

BY Ms. Whaley.....

NO. 30563-06.....

AN ORDINANCE

Enacting Section 93.05.2 of the Revised Code of General Ordinances of the City of Dayton To Require Timely Remediation of Notices of Housing Code Violations and Authorizing Enforcement Costs, and Declaring an Emergency.

WHEREAS, The failure to timely comply with a Notice of Violation imposes an unnecessary expense and burden upon the City; and

WHEREAS, Costs incurred by the City as a result of the untimely and/or incomplete compliance with a Notice of Violation are best borne by the person found in violation; and

WHEREAS, This Commission finds that providing for the immediate preservation of the public peace, property, health and safety requires this Ordinance to take effect at the earliest possible date; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 93.05.2 of the Revised Code of General Ordinances is enacted, and shall read as follows:

Sec. 93.05.2. Duty to timely remediate and enforcement costs.

(A) A person served with a notice of violation pursuant to Section 93.05 shall:

- (1) Remediate the violations listed therein within the time specified in the notice, or any extension of time granted in writing by the Housing Inspector, or the Housing Appeals Board; and
- (2) Schedule and pass a final inspection with the Housing Inspector verifying compliance with the notice of violation.

The final inspection required by (A)(2) of this section is in addition to any other inspections required by law for work performed in remediating the violations listed in the notice of violation.

(B) Except as hereinafter provided, and in addition to other requirements or penalties imposed by law, a person who fails to comply with paragraph (A)(1) and (A)(2) of this section shall pay all administrative and other costs incurred by the City in remediating, or causing the remediation of, the violations listed in the notice of violation served upon the person. These costs include, but are not limited to, the following:

- (1) A fee of \$75.00 for each reinspection;
- (2) Boarding and securing costs;
- (3) Repair, removal or demolition costs; and
- (4) Any other costs reasonably related to remediating, or causing the remediation of, the hazardous or unsafe condition created by any unremediated violation.

(C) Each notice of violation issued pursuant to Section 93.05 shall include the following wording:

It is the responsibility of the person served with this notice of violation to timely remediate the violation(s) listed in this notice and to schedule a final inspection by the City's Housing Inspector to verify compliance with this notice. This final inspection is in addition to any other inspections required by law for work performed in remediating the violations listed in this notice. Failure to timely remediate the violation(s) listed in this notice, and/or to schedule and pass a final inspection may subject you to administrative and other costs incurred by the City in remediating, or causing the remediation of, the violations listed in the notice of violation served upon the person. These costs include, but are not limited to, the following:

- (1) A fee of \$75.00 for each reinspection;
- (2) Boarding and securing costs;
- (3) Repair, removal or demolition costs; and
- (4) Any other costs reasonably related to remediating, or causing the remediation of, the hazardous or unsafe condition created by any unremediated violation.

(D) The City's Housing Inspector may reinspect property monthly until all violations are corrected or more frequently, but not more than once weekly, as needed to enforce emergency orders or to abate a nuisance caused by a dangerous dwelling.

(E) Upon written application, the City's Housing Inspector may suspend, reduce, or waive costs charged pursuant to this section which impose an undue financial hardship; result from noncompliance caused by climatic conditions; or for other good cause shown to the reasonable satisfaction of the Housing Inspector. Any such suspension, reduction or waiver is subject to reasonable conditions imposed by the Housing Inspector. Failure to fully meet such conditions shall result in all such charges being reimposed.

(F) The City shall bill any person responsible for costs imposed by this section and may thereafter collect or assess all such costs in any manner authorized by law.

(G) Any person aggrieved by a decision made by the Housing Inspector pursuant to this section may appeal that decision to the Housing Appeals Board.

Section 2. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon passage.

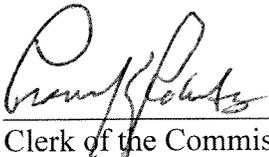
PASSED BY THE COMMISSION..... MAY 31, 2006

SIGNED BY THE MAYOR..... MAY 31, 2006



Mayor Rhine McLin, City of Dayton, Ohio

ATTEST:



Clerk of the Commission

APPROVED AS TO FORM:



City Attorney