



Chapter 3

Enforcement Actions & Procedures



3.1 ADMINISTRATIVE PENALTIES

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.

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.



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



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.



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



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.



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1. PURPOSE

2. PHILOSOPHY

3. POLICY

4. PRACTICE

THIS SECTION IS UNDER DEVELOPMENT AND REVIEW



	Author		Revised by#	
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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 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.



3.10 ILLEGAL DWELLING UNITS

	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.



	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



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



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.



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 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.



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