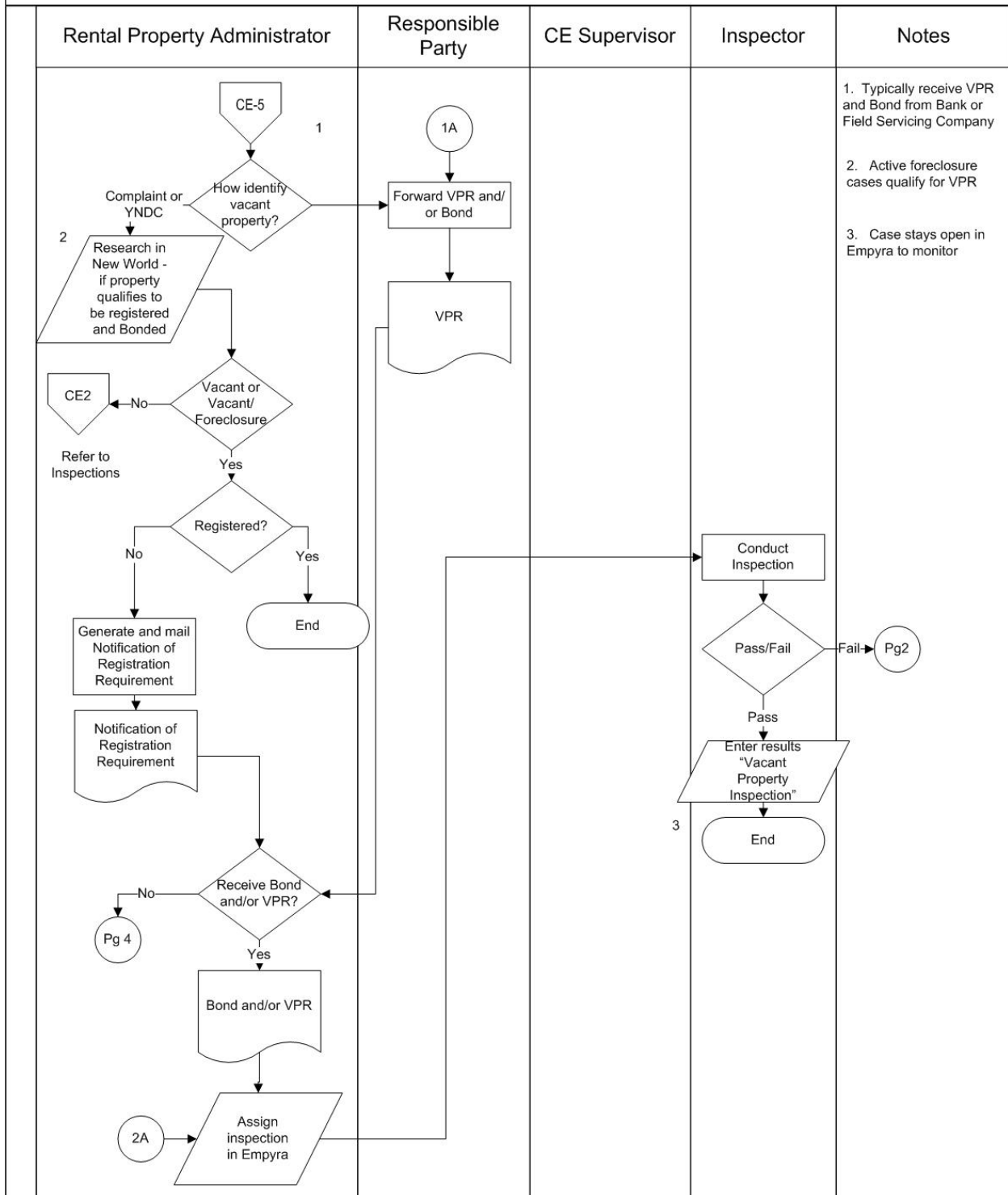
Appeal - Current State Process: Page 2 of 2



City of Youngstown: Code Enforcement

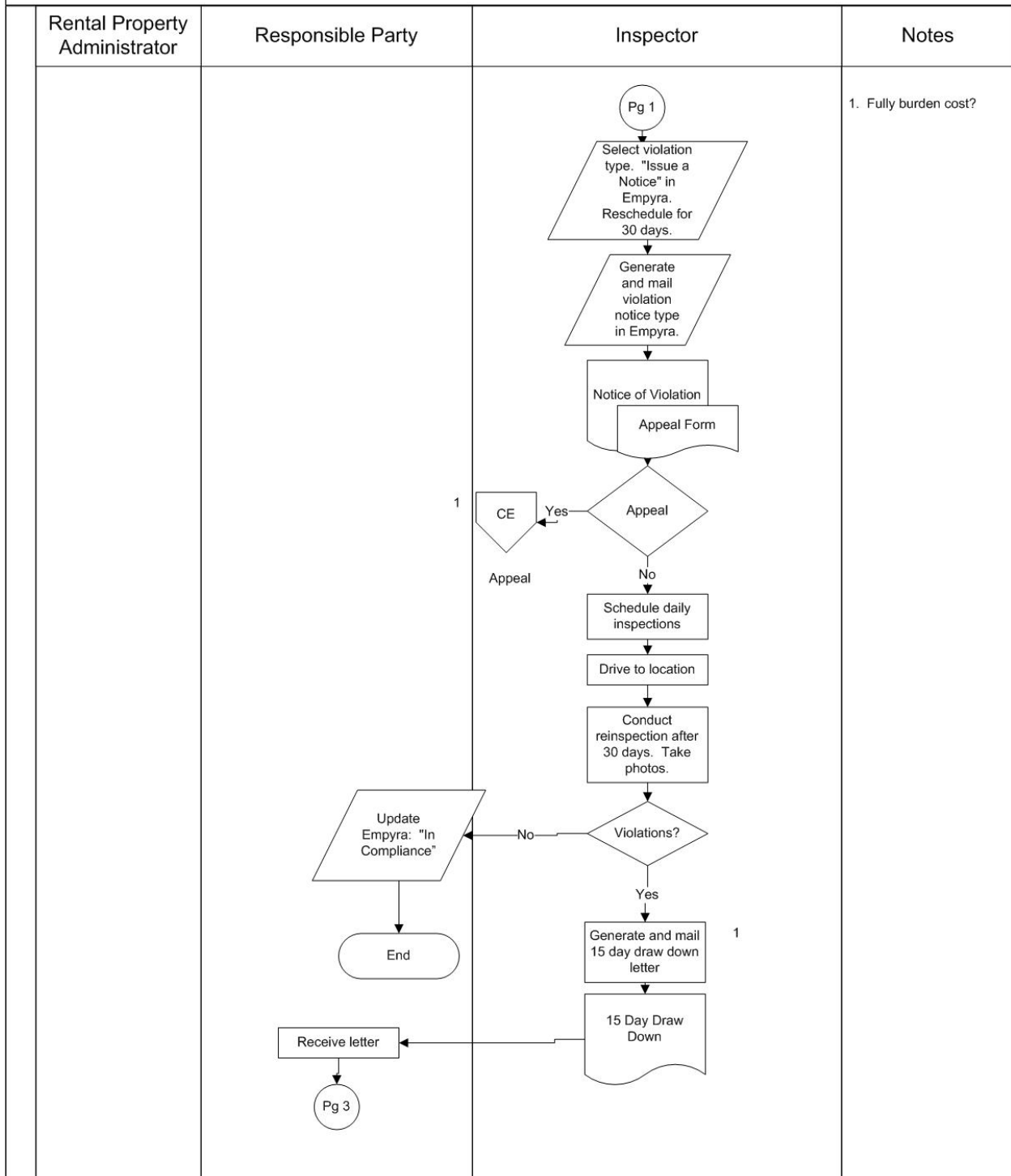
CE 5
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Vacant Property Registry - 2015 State Process: Page 1 of 5



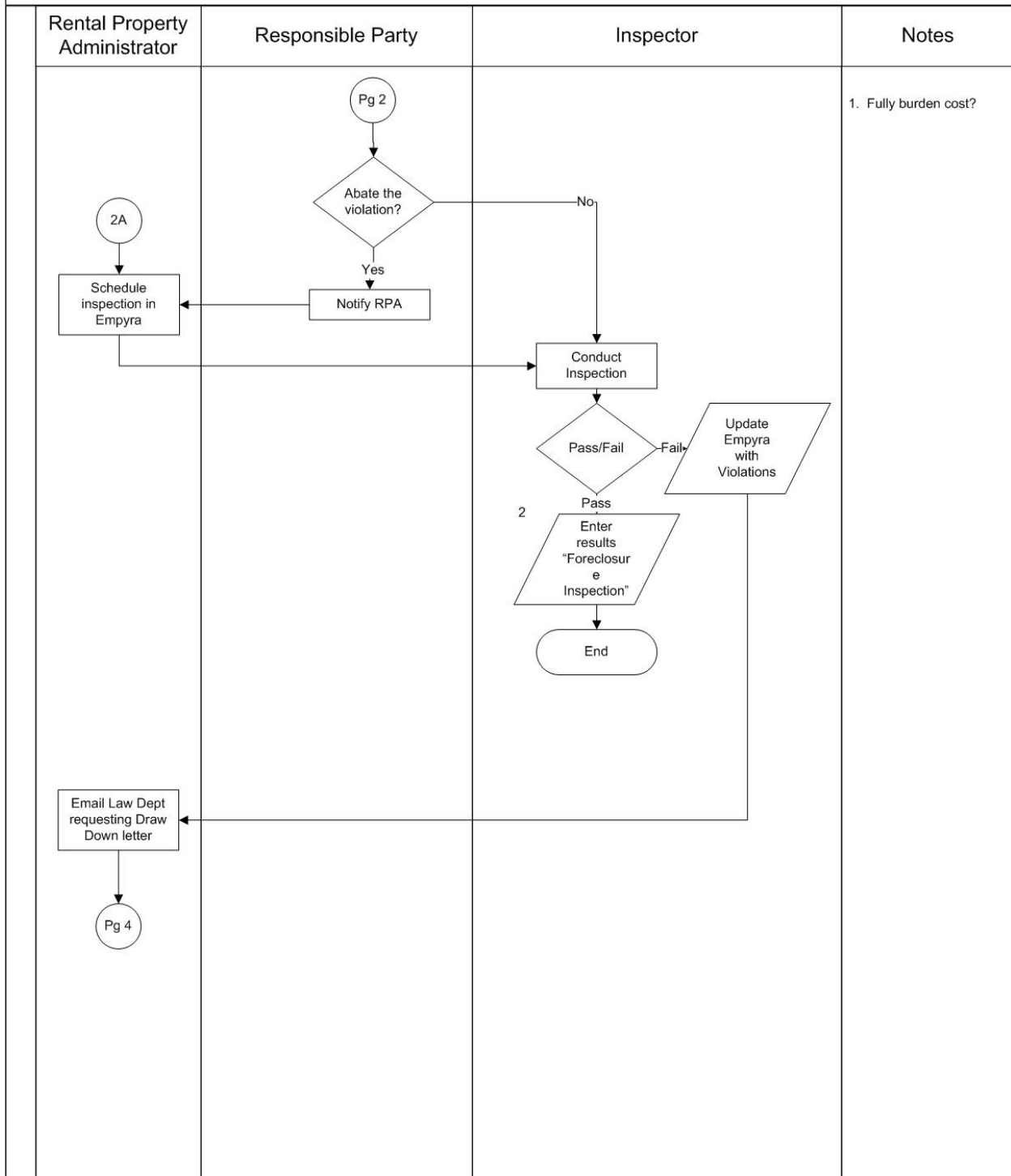
City of Youngstown: Code EnforcementCE 2
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Vacant Property Registry - 2015 State Process: Page 2 of 5



