

ORDINANCE NO. 2022-25

AN ORDINANCE REGARDING DISPOSAL OF LITTER, TRASH, RUBBISH, AND WASTE, EXTERNAL PROPERTY MAINTENANCE AND THE MANNER IN WHICH NOTICE SHALL BE PROVIDED IN THE VILLAGE OF JACKSONVILLE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Village of Jacksonville is responsible for preserving the health, welfare, and safety of all residents of the Village; and

WHEREAS, numerous properties are neglected throughout the Village, often as the result of the failure to maintain the exterior of property by either the owner or the lessees; and

WHEREAS, the Village has found that current ordinances are not sufficient to allow Village officials to respond to this growing problem;

WHEREAS, the Village of Jacksonville desires to amend Ordinance 09232015B and set policy and rules for litter, trash, rubbish, waste, and maintenance of exterior properties;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JACKSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

SECTION 1. EXTERIOR PROPERTY MAINTENANCE REQUIREMENTS

All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage. No owner or lessee of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety, or health hazard, or is a public nuisance, including, but not limited to:

- a. Broken or dilapidated fences, walls, or other temporary or permanent structures;
- b. Out of use or unusable appliances, automobiles or automobile parts, including but not limited to engines and tires;
- c. Rugs, rags, or other materials hung on lines or in other places upon such premises, which materials are not being used for general household or housekeeping purposes;
- d. Broken, dilapidated, or unusable furniture; mattresses; or paints, miscellaneous coverings and/or any other material placed at or near the premises that contributes to neighborhood blight;

SECTION 2. NOTICE REGARDING EXTERIOR PROPERTY MAINTENANCE REQUIREMENTS

The Mayor's Office shall and hereby is directed to continually monitor the maintenance of exterior properties upon all lands within the Village. Upon determination that litter, rubbish, and/or waste or anything else described in Section 1 on any land are deteriorating or debasing the appearance of the neighborhood, adversely altering the appearance and general character of the neighborhood, and/or anything that creates a fire, safety, or health hazard, or is a public nuisance, including so as to become injurious or harmful to the inhabitants of the Village, notice thereof shall be sent in accordance with Sections 731.51 and 732.52 of the Ohio Revised Code to the owner, lessee, agent or tenant having charge of such lands to clean the property within five days of service of said notice.

Notice regarding said non-compliance shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. Include a statement of the reason or reasons why it is being issued; and
- d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

SECTION 3. FAILURE TO COMPLY WITH NOTICE

Upon failure to comply with the notice in Section 2 within the prescribed time to cut and destroy noxious weeds and grass the Mayor's Office shall forthwith clean property at cost of the owner, lessee, agent, tenant or other person or entity having charge or care of land.

SECTION 4. COSTS

The Mayor's Office shall keep accurate record of the cost of such property maintenance and litter removal and shall immediately cause to be sent to the proper person as required by Section 731.53 of the Ohio Revised Code a statement for such cost of each property maintenance and litter removal which shall be immediately due and payable.

The minimum fee to be charged shall in no case be less than \$100.00 for the first hour or portion thereof, and a maximum of \$50.00 for each additional hour or portion thereof.

A second notice of payment due may be sent for the total cost of each and every property maintenance and litter removal not paid, which shall be immediately due and payable.

All payments received shall be credited to the General Fund, but no payments shall be accepted after the certification to the county auditor as hereinafter provided.

SECTION 5. CERTIFICATION TO COUNTY AUDITOR OF UNPAID COSTS FOR CUTTING FOR LIEN UPON PROPERTY

The Village Fiscal Officer or Mayor shall make written return to the Auditor of Athens County of its actions under this section and Sections 731.51 to 731.53, inclusive, of the Ohio Revised Code with a statement of the charges for its services, the amount paid for the performing of such labor as certified by the Mayor's Office, the fees for service and notice of return and a proper description of the premises. Said return to the County Auditor shall be for the purpose of having said amounts entered upon the tax duplicate as a lien upon said lands in accord with the provisions of Section 731.54 of the Ohio Revised Code.

SECTION 6. WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT A LIEN UPON PROPERTY

The Council shall make a written return to the County Auditor of their action with a statement of the charges for their services, the amount paid for labor, the fees of the individuals serving the notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of the entry and be collected as other taxes and returned to the Village of Jacksonville for a General Fund.

SECTION 7. PENALTY

That it is hereby determined that the failure to properly maintain the exterior of properties upon lands within the Village not only pose a harmful or injurious threat to the health or physical well-being of the inhabitants of the Village but also pose a significant safety hazard and that anyone who violates this

Ordinance, in addition to the assessment of costs for failure to comply with proper notice, shall be guilty of a minor misdemeanor. Each day of non-compliance shall be deemed a separate offense.

SECTION 8. PREVIOUS LITTER AND PROPERTY MAINTENANCE ORDINANCES

All previous Litter and Exterior Property Maintenance Ordinances before said date become null and void, unless otherwise specified in this Ordinance. All fines, penalties, fees and any other amounts owed or outstanding from prior property maintenance and litter removal ordinances remain due and payable. This Ordinance does not vacate those. All persons, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the Village still owe existing amounts owed.

SECTION 9. EMERGENCY MEASURE

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the Village and its inhabitants and shall become effective immediately upon passage by the affirmative vote of at least two-thirds (2/3) of the members of this Village Council.

Duly enacted under suspension of the rules this 28th day of July, 2022.

VILLAGE OF JACKSONVILLE

ATTEST/SEAL:

By: _____
Mayor

Heather Rockwell
Fiscal Officer

By: Burt Cap
President of Council

CERTIFICATION

I, Heather Rockwell, Fiscal Officer for the Village of Jacksonville, Athens County, Ohio, certify that the foregoing is a true and correct copy of the Ordinance adopted by the Village Council of the Village of Jacksonville, and appears in the Village records as Ordinance 2022-25.

Publication of this Ordinance was made by posting a copy of the same in the following five locations within the Village beginning on July 29, 2022, and concluding on August 15, 2022 (at least 15 days later):

Jacksonville Post Office
VFW Jacksonville
Corner Pizza & Deli

Eagles Club Jacksonville
Jacksonville Municipal Building

ATTEST: DATE: 7/28/22

FISCAL OFFICER: Heather Rockwell