

RESOLUTION NO. 2023 - 052

RESOLUTION AMENDING THE PROPERTY MAINTENANCE CODE

The Board of Trustees of Sycamore Township, County of Hamilton, Ohio (herein, the "Township"), met in regular session at 8540 Kenwood Road, Cincinnati, Ohio 45236 on July 5, 2023 with the following members present: Tom Weidman and Tracy Schwegmann.

WHEREAS, the Board of