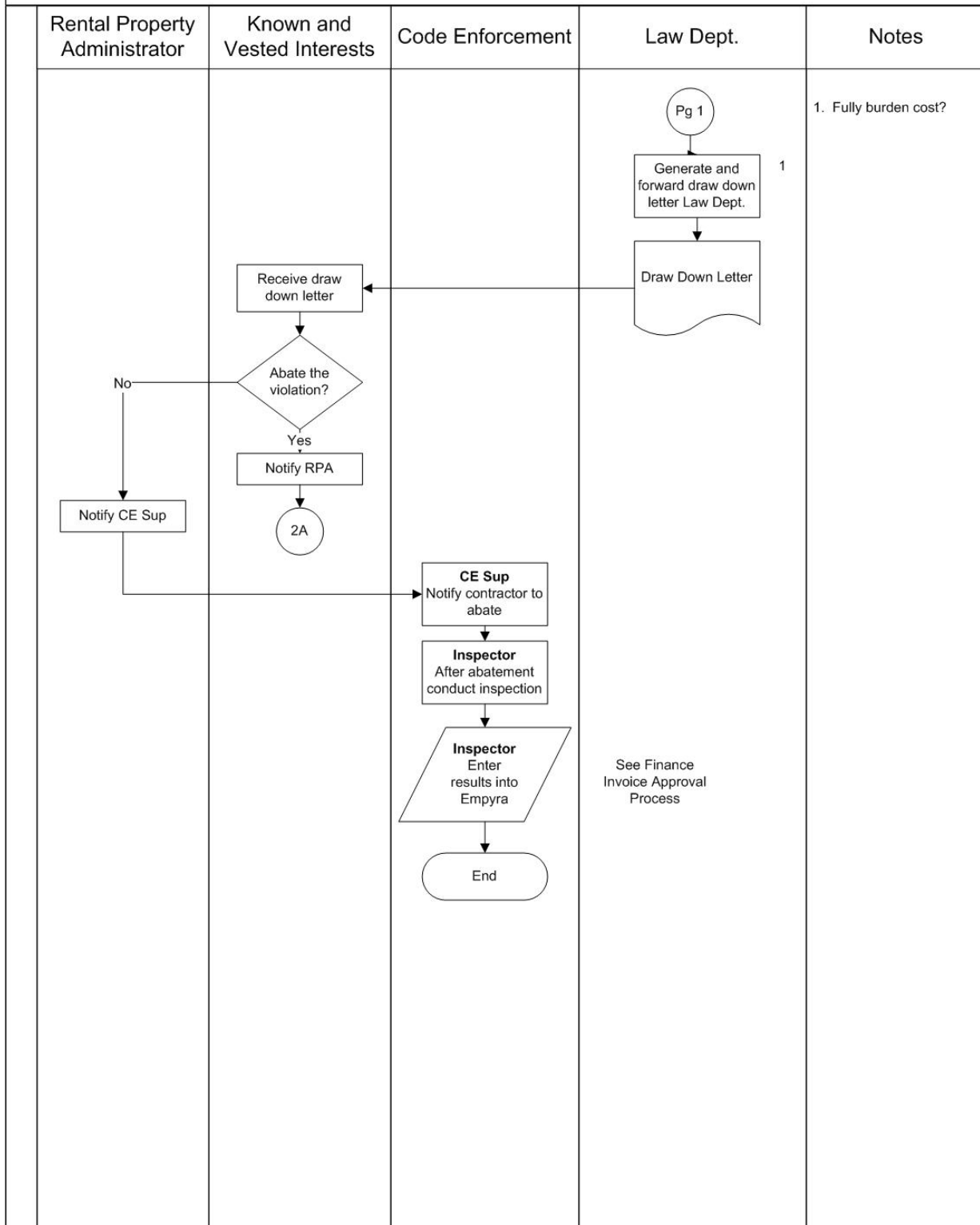
City of Youngstown: Code EnforcementCE 2
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Vacant Property Registry - 2015 State Process: Page 3 of 5



City of Youngstown: Code EnforcementCE 2
DRAFT

Vacant Property Registry - 2015 State Process: Page 4 of 5



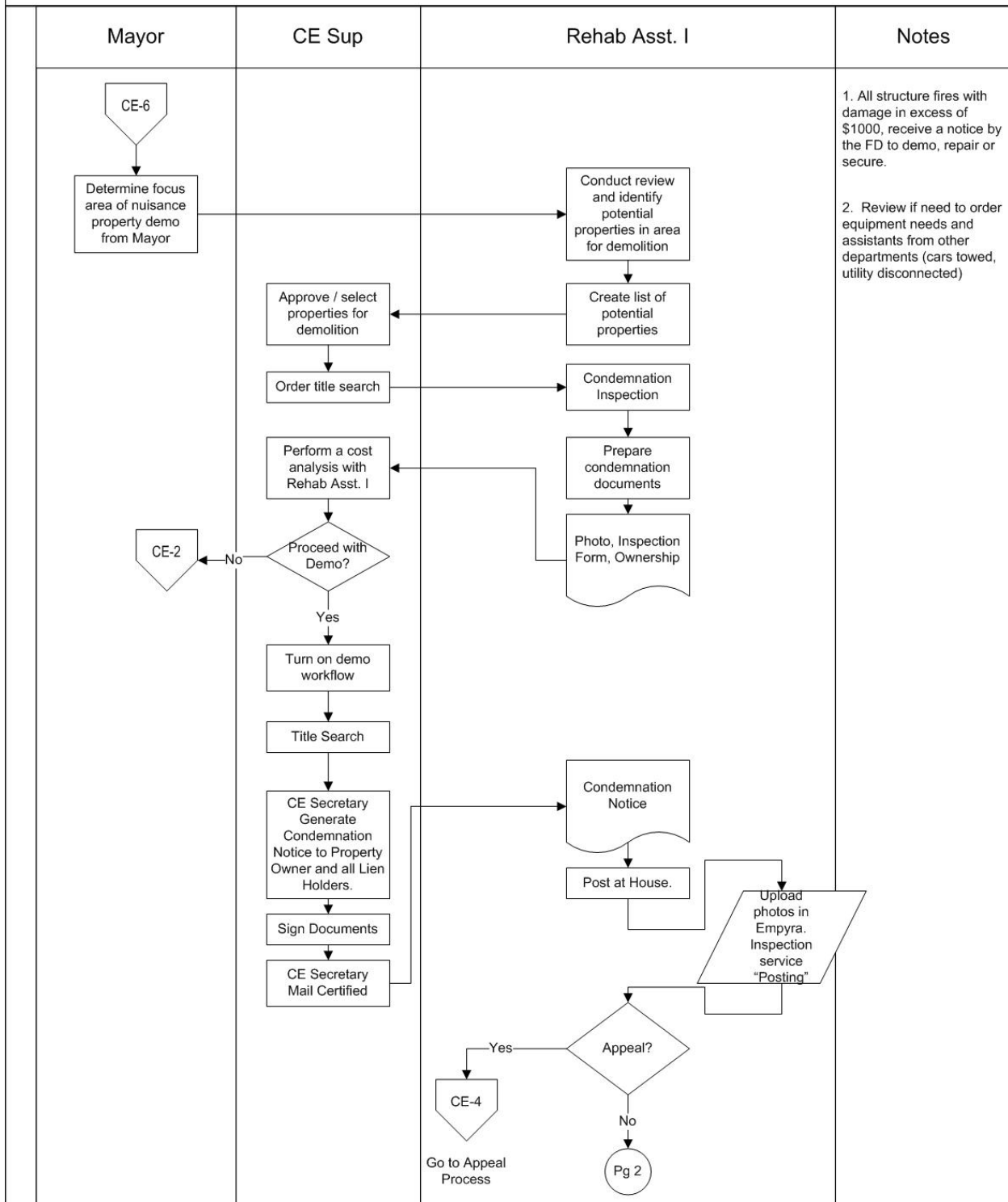
City of Youngstown: Code EnforcementCE 2
DRAFT

Vacant Property Registry - 2015 State Process: Page 5 of 5

Rental Property Administrator	Responsible Party	Inspector	Notes
<pre> graph TD Pg1((Pg 1)) --> MissingBond{Missing bond or VPR?} MissingBond -- Bond --> GenerateBond[Generate and mail missing bond letter] GenerateBond --> MissingBondDoc[/Missing Bond/] MissingBondDoc --> SubmitBond{Submit Bond?} SubmitBond -- Yes --> 1A((1A)) SubmitBond -- No --> NotifyLaw[Notify Law Dept.] NotifyLaw --> End1([End]) MissingBond -- No --> GenerateList[Generate a list of vacant properties unregistered vacant properties] GenerateList --> ForwardList[Forward list to Law department] ForwardList --> End2([End]) ReceiveBond[Receive Missing bond letter] --> SubmitBond </pre>			
			1.

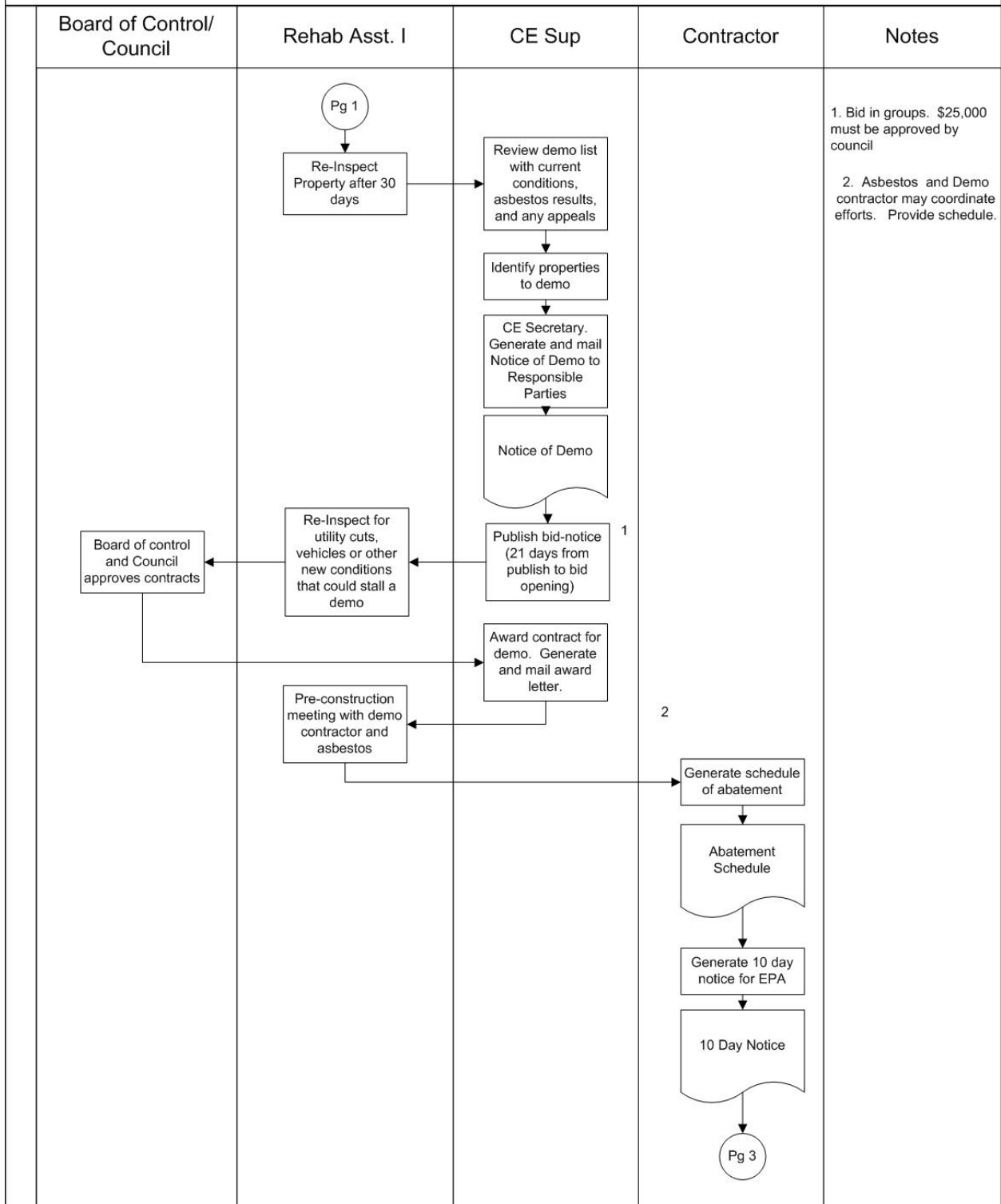
City of Youngstown: Code EnforcementCE 6
DRAFT

City Contract Demolition - 2015 State Process: Page 1 of 3



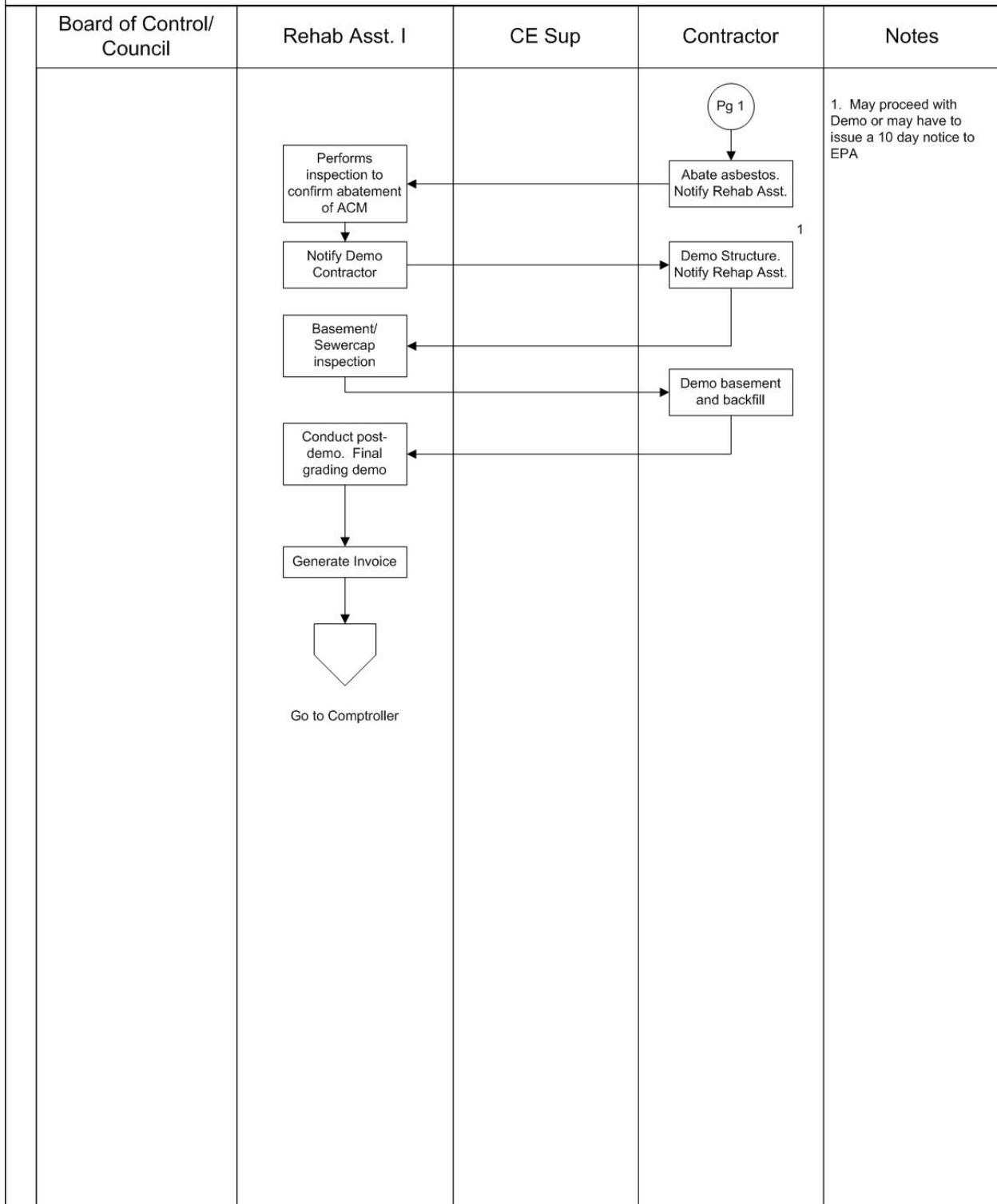
City of Youngstown: Code EnforcementCE 7
DRAFT

City Contract Demolition - 2015 State Process: Page 2 of 3



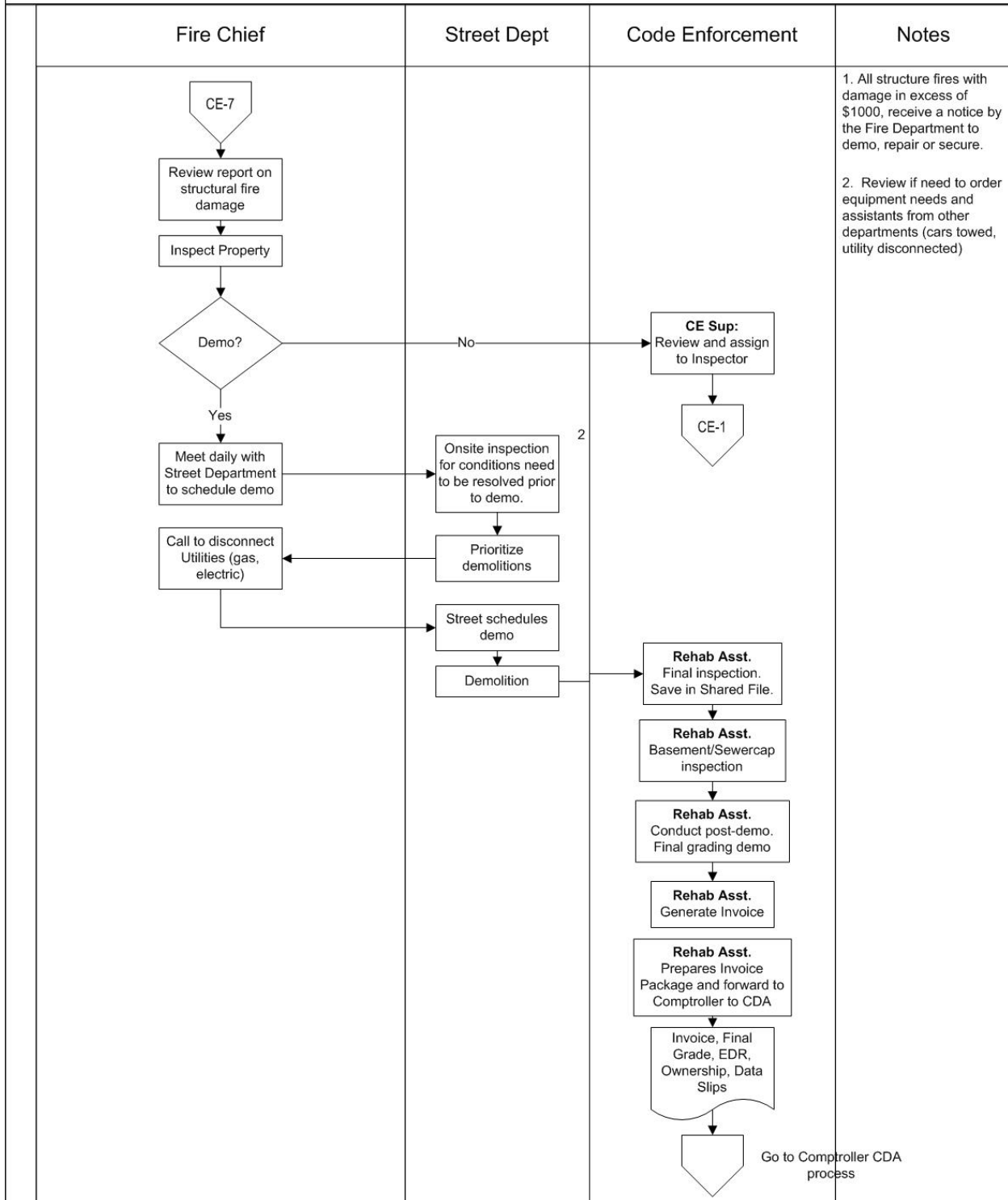
City of Youngstown: Code EnforcementCE 7
DRAFT

City Contract Demolition - 2015 State Process: Page 3 of 3



City of Youngstown: Code EnforcementCE 7
DRAFT

Emergency Demolition, Imminent Danger of Collapse (IDC) - 2015 State Process: Page 1 of 1



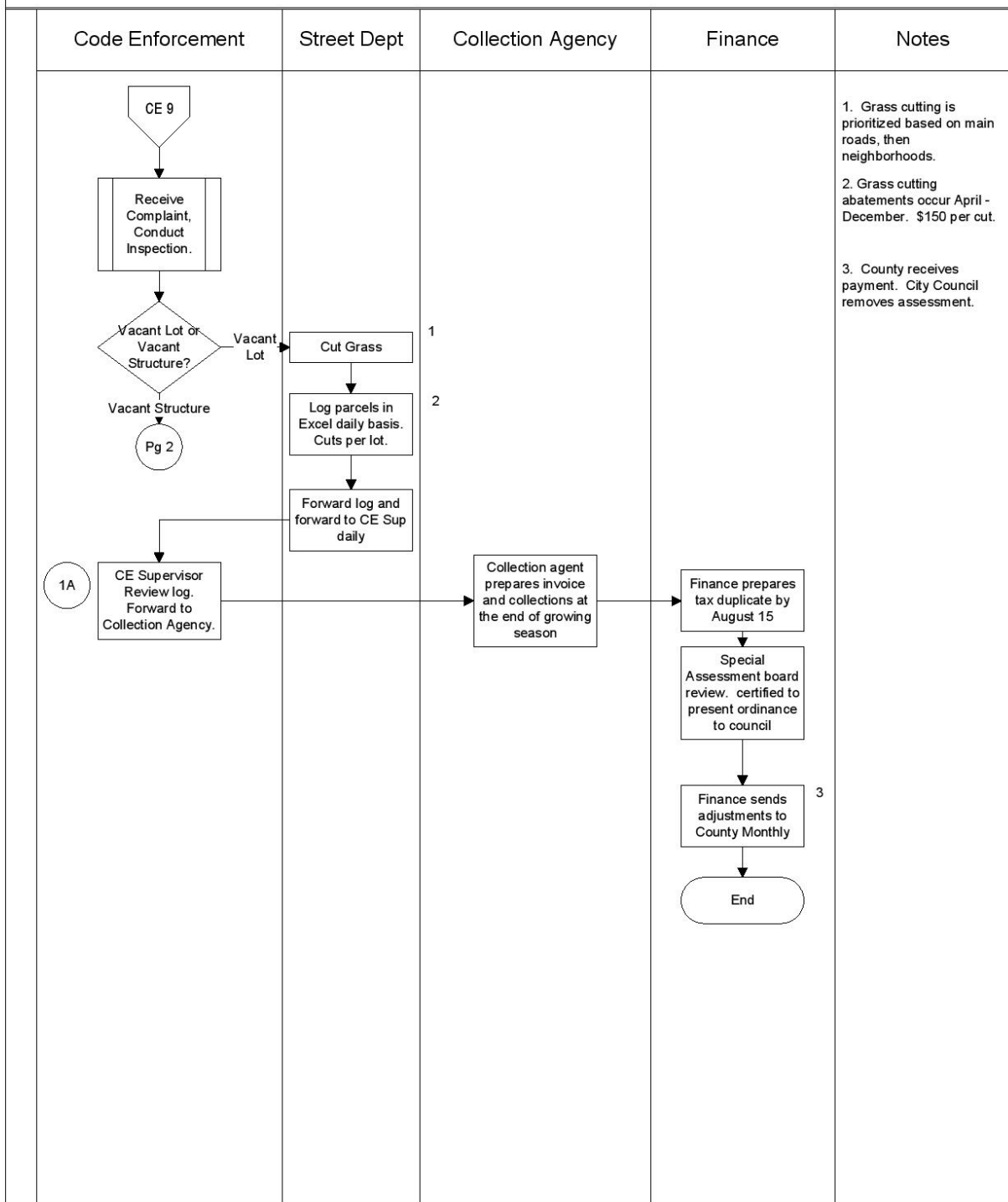
City of Youngstown: Code EnforcementCE 8
DRAFT

Emergency Demolition, Imminent Danger of Collapse (IDC) - 2015 State Process: Page 2 of 2

RPA	Inspector	Notes
<pre>graph TD; Pg2((Pg 2)) --> Request[Request inspection]; Request --> CE2{CE-2}; CE2 --> GoTo[Go to Inspection Process];</pre>		

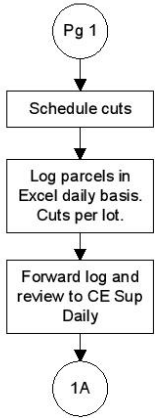
City of Youngstown: Code EnforcementCE 9
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Grass Cutting Abatements - Current State Process: Page 1 of 2



City of Youngstown: Code EnforcementCE 9
DRAFT

Grass Cutting Abatements - Current State Process: Page 2 of 2

YNDC	Notes
 <pre> graph TD Pg1((Pg 1)) --> Schedule[Schedule cuts] Schedule --> Log[Log parcels in Excel daily basis. Cuts per lot.] Log --> Forward[Forward log and review to CE Sup Daily] Forward --> 1A((1A)) </pre>	<p>1. Prioritize list of properties based on previous year, what was cut historically, complaints, invoice(S) from past contractors. Train staff on identifying new vacant structures to add to log.</p> <p>\$150 per cut</p>



Appendix B

Code of Ordinances

Chapters 546, 1309 & 1749

CHAPTER 546, PROPERTY MAINTENANCE CODE**546.01 GENERAL.**

- (a) Title. These provisions shall be known as the City of Youngstown Property Maintenance Code, hereinafter referred to as "this code."
- (b) Scope. The provisions of this code shall apply to every structure and premises, whether used for residential or nonresidential purposes. This code constitutes minimum requirements and standards for the health, safety and welfare of the public. This code also establishes responsibilities of owners, operators, agents and occupants and provides for licensing of certain properties.
- (c) Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare, improve aesthetics, and prevent the deterioration of properties and premises within the City. Existing structures which are not in compliance with this code shall be altered or repaired to comply with the provisions herein.
- (d) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.
- (e) Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal, repair or demolition of any structure which is dangerous, unsafe or unsanitary.
- (f) Historic Buildings. When a building designated as a historic building is judged by the Code Official to be safe, and in the public interest of health, safety, and welfare, the requirements of this Code may be modified.

546.02 DEFINITIONS

- (a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neutral; the singular number includes and plural, and the plural the singular.

(c) Terms not defined. Where terms are not expressly defined in this Code, such terms shall be given the generally accepted dictionary definition. In determining the definition to be used, the context in which the term is used shall be considered, together with the intent of this Code.

(d) Parts: Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” or “structure” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

(e) General Definitions.

(1) **ABANDONED STRUCTURE:** A structure that is unoccupied as the result of the relinquishment of possession or control by an owner or other person with the right of possession or control of the structure, a mortgagor or the mortgagor's assigns whether or not the mortgagor or mortgagor's assigns have relinquished equity and title. A structure may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was abandoned, including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, mail, past due utility notices, or other means of notice by publication, the accumulation of junk, litter, trash, or debris, absence of windows or window treatments, absence of furnishings and personal items, statements of neighbors, delivery agents or similarly situated persons that the property is abandoned.

(2) **APPROVED:** Approved by the Code Official.

(3) **BASEMENT:** That portion of a building which is partly or completely below grade.

(4) **BATHROOM:** A room containing plumbing fixtures including a bathtub or shower.

(5) **BEDROOM:** Any room or space used or intended to be used for sleeping purposes.

(6) **CODE OFFICIAL:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

(7) **CONDEMN:** To adjudge unfit for occupancy.

(8) **DWELLING UNIT:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (9) **EASEMENT:** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- (10) **EXTERIOR PROPERTY:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (11) **EXTERMINATION:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- (12) **GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (13) **GUARD:** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of fall from the walking surface to a lower level.
- (14) **HABITABLE SPACE:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- (15) **HOUSEKEEPING UNIT:** A room or groups of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.
- (16) **IMMINENT DANGER:** A condition which could cause serious of life-threatening injury or death at any time.
- (17) **INFESTATION:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (18) **INOPERABLE MOTOR VEHICLE:** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

- (19) **INSPECTOR:** A person employed by or under contract with the City of Youngstown to perform inspections to determine compliance with Codes and to order corrective measures and/or initiate administrative, civil, or criminal proceedings.
- (20) **LABELED:** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.
- (21) **LET FOR OCCUPANCY OR LET:** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.
- (22) **OCCUPANCY:** The purpose for which a building or portion thereof is utilized or occupied.
- (23) **OCCUPANT:** Any individual living or sleeping in a building or having possession of a space within a building.
- (24) **OPENABLE AREA:** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (25) **OPERATOR:** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- (26) **OWNER:** The registered owner of a property, any person who holds legal or equitable title to the property, is a mortgagee, a vendee-in-possession, assignee of rents, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a property. The Owner of a property in default or for which a foreclosure action is pending or for which a judgment in foreclosure has been issued shall include the mortgagee, the successor in interest to the mortgagee, the lender or servicing company and any agent acting for the mortgagee, its successors, or a lender or servicing company. Under this definition, there may be more than one "Owner" of a property for purposes of this Chapter.

(27) **PERSON:** An individual, corporation, partnership or any other group acting as a unit.

(28) **PERSON IN CONTROL:** The owner of a freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including, but not limited to, a mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default or a mortgage agreement, until title to the premises is transferred to a third party.

(29) **PREMISES:** A lot, plot or parcel of land, easement or public way, including any structures thereon.

(30) **PUBLIC WAY:** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

(31) **RENTAL UNIT:** Any dwelling unit, housekeeping unit, rooming unit, or structure let or rented as a residence to a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the land.

(32) **ROOMING HOUSE:** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

(33) **ROOMING UNIT:** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

(34) **RUBBISH:** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(35) **SECURE:** To place a covering over all doors and windows which are within fifteen feet of the exterior grade, consisting of one-half inch thick plywood or polycarbonate attached to the framing of all such doors and windows by wood screws of a minimum length of one and one-half inches, placed twelve inches on center. Plywood

shall be painted with a minimum of two coats of exterior paint, and shall be of a color that generally matches the structure.

(36) **STRICT LIABILITY OFFENSE:** An offense which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

(37) **STRUCTURE:** That which is built or constructed or a portion thereof.

(38) **STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** A structure that the Code Official finds to be unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(39) **TENANT:** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

(40) **TOILET ROOM:** A room containing a water closet or urinal but not a bathtub or shower.

(41) **UNLAWFUL STRUCTURE:** A structure that is found to be in violation of this code.

(42) **UNSAFE EQUIPMENT:** Equipment including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(43) **UNSAFE STRUCTURE:** A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(44) **VACANT STRUCTURE:** A structure that is not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Multi-family residential

structures shall be considered vacant when substantially all of the dwelling units are not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section.

Commercial structures shall be considered vacant when all commercial activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant commercial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in commercial activity, or that otherwise qualifies as "Abandoned" under this Section. Industrial structures shall be considered abandoned when all industrial or manufacturing activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant industrial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in industrial or manufacturing activity, or that otherwise qualifies as "Abandoned" under this Section.

In determining whether a structure is vacant, it is also relevant to consider, among other factors, the percentage of the overall square footage of the building or floor not in use to the occupied space; the condition and value of any items in the structure and the presence of rental or for sale signs on the property.

A property that is temporarily unoccupied and is in the process of being renovated under proper and unexpired permits shall not be considered vacant.

A property that is listed for sale with a licensed realtor under a fully executed listing agreement shall not be considered vacant for the first six months of the listing agreement under which the property was first listed for sale. Such property shall be considered vacant for purposes of this Section upon the expiration of the first six month period for which it is first listed for sale or upon a subsequent re-listing with the same or a different licensed realtor. Unoccupied property listed as "For Sale by Owner" shall be considered vacant for purposes of this Section.

(45) VENTILATION: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(46) WEEDS: Any grasses, weeds and plants, including, but not limited to, thistles, jimsonweed, burdock, ragweed, cocklebur and any plants or vegetation, other than trees, bushes, flowers, cultivated ornamental flowers, trees, bushes and plants.

(47) WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

(48) YARD: An open space on the same lot with a structure.

546.03 ENFORCEMENT

(a) Code Official: There shall be appointed, by the Mayor, a Code Official charged with enforcing this code both directly and indirectly through his or her designees. The Code Official is authorized to make and adopt such rules and policies as may be necessary for the proper enforcement of this code.

(b) Liability: The Code Official, his or her designees, and any officers, employees, or agents charged with enforcing this code, while acting in their official capacity, on behalf of the City of Youngstown, shall have no personal liability.

(c) Entry and Inspection. The Code Official, his or her designees and any officers, employees and agents charged with enforcing this code are authorized to enter upon any premises, at reasonable times, for purposes of conducting an exterior inspection. Said persons may inspect the interior of any premises, at reasonable times, with the consent of the property owner or occupant. If consent is denied, the inspector may not enter unless there are exigent circumstances or an administrative or other warrant is obtained.

(d) Owner access. Every occupant of a rental unit shall give the owner or operator thereof, his agent or employee, access to any part of a structure or premises, dwelling, dwelling unit or rooming unit at reasonable times for the purpose of permitting such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. Except in the case of emergency, or if it is impracticable to do so, the owner or operator must give the occupant reasonable notice of the intent to enter. Twenty-four hours is presumed to be reasonable notice, in the absence of evidence to the contrary.

546.04 GENERAL PROPERTY MAINTENANCE

Exterior Property Areas

(1) SANITATION. All exterior property and premises shall be maintained free from an unreasonable accumulation of waste, trash, garbage and rubbish. In determining whether such accumulation is unreasonable, the Code Official or his or her designee shall consider whether it is unsightly, has an unpleasant odor, or is otherwise detrimental to the health, safety and welfare of the area in which it is found. Where an accumulation is specifically allowed under another provision of this Code, on a temporary basis, it shall not be considered unreasonable.

(2) **GRADING AND DRAINAGE.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

(3) **SIDEWALKS AND DRIVEWAYS.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(4) **WEEDS.** All premises and exterior property shall be maintained free from weeds in excess of eight inches.

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

(6) **EXHAUST VENTS.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(7) **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(8) **MOTOR VEHICLES.** Except as otherwise provided for in other regulations, no inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(9) **DEFACEMENT OF PROPERTY.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(10) **SWIMMING POOLS.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(11) **ENCLOSURES.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(12) **DISPOSAL OF RUBBISH.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers, and in accordance with the City of Youngstown's Rules of Garbage Collection.

(13) **DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers, and in accordance with the City of Youngstown's Rules of Garbage Collection.

Exterior Structure

(14) **GENERAL.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(15) **PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to

inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(16) PREMISES IDENTIFICATION. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.

(17) STRUCTURAL MEMBERS. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(18) FOUNDATION WALLS. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(19) EXTERIOR WALLS. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(20) ROOFS AND DRAINAGE. All roofs shall be maintained weather tight and shall be equipped with gutters and downspouts connected to a public storm sewer. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Exception: When a roof is in need of repair and repairs cannot be made within a reasonable time due to adverse weather conditions, or other factors outside of the control of the owner, temporary repair measures may be used with the permission of the Code Enforcement and Demolition Department. Permission to use alternative roof coverings; i.e. tarping, to provide a temporary repair to such roof will be afforded to the owner for no longer than 45 days. All tarps shall be properly secured.

(21) DECORATIVE FEATURES. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(22) OVERHANG EXTENSIONS. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(23) STAIRWAYS, DECKS, PORCHES AND BALCONIES. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(24) CHIMNEYS AND TOWERS. All chimneys, cooling towers, smoke stacks, and similar appurtenances attached thereto, shall be maintained structurally sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(25) HANDRAILS AND GUARDRAILS. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(26) WINDOW, SKYLIGHT AND DOOR FRAMES. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(27) GLAZING. All glazing materials shall be maintained free from cracks and holes.

(28) INSECT SCREENS. During the period from April 1st to October 31st every door, window or other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored,

shall be supplied with approved tightly fitting screens not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(29) DOORS. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

(30) BASEMENT HATCHWAYS. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(31) GUARDS FOR BASEMENT WINDOWS. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(32) BUILDING SECURITY. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(33) VACANT STRUCTURES AND LAND. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

INTERIOR STRUCTURE

(34) GENERAL. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(35) STRUCTURAL MEMBERS. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(36) INTERIOR SURFACES. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(37) STAIRS AND WALKING SURFACES. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(38) HANDRAILS AND GUARDRAILS. Every interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of the stair, landing, balcony, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony or other walking surface. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(39) INTERIOR DOORS. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks.

LIGHT

(40) HABITABLE SPACES. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall - be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

(41) COMMON HALLWAYS AND STAIRWAYS. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

(42) OTHER SPACES. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

VENTILATION

(43) HABITABLE SPACES. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(44) BATHROOMS AND TOILET ROOMS. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

(45) COOKING FACILITIES. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

(46) PROCESS VENTILATION. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

(47) CLOTHES DRYER EXHAUST. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

OCCUPANCY LIMITATIONS

(48) PRIVACY. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(49) MINIMUM ROOM WIDTHS. A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

(50) MINIMUM CEILING HEIGHTS. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

(51) BEDROOM REQUIREMENTS. Every bedroom shall comply with the requirements of subsections (a) through (e) below.

(a) Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

(b) Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

(c) Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(d) Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(e) Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements, and the heating facilities and electrical receptacle requirements.

(52) OVERCROWDING. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 1.

TABLE 1

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room	No requirements	120	150
Dining room	No requirements	80	100
Bedrooms	Shall comply with Section		

(44) Bedroom Requirements

(a) Sleeping area. The minimum occupancy area required by Table 1 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section (45) Overcrowding.

(b) Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(53) EFFICIENCY UNIT. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

(a) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet.

(b) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

(c) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(d) The maximum number of occupants shall be three.

(54) **FOOD PREPARATION.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

REQUIRED FACILITIES

(55) **DWELLING UNITS.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(56) **ROOMING HOUSES.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(57) **HOTELS.** Where private water closets, lavatories and baths are not provided, one-Water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(58) **EMPLOYEES' FACILITIES.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

TOILET ROOMS

(59) **PRIVACY.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(60) **LOCATION.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(61) LOCATION OF EMPLOYEE TOILET FACILITIES. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

(62) FLOOR SURFACE. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

PLUMBING SYSTEMS AND FIXTURES

(63) GENERAL. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(64) FIXTURE CLEARANCES. Plumbing fixtures shall have adequate clearances for usage and cleaning.

(65) PLUMBING SYSTEM HAZARDS. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

WATER SYSTEM

(66) GENERAL. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

(67) CONTAMINATION. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-

level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(68) SUPPLY. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(69) WATER HEATING FACILITIES. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SANITARY DRAINAGE SYSTEM

(70) GENERAL. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(71) MAINTENANCE. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

STORM DRAINAGE

(72) GENERAL. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

HEATING FACILITIES

(73) FACILITIES REQUIRED. Heating facilities shall be provided in structures as required by this section.

(74) RESIDENTIAL OCCUPANCIES. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms,

bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.

(75) HEAT SUPPLY. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 30th to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
2. In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.

(76) OCCUPIABLE WORK SPACES. Indoor occupiable work spaces shall be equipped with heat during the period October 1st to April 30th to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(77) ROOM TEMPERATURE MEASUREMENT. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

MECHANICAL EQUIPMENT

(78) MECHANICAL APPLIANCES. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(79) REMOVAL OF COMBUSTION PRODUCTS. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(80) CLEARANCES. All required clearances to combustible materials shall be maintained.

(81) SAFETY CONTROLS. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(82) COMBUSTION AIR. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(83) ENERGY CONSERVATION DEVICES. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

ELECTRICAL FACILITIES

(84) FACILITIES REQUIRED. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section (o) Electrical Equipment.

(85) SERVICE. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(86) ELECTRICAL SYSTEM HAZARDS. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

ELECTRICAL EQUIPMENT

(87) INSTALLATION. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(88) RECEPTACLES. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(89) LIGHTING FIXTURES. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

ELEVATORS, ESCALATORS AND DUMBWAITERS

(90) GENERAL. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

(91) ELEVATORS. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

DUCT SYSTEMS

(92) GENERAL. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

546.05 RESPONSIBLE PARTY

In the case of an owner-occupied or unoccupied property, the owner is liable for all violations of this Code. In the case of an occupied rental property, where the property has not been registered in accordance with this Code, the owner is liable for all violations of this Code. In the case of an occupied rental property, where the property has been registered in accordance with this Code, the owner is not responsible for any violations

created by the occupants, unless the owner has been placed on notice of the alleged violations and has failed to take adequate measures to ensure the violation is remedied.

546.06 NOTICE OF VIOLATION.

(a) Whenever the Code Official or his/her designee determines that there has been a violation of any provision of this code, he or she may give notice to the person or entity responsible therefore and order compliance, as herein provided, except when condemning property or equipment pursuant to 546.08. The notice and order shall:

- (1) Be put in writing on the appropriate form, as the Code Official shall determine;
- (2) Include a list of violations;
- (3) Refer to the sections and divisions violated;
- (4) Order remedial action which will effect compliance with the provisions of this code;
- (5) Specify a reasonable time within which to comply; and
- (6) Set forth the procedure to appeal the notice and order.

(b) Such notice and order shall be deemed to be properly served if a copy is delivered to the responsible party, owner, operator, entity in control of the premises, or occupant, personally, or by regular mail to their residence, regular place of business, or last known address, and posted in a conspicuous place in or on their residence, regular place of business, last known address, or the building affected.

546.07 TRANSFER OF OWNERSHIP

Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

546.08 CONDEMNATION OF UNSAFE STRUCTURES OR EQUIPMENT

(a) Condemnation. When a structure or equipment is found by the Code Official to be unsafe, unfit for human occupancy, or unlawful, such structure may be condemned pursuant to the provisions of this code.

(b) Notice.

(1) When the Code Official has condemned a structure or equipment under the provisions of this section, a Condemnation Notice shall be issued.

(2) The Notice shall:

- a. Be in writing,
- b. Include a description of the property sufficient for identification,
- c. Include a statement of the reason or reasons for its issuance,
- d. Include an order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code; and
- e. Set forth the process for appeal.

(3) The Notice shall be provided as follows:

- a. Notice shall be sent via certified and regular U.S. mail to the property owner's last known address;
- b. Notice shall be sent via certified and regular U.S. mail to all holders of legal or equitable liens of record upon the real property at issue, if applicable;
- c. Notice shall be posted to the property at issue, in a conspicuous place; and
- d. If the certified mail in subsections (a) and (b) hereof goes unclaimed, notice shall be published in a local newspaper of general circulation at least once a week for two consecutive weeks.

(c) Mitigation of Hazards

(1) Placarding. Upon condemning a structure or equipment, the Code Official shall post on the premises or defective equipment a Notice bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(2) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No person shall remove or deface the condemnation placard without the approval of the Code Official.

(3) Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. No person shall enter, remain in, or occupy any placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official. No owner, operator, or person responsible for a placarded premises shall allow or permit anyone to occupy, enter, or remain in the placarded premises except for purposes of making the repairs or to comply with the orders of the Code Official.

(4) Failure to comply with Order. If any person, when ordered by the Code Official or his or her designee to vacate an unsafe building or structure, should fail to comply with the order, the Chief of Police shall be advised of all the facts in the case and it shall be the duty of the Chief of Police to vacate such building or structure.

(e) Demolition of a condemned structure.

(1) Structures condemned in accordance with the above requirements are subject to demolition.

(2) The property owner of a condemned structure may appeal the Condemnation Notice within 15 days of the date on the notice.

(3) If the property owner fails to file an appeal within 15 days, and the property is not razed or repaired within the time provided on the Notice of Condemnation, the City may raze the property at anytime thereafter.

(4) If the property owner files an appeal, then the appeal shall be heard by the Property Maintenance Appeals Board within 60 days of the date of receipt of the appeal.

(5) If an appeal is denied by the Property Maintenance Appeals Board, the Board shall issue a notice of denial to the property owner, and the City may raze the property at anytime thereafter.

(f) Recovery of costs. Costs incurred in carrying out the provisions herein shall be collected pursuant to 546.99.

(g) Emergency Demolition and Condemnation

(1) If at any time during the condemnation process the property presents emergency conditions, as outlined in section 1525.01 of the Codified Ordinances of the City of Youngstown, the property shall be subject to an emergency demolition order and procedure as provided in Chapter 1525.

(2) The fact that a property has been condemned shall not affect or preclude the use of the emergency demolition process.

546.09 APPEALS.

(a) Notice of Appeal. Any recipient of a notice or order issued by the Code Official in connection with the enforcement of this code may request a hearing on the matter before the Property Maintenance Appeals Board. The Appellant shall file, in the Code

Enforcement Department, Youngstown City Hall - 5th Floor, 26 S. Phelps Street, Youngstown, Ohio 44503, a written request for appeal setting forth the address of the property which was the subject of the notice or order, the name, address, and telephone number of the Appellant, and a brief statement of the grounds for the appeal. Requests shall be filed within fifteen (15) days after the date of the notice, and shall be accompanied by a deposit of \$15.00 which shall be nonrefundable, or an affidavit of indigency. Upon receipt of the request, the Property Maintenance Appeals Board will set a hearing within 60 days. Upon setting the hearing, the Appeals Board shall notify the appellant of the date, time and place. Written notice of the hearing shall be sent by ordinary U.S. Mail at least seven (7) days prior to the hearing. At the hearing, the Appellant shall be given an opportunity to be heard and to show cause why the notice or order should be modified or dismissed, or why a variance should be granted. The failure of the Appellant or his/her representative to appear and present his/her position at the hearing shall be grounds for dismissal of the appeal.

(b) Variances. The Property Maintenance Appeals Board shall interpret the intent of this code in specific cases where, on appeal, it clearly appears that, by reason of special conditions, undue hardship would result from a literal application of any section of this code. Where undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section if the dwelling will vary only slightly from the literal provisions of this code, but will comply with the spirit and intent of this code.

(c) Decisions. After a hearing on the request, the Property Maintenance Appeals Board may affirm, disaffirm, modify or dismiss the notice or order, or grant a variance from the notice or order, by a majority vote of the Board members who are present. The Appellant shall be notified within 15 days of the hearing, in writing, of the findings. Decisions shall be sent by regular U.S. mail to the Appellant's address as provided on the appeal form.

(d) Records. The proceedings before the Property Maintenance Appeals Board shall be recorded and its decisions shall be set forth in writing. The recordings and written decisions shall be entered as a matter of public record in the Code Enforcement Department. Any person aggrieved by the decision of the Property Maintenance Appeals Board may seek relief there from in any court of competent jurisdiction as provided by the laws of the State of Ohio.

546.10 PROPERTY MAINTENANCE APPEALS BOARD.

(a) The Appeals Board shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the City of Youngstown. The Board shall be appointed by the Mayor of the City of Youngstown.

(b) The Mayor shall also appoint two or more alternative members who shall sit on the Board to hear appeals when needed due to the absence or disqualification of other Board members. Alternate members shall possess the qualifications required for Board membership.

(1) A quorum shall be two (2) members.

(2) The Appeals Board shall adopt rules of procedure not inconsistent with the provisions and intent of this Code.

(3) No member shall take part in an appeal or vote on any matter in which the member has a direct or indirect personal, professional or financial interest.

(4) Members shall serve without compensation.

(c) Authority of the Appeals Board. The Appeals Board shall have the authority to do either of the following:

(1) The Board shall have the authority to grant extension(s) of time for compliance with notices and orders issued by the Code Official or his or her designee. Application for extensions of time for compliance shall be considered on the basis of public interest and welfare in addition to any possible economic benefit or hardship to applicant, and shall be granted only when it is established that such request will not be detrimental to the occupants or to public health, safety or welfare.

(2) The Board shall have the authority to grant appeals and/or waive any provisions of this code in specific cases where it clearly appears that by reason of special conditions, undue hardship would result from a literal translation or application of any section of this code. Applications for variances and waivers shall be granted only where the deviations are minor in character, and where it appears that substantial compliance with the minimum housing standards and the spirit and intent of this code have been met by the applicant and that granting of the variance or waiver would not be detrimental to the occupants or to the public health, safety or welfare.

546.11 RESPONSIBILITIES OF OWNERS AND OPERATORS OF RENTAL UNITS.

(a) Obligations of the Owner of a Rental Unit. The owner of the rental unit shall (1) maintain the interior, exterior property areas, and exterior structure in accordance with this code, (2) keep the interior, exterior property areas and exterior structure in good repair, (3) keep all common areas in a clean and sanitary condition, (4) provide all utilities, facilities, equipment and services required by this code, (5) provide for the extermination of insects in an acceptable means not injurious to human health, (6)

provide solid waste disposal facilities or containers for all dwelling units, and (7) comply with all regulations and rules designated by the Code Official or his or her designee to enforce and interpret this section.

(b) Code Official. The Code Official or his or her designee is charged with the enforcement of this section including but not limited to, conducting inspections and issuing notices, orders and penalties.

(c) Rental License Requirement. Any person, corporation, business entity or owner of property seeking to rent or let a rental unit shall first obtain a valid rental license for said unit.

Exception: Owners or operators of public housing or rental units subject to annual inspections pursuant to federal regulations are not required to obtain a rental license.

(d) Applying for a Rental License. To apply for a rental license, the owner of the property must:

(1) Complete a Rental License Application Form, and

(2) Pay a nonrefundable fee of \$40.00 for a single rental unit, or \$40.00 for the first rental unit and \$25.00 for each additional rental unit for properties containing multiple units.

(e) Provisional Rental License. Upon applying for a rental license, the Code Official or his or her designee shall issue a provision rental license. The provision license will remain valid for a period of up to one year, unless earlier revoked as provided for herein, or replaced by a rental license. A provisional license will allow for occupancy until the property is inspected by the Code Official or his or her designee.

(f) Inspection. Within 30 days of the receipt of a rental application and required fee, the Code Official or his or her designee will attempt to schedule an inspection of the rental unit. If the owner and occupant, if applicable, consent to the inspection, the owner shall make the property available for inspection at a time agreeable to the owner and Code Official. If the owner and/or occupant, if applicable, refuse to allow an inspection of the property, the Code Official or his or her designee shall seek to secure an administrative warrant.

If after inspection, the Code Official or his or her designee determines that the rental unit is in compliance with this code, the Code Official shall issue an authorized rental license for the rental unit. Such license shall be valid for one year from the date of issuance unless a change or alteration of the premises shall alter the authorized occupancy.

If after inspection, the Code Official or his or her designee determines that the rental unit is not in compliance with this code, the Code Official shall notify the titled owner that the rental unit does not comply with the requirements of this section, set forth the violations, and order that the violations be corrected within thirty (30) days. This notice shall be sent via regular U.S. mail to the address the owner provided on his or her application. Upon the expiration of the thirty (30) days, the Code Official or his or her designee shall schedule a re-inspection of the rental unit. A fee of \$40.00 shall be imposed for this re-inspection.

Should an owner schedule an appointment with the Code Official or his or her designee and seek to cancel said appointment, but fail to do so by 8:00 AM the day of the inspection, the Code Official shall impose a penalty of \$25.00 against the owner. If this occurs a second time, the Code Official shall impose a fine of \$100.00 against the owner.

(g) Violation. No person, corporation, business entity or owner of property shall rent or let a rental unit unless he or she has first obtained a valid rental or provisional rental license from the Code Official for said unit. The occupation of a premises by a person other than the titled owner coupled with the fact that the owner lists a different address as his or her own in the records of the Office of the Mahoning County Auditor shall be prima facie evidence that the premises is a rental unit being rented or let.

(h) Penalties. Any person, corporation, business entity or owner of property who violates this section shall be subject to a penalty of \$100.00 for each week an unlicensed rental unit is being rented or let. In addition, any violator of any provision of this section is subject to the penalties set forth in Section 546.98.

546.12 RESPONSIBILITIES OF OCCUPANTS OF RENTAL UNITS.

(a) Occupants of a Rental Unit. All occupants of a rental unit are obligated:

- (1) To keep that part of the dwelling unit and premises thereof which he occupies, controls or uses in a clean and sanitary condition.
- (2) To dispose of all his solid waste material in a clean and sanitary manner in accordance with the City of Youngstown's Rules of Garbage Collection.
- (3) To hang insect screens except where the owner has agreed to supply such services.
- (4) To keep all plumbing fixtures in a clean and sanitary condition and be responsible for the exercise of reasonable care in their proper use and operation.

(5) To exercise reasonable care in the use of that part of the dwelling and premises which he occupies and controls or uses; this includes all parts and equipment so supplied.

(6) To maintain in good and safe working order the equipment, appliances and fixtures which he owns.

(b) Access by Owner or Operator. Every occupant of a rental unit shall give the owner or operator thereof, his agent or employee, access to any part of a structure or premises, dwelling, dwelling unit or rooming unit at reasonable times for the purpose of permitting such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. Except in the case of emergency, or if it is impracticable to do so, the owner or operator must give the occupant reasonable notice of the intent to enter. Twenty-four hours is presumed to be reasonable notice, in the absence of evidence to the contrary.

(c) Violation of any provision of this section is also a violation of this code and is also subject to the penalties set forth in Section 546.96 and 546.98.

546.13 VACANT PROPERTY REGISTRY

(a) Adoption; Purpose. The purpose of this Section is to establish a vacant property registration program and to regulate the maintenance of properties which are in the foreclosure process, abandoned or vacant. This Section is intended to reduce and prevent neighborhood blight, to avoid the creation and maintenance of public nuisances, to ameliorate conditions that threaten the public health, safety and welfare, to promote neighborhood stability and occupancy by preserving the condition and appearance of residential properties and the worth and activity of commercial and industrial properties, and to maintain property values and assessments.

(b) Applicability. This Section shall be applicable to all residential, commercial and industrial structures located with the City of Youngstown, but does not apply to County Land Reutilization Corporations organized under Chapter 1724 of the Ohio Revised Code.

(c) Registration. The owner of any structure that is or has become vacant as defined in Section 546.02(e)(44) of this Code shall, within thirty (30) days after the structure becomes vacant file a registration statement for each such structure with the Code Official or his or her designee on forms provided for such purposes and pay an annual registration fee.

- (1) **Registration Fee.** The annual registration fee shall be one hundred dollars (\$100.00) for each residential structure and two hundred and fifty dollars (\$250.00) for each commercial or industrial structure; provided, however, that all religious, educational, and charitable associations, and all governmental agencies shall be exempt from the payment of the annual registration fee. The registering party shall not be entitled to a refund of any part of the registration fee should the structure no longer be deemed vacant during the annual registration period.
- (2) **Registration Statement.** The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner of the structure.
- (3) **Annual Registration Requirement.** The registration statement shall remain valid for one year from the date of registration. The registering party shall be required to annually renew the registration so long as the structure remains vacant.
- (4) **Authorized Agent.** In addition to other information required by the Code Official, the registration shall include the name, street address and telephone number of a natural person twenty-one years of age or older, designated by the owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action on behalf of such owner in connection with the enforcement of this code. This person must maintain an office in Mahoning County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself or herself as the agent. By designating an authorized agent under the provisions of this subsection, the owner is consenting to receive any and all notices of code violations concerning the registered structure and all process in any court proceeding or administrative enforcement action brought to enforce provisions of this code concerning the registered structure by service on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation until the owner notifies the Code Official or his or her designee in writing of a change of authorized agent, or until the owner files a new registration statement. Any owner who fails to register a vacant structure under the provisions of this subsection shall further be deemed to consent to receive, by posting at the structure, any and all notices of code violations and all process in an administrative action brought to enforce any provision of this code.
- (5) **Duty to Update Registration Information.** The owner shall notify the Code Official or his or her designee within twenty (20) days of any change in the registration

information by filing an amended registration statement on a form provided for such purposes.

(6) **Liability.** An owner shall be liable under this section for failing to register an authorized agent, failing to register a vacant structure, failing to pay the appropriate annual registration fee, or failing to timely update any change in registration.

(d) **Foreclosure Bond Requirement.** Any owner of a property which files a foreclosure action against such property, or for which a foreclosure action is pending, or a judgment of foreclosure has been issued shall, in addition to all other requirements of this Section, provide a cash bond to the Deputy Director of Public Works or his or her designee, in the sum of Ten Thousand Dollars (\$10,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, repairing and/or making such building safe by any legal means including, but not limited to, demolition. A portion of said bond to be determined by the Deputy Director of Public Works shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, repairing and/or marking said building and other buildings which are involved in the foreclosure process or vacant.

(e) **Nuisance Abatement.** In the event the City of Youngstown or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with 546.99, or if the property is subject to a foreclosure bond, the bond will be drawn upon to cover such costs.

(f) **Penalty.** Any owner who fails to comply with any provision of this Section shall be subject to a Fifty Dollar (\$50.00) per day administrative penalty with a maximum penalty of One Thousand Dollars (\$1,000.00) or shall be guilty of a third degree misdemeanor and shall be fined not more than \$500.00 or imprisoned more than 60 days or both.

(g) **Appropriation of Fees Collected.** All monies collected pursuant hereto shall be used for the enforcement of the Property Maintenance Code of the City of Youngstown.

(h) **Severability.** If any provision, paragraph, word or subsection of this Section is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

546.14 SECURING VACANT STRUCTURES.

- (a) Securing. All doors and windows of vacant residential and non-residential structures shall be in compliance with this code, or otherwise secured in accordance with Section 546.02(e)(35) of this Code.
- (b) Temporary Safeguarding. When a vacant structure is not in compliance with this Code or otherwise secured, and in the opinion of the Code Official, it poses an imminent danger due to an unsafe condition, the Code Official may order the securing of the structure to render such structure temporarily safe. Such action may be taken without prior notice to the property owner to meet such emergency.
- (c) Costs. The costs of the temporary safeguarding shall be determined by the Deputy Director of Public Works, and the cost list shall be on file in the Department of Public Works. All costs associated with the temporary safeguarding of the property will be recovered by the City in accordance with Section 546.99.
- (d) Appeals. All charges assessed pursuant hereto may be appealed to the City of Youngstown Special Assessments Board within 30 days of receipt of notice of the charges assessed.

546.16 QUALITY OF LIFE.

(A) Adoption; Purpose. The purpose of this Section is to establish Quality of Life Provisions, and put into effect a ticketing system which will allow for the issuance of tickets for nuisances and properties that are not properly maintained, and/or address issues that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City, which reduces business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Youngstown are negatively impacted by the occurrences and existence of these activities. Recognizing that these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean and safe environment for the citizens of Youngstown.

(B) Non-exclusive Remedies. Nothing in this Chapter shall be construed to waive, relieve or otherwise excuse any person, property owner or tenant from compliance with all applicable codes, ordinances, statutes or laws. Nothing in this Chapter shall be construed to prevent the enforcement of other provisions of the Codified Ordinances of the City of Youngstown or the Ohio Revised Code, and nothing in this Chapter shall be construed to

relieve an owner or interested party from duties imposed pursuant to any regulatory code, ordinance, statute, or law of the City of Youngstown or State of Ohio.

(C) Applicability. This Chapter shall be applicable to all persons, vacant properties, and residential, commercial, and industrial structures located within the City of Youngstown. For purposes of this Chapter, “persons” shall include individuals, partnerships, corporations, limited liability companies, property management groups, and other legal entities.

(D) Quality of Life Violations. The Quality of Life Violations are as follows. Refer to the specified Sections or Chapters of the Codified Ordinances of the City of Youngstown, which are incorporated herein by reference, for further detail and information.

QOL 1: Accumulation, littering or deposit of garbage, rubbish or junk—Section 521.08

QOL 2: Animal abuse and cruelty—Section 505.071

QOL 3: Animal maintenance and waste/feces clean up—Section 505.08

QOL 4: Barking or howling dogs—Section 505.19

QOL 5: Burning of trash, rubbish or garbage—Section 1511.05

QOL 6: Clothing Donation Containers—Chapter 786

QOL 7: Dumping garbage, refuse or waste—Section 1737.03

QOL 8: Garbage receptacles—Section 979.02

QOL 9: Illegal operation of a food cart or truck—Chapter 761

QOL 10: Illegal parking of motor vehicles—Section 351.03 + Zoning

QOL 11: Illegal parking of trucks, trailers and tractors—Section 351.16

QOL 12: Loud music—Section 539.07

QOL 13: Maintenance of grass and plants and elimination of weeds—Section 1749.01, 1749.02

QOL 14: Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks—Section 921.01, 921.02

QOL 15: Permanent or portable basketball hoop on or near City property—Section 311.06

QOL 16: Possession or storage of hazardous materials—Section 1501.05

QOL 17: Storage of inoperable motor vehicles—Section 351.17

QOL 18: Storage of junk—Section 747.18

QOL 19: Storing or discarding of appliances—Section 521.01

QOL 20: Vicious and unleashed dogs—Section 505.19

(E) Enforcement

(1) Upon finding a Quality of Life Violation, any peace officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances may issue Quality of Life Violation Tickets to the owner and/or occupant of the property at issue, or to the person known to have violated this ordinance.

(2) Any violation of the provisions referenced herein may be cause for a violation ticket, and/or a notice of violation to be issued to the violator.

(3) A violation ticket shall be served upon a violator by personal service to the violator, personal service to an adult member at the violator's residence, or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, or by mailing the notice to the violator's address of record.

(F) Regulations

The Code Official is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

(G) Separate Offense

Each day a violation continues may constitute a separate offense for which a separate ticket may be issued.

(H) Fines and Penalties

A. Violation Ticket Fines

1. For the first violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25.00) or Fifty Dollars (\$50.00) as set forth on the chart below.
2. For the second violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50.00) or One Hundred Dollars (\$100.00) as set forth on the chart below.
3. For the third and any subsequent violation of this Section within a twelve (12) month period, violation tickets shall be issued in the amount of One Hundred and Fifty Dollars (\$150.00) or Two Hundred and Fifty Dollars (\$250.00) as set forth on the chart below.
4. Any person who receives a violation ticket may within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

Violation number for Quality of Life Ticket Ordinance: Brief description of violations for Quality of Life Ticket Ordinance		Fine 1	Fine 2	Fine for third & Subsequent instances
QOL 1	Accumulation, littering or depositing of garbage, rubbish or junk	\$25.00	\$50.00	\$100.00
QOL 2	Animal abuse and cruelty	\$25.00	\$50.00	\$100.00
QOL 3	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL 4	Barking or howling dogs	\$25.00	\$50.00	\$100.00
QOL 5	Burning of trash, rubbish or garbage	\$50.00	\$100.00	\$250.00
QOL 6	Clothing Donation Containers	\$25.00	\$50.00	\$100.00
QOL 7	Dumping garbage, refuse or waste	\$50.00	\$100.00	\$250.00
QOL 8	Garbage receptacles	\$25.00	\$50.00	\$100.00
QOL 9	Illegal operation of a food cart or truck	\$25.00	\$50.00	\$100.00
QOL 10	Illegal parking of motor vehicles	\$25.00	\$50.00	\$100.00
QOL 11	Illegal parking of trucks, trailers and tractors	\$25.00	\$50.00	\$100.00
QOL 12	Loud music	\$25.00	\$50.00	\$100.00
QOL 13	Maintenance of grass and plants and elimination of weeds	\$25.00	\$50.00	\$100.00
QOL 14	Maintenance/removal of trees or shrubs impeding travel or destroying sidewalks	\$25.00	\$50.00	\$100.00
QOL 15	Permanent or portable basketball hoop on or near City property	\$25.00	\$50.00	\$100.00
QOL 16	Possession or storage of hazardous materials	\$50.00	\$100.00	\$250.00
QOL 17	Storage of inoperable motor vehicles	\$25.00	\$50.00	\$100.00
QOL 18	Storage of junk	\$25.00	\$50.00	\$100.00
QOL 19	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL 20	Vicious and unleashed dogs	\$25.00	\$50.00	\$100.00

B. Violation Ticket Penalties

1. If the person in receipt of a Twenty-Five Dollar (\$25.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) penalty for days sixteen (16) through thirty (30).
2. If the person in receipt of a Fifty Dollar (\$50.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five dollar (\$25.00) penalty for days sixteen (16) through thirty (30).

3. If the person in receipt of a One Hundred Dollar (\$100.00) or Two Hundred and Fifty Dollar (\$250.00) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty Dollar (\$50.00) penalty for days sixteen (16) through thirty (30).

(I) Abatement of Violation

Any person or business violating this ordinance is hereby directed to satisfy the City of Youngstown and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. Any peace officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Code Official or his/her designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

The City of Youngstown and/or their contractor, per the direction of the City, reserve the right to abate the violation in question at the expense of the owner. If the City has affected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket.

In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant, the abatement charges and such other charges established by the Code Official in the rules and regulations.

(J) Appeal

A. Administrative Appeal

1. A person in receipt of a violation ticket may appeal to the Property Maintenance Appeals Board by filing a request with the Property Maintenance Division in writing within fifteen (15) calendar days of the date of the violation ticket.

2. In order for an appeal to be deemed valid and a hearing date and time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days of the date that the Quality of Life Ticket was issued:

A. All paperwork including the appropriate appeal form must be submitted and complete.

B. A cash appeal bond must be posted in the amount of the fine which will be refunded within thirty (30) calendar days should the alleged violator win his or her appeal.

3. The appeal hearing will be held before the Property Maintenance Appeals Board. The Board may uphold the appeal, deny the appeal, or modify the violation ticket and/or any associated costs, fines or penalty amounts as it deems appropriate.

B. Subsequent Appeals

Any subsequent appeal shall be filed in a court of competent jurisdiction.

(K) Disbursement of Funds

All monies collected pursuant hereto shall be transferred to the following funds in the proportion noted: Clerk Computerization Fund (10%), Police Equipment Fund (45%), Property Code Enforcement Fund (45%).

(L) Severability.

If any provision, paragraph, word or subsection of this Section is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

546.96 ADMINISTRATIVE PENALTIES

(a) Any person or entity who violates or fails to comply with any provision of this code or any order issued by the Code Official or his or her designee, after receipt of a Notice of Violation and expiration of a reasonable time within which to comply, shall be subject to an administrative penalty.

(b) Notice of an Administrative Penalty shall:

- (1) Be put in writing on an appropriate form as the Code Official shall determine;
- (2) State the basis for the administrative penalty, including the section of this code that has been violated;
- (3) Specify the date and manner by which the penalty must be paid; and
- (4) Set forth the procedure to appeal.

(c) The penalty amounts are as follows:

- (1) For a first offense, an administrative penalty of \$100.00

(2) For a second offense, within one year of the date of the first offense, an administrative penalty of \$500.00

(3) For a third offense, within one year of the date of the first offense, an administrative penalty of \$1,000.00

(d) For purposes of this section, “offense” means any violation of this code, such that a citation for a second or third offense may be for a violation different than that for which the first notice was issued.

(e) Notice of an administrative penalty shall be provided in accordance with the Notice Procedures in Section 546.06.

546.97 COLLECTION OF ADMINISTRATIVE PENALTIES

(a) The City of Youngstown may collect administrative penalties by either of the following methods:

(1) The City of Youngstown may certify the administrative penalty, together with a proper description of the land, to the County Auditor who shall place the amount of the administrative penalty upon the tax list and duplicate. The penalty is a lien upon such lands from and after the date the penalty was imposed. The penalty shall be collected as other taxes and returned to the City of Youngstown. The placement of the penalty on the tax list and duplicate relates back to, and is effective in priority, as of the date the fine was imposed, provided that the City of Youngstown or its duly appointed agent or attorney at law certifies the total costs within one year from the date the penalty was imposed. Such certification shall not, however, preclude other methods of recovery of such cost as may be authorized generally by law; and/or

(2) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total penalty from the owner.

(b) Money collected pursuant to this section shall be used exclusively for the enforcement of this code.

546.98 CRIMINAL PENALTIES.

(a) Any person in control who violates or fails to comply with any provision of Chapter 546 of the Youngstown Codified Ordinances, or any order issued by the Code Official or his or her designee, after notice pursuant to 546.06, shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$500.00 or imprisoned

more than 60 days or both. Completion of any administrative appeals process is not a prerequisite to criminal prosecution.

(b) The provisions of this Code are specifically intended to impose strict liability.

546.99 RECOVERY OF COSTS

(a) As used in this Chapter, “total cost” means any cost incurred by the City of Youngstown due to labor, materials, equipment and compliance with local, state or federal laws, including, but not limited to laborers wages, costs of labor, cost of materials and equipment, costs of notice and publication, and abatement costs.

(b) The City of Youngstown may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance. At any time after such costs are incurred, subject to limitations as provided by law, the City of Youngstown shall send an invoice to the property owner at his or her last known address, via regular U.S. mail. If the property owner fails to pay the invoice within 30 days of the date of the invoice, then the City of Youngstown or a duly retained agent or attorney at law may collect the total cost by any of the following methods:

(1) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor, who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification shall not, however, preclude other methods of recovery of such costs as may be authorized generally by law; and/or

(2) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.

(c) This section applies to any action taken by the City of Youngstown pursuant to sections 715.26 and 715.261 of the Ohio Revised Code, Section 3, Article XVIII of the Ohio Constitution, or Chapter 546 of the Codified Ordinances of the City of Youngstown.

CHAPTER 1309, DEMOLITION OF STRUCTURES

1309.01 Scheduled Times for Demolition Work.

Anyone who does demolition work within the City, shall only perform demolition work between the hours of 8:00 a.m. and 5:00 p.m. daily, excluding legal holidays, Sundays and inclement weather days. The Code Official or his/her designee may approve exceptions to these specified times, upon written request from the contractor.

1309.02 Demolition and Removal Procedures

In addition to the Section 8 Supplemental Specifications required of each contractor performing demolition work in the City, each contractor shall adhere to the following requirements in performing such demolition work.

(a) The contractor must obtain a valid 30 day permit prior to commencing the demolition work, and if requested, display it when performing the demolition work. Extensions may be granted by the Deputy Director of Public Works.

(b) Contractors must apply for Refuse Hauler permits pursuant to Chapter 737 and comply with all hauling regulations therein.

(c) Contractors must hose down the work site during the operations by connecting to City hydrants adjacent to the work site. This is for dust control measures. Contractors will pay the City Water Department a Ten-dollar (\$10.00) user fee per single residential structure being demolished or Twenty dollars (\$20.00) per commercial structure, if larger than a duplex, unless the contractor provides his own water through portable means.

(d) It shall be illegal to dump debris from any site into basements or to dispose of debris on any site other than at an approved landfill or at a construction and demolition landfill. However, bricks/masonry may be buried on site.

(e) Contractors shall remove all garages, sheds and other out-buildings along with shrubs, bushes, walls, fences and foliage from property, along with structures, and all disposable material must be removed from the site.

(f) When a contractor applies for payment for demolition work performed, all landfill manifests relating to the disposal of demolition debris and asbestos-containing materials must be supplied in order to secure payment.

(g) Contractors must protect the area around the site during the demolition process to prevent debris from falling on active sidewalks and streets (not blocked off). Sidewalks, directly adjacent to the site, shall be properly closed and barricaded throughout the demolition project. Street traffic lanes may be closed as needed only in conjunction with the City Traffic Coordinator's Office.

(h) Contractors shall reasonably grade lots. They shall present a neat, well drained appearance and shall prevent water from draining unnecessarily onto adjacent properties or collecting on the site.

(i) Contractors shall not leave mud or any mess on streets or sidewalks while equipment is being loaded or unloaded. See also Section 339.08.

(j) All demolition work, once commenced, must be completed within a reasonable time, seventy-two hours for residential structures and, once started, commercial demolition work must be continued daily until finished (excluding holidays, Sundays and inclement weather days).

(k) Any damage to City property such as sidewalks, curbs, catch basins, fire hydrants, etc., will be the responsibility of the contractor.

1309.03 Demolition Bond

(a) Adoption; Purpose. The purpose of this Chapter is to establish a demolition bond program to ensure that the removal of homes, buildings and other structures, and the restoration of the site is completed as planned in a satisfactory manner.

Nothing in this Chapter shall be construed to waive, relieve or otherwise excuse a contractor from compliance with all applicable codes, ordinances, statutes or laws. Nothing in this Chapter shall be construed to prevent the enforcement of the other provisions of the Codified Ordinances of the City of Youngstown or the Ohio Revised Code and nothing in this Chapter shall be construed to relieve a contractor from duties imposed pursuant to any regulatory code, ordinance, statute, or law of the City of Youngstown or State of Ohio.

(1) Applicability. This Chapter shall be applicable to all residential, commercial, and industrial structures located within the City of Youngstown.

(2) Bond Requirement. Upon applying for a demolition permit pursuant to Section 1309.02(a) of the Codified Ordinances of the City of Youngstown, every person, firm or corporation shall be required to deliver to the Deputy Director of Public Works, or his designee, a cash or surety bond in the amount of One Thousand Five Hundred Dollars (\$1,500) for residential structures, and Seven Dollars per square foot (\$7/sq. ft), but no less than Seven Thousand Dollars (\$7,000) for all commercial and industrial structures. Square footage shall be determined by the Mahoning County Auditor's records, or if no such record exists, by the Deputy Director of Public Works, who shall base his determination on field measurements and engineering judgment. Said bond, shall by its terms, be forfeited in the case that such building is not demolished according to the plans, specifications

and requirements outlined in Section 1309.02 of the Codified Ordinances of the City of Youngstown, or upon expiration of the permit. Upon forfeiture, the City is permitted to use the bond to complete the demolition work.

(3) Release. Upon notification from the contractor that the demolition work has been completed, and provided that the Deputy Director of Public Works, or his designee, determines that the contractor has complied with all conditions applicable to the bond, the bond shall be refunded/returned to the permit applicant.

1309.04 Demolition Authority

(a) In the interest of the health, safety and welfare of the citizens, and the betterment of the City, the City has the authority to order and/or perform or contract for the provision of emergency and non-emergency demolitions.

(b) Authority. The Code Official has the authority to order non-emergency demolitions pursuant to 546.07. The Fire Chief has the authority to order emergency demolitions pursuant to section 1525.01.

(c) Notice. Emergency demolitions shall require no prior notice to the property owner. Non-emergency demolitions shall be ordered after a structure is condemned pursuant to 546.07, and a Notice of Demolition is issued.

1309.99 Penalty

(a) Whoever violates any provision of Section 1309.01 is guilty of a minor misdemeanor. When any person is found guilty of a subsequent offense, such person is guilty of a misdemeanor of the fourth degree. Such fine is mandatory and shall not be suspended or remitted when found guilty of a third or subsequent offense.

(b) Whoever violates any provision of Section 1309.02 shall be guilty of an unclassified misdemeanor, punishable by up to six months incarceration or a fine of up to five hundred dollars (\$500.00) or both.

CHAPTER 1749: WEEDS, TREES AND SHRUBS

1749.01 Declared a Nuisance

Any grasses, weeds and plants including, but not limited to, thistles, jimsonweed, burdock, ragweed, cocklebur or any plants or vegetation, other than trees, bushes, flowers, cultivated ornamental flowers, trees, bushes and plants found growing to a height exceeding **eight (8) inches** in any lot, parcel or tract of land, within the City, are hereby declared to be unlawful as a public nuisance and detrimental to the health, safety and welfare of the general public.

Any plants, bushes, shrubs, trees or other vegetation including cultivated ornamental flowers, trees, bushes and plants hanging over or growing onto or along any curb, sidewalk, street, lane or alleyway or other public ground within the City so as to create a hazard or obstruction to pedestrian or vehicular traffic and detrimental to the health, safety and welfare of the general public are hereby declared to be unlawful as a public nuisance.

1749.02 Grass, Weeds And Plants; Duty to Cut; Noncompliance.

No person, whether an owner, lessee, agent, tenant, or business entity, having charge of any lot of land within the City shall permit weeds, tall grass and/or plants specified under Section 1749.01 in excess of **eight (8) inches** in height to remain standing upon his or her property. Furthermore, no person, whether an owner, lessee, agent, tenant or business entity, having charge of any lot of land within the City shall permit any plants, bushes, shrubs, trees or other vegetation including cultivated ornamental flowers, trees, bushes and plants hanging over or growing onto or along any curb, sidewalk, street, lane or alleyway or other public ground within the City to create a hazard or obstruction to pedestrian or vehicular traffic.

The City may issue a citation to the owner or tenant to cut or remove the grass, weeds, and/or plants specified under Section 1749.01. The City, in its sole discretion, may issue or post a warning notice to the owner or tenant prior to issuing a citation. Posted notices shall be in at least twelve-point type and prominently posted on or near the property.

A violation of this Section is a nuisance per se pursuant to Section 1749.01, and as such the City may enter said lot of land to abate the nuisance without issuing or posting notice in order to protect the health, safety and welfare of the general public.

1749.03 Failure to Remove.

Upon violation of 1749.02, the City or its agent may remove the grass and/or weeds and continue to maintain the property at issue for the remainder of the growing season (April

1- October 31), and recover the total cost for all services. All fees recovered pursuant hereto shall be in addition to any penalties under Section 1749.99.

1749.04 Costs of Removal

(A) The costs of removal or abatement of a public nuisance described in Section 1749.01 shall become the personal obligation of the owner of the property from which such public nuisance has been removed or abated by the City or its contractors pursuant to Section 1749.03. Such cost shall be the total cost of removal or abatement, at a minimum service charge of One Hundred Fifty Dollars (\$150.00) per occurrence. When the property owner owns two or more contiguous parcels of land, such cost shall be the total cost of removal or abatement, at a minimum service charge of One Hundred Fifty Dollars (\$150.00) per occurrence, for the first parcel of land. For each contiguous parcel of land, such cost shall be the total cost of removal or abatement, at a minimum service charge of One Hundred Dollars (\$100.00) per occurrence.

(B) The City of Youngstown may collect the costs or charges for such removal or abatement from the property owners. At any time after such costs are incurred, subject to limitations as provided by law, the City of Youngstown or a duly retained agent or attorney at law shall send a letter attempting to collect such costs to the property owner at the property owner's last known address, via regular U.S. mail. If the property owner fails to pay within 30 days of the date of the letter, then the City of Youngstown or a duly retained agent or attorney at law may collect the cost or charges from the property owners by any of the following methods:

- (1) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification shall not, however, preclude other methods of recovery of such cost as may be authorized generally by law; and/or
- (2) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.

1749.05 Strict Liability

This chapter is intended by City Council as a strict liability offense as a necessary control of a nuisance that threatens the health, safety and welfare of the general public and the safety and pleasantness of streets, sidewalks and yards in all areas of the City and lack of knowledge or intent is not a defense to a violation hereof.

1749.99 Penalty

Whoever violates any provision of this chapter shall be guilty of a third degree misdemeanor. A separate offense shall be deemed committed on each day such violation occurs or continues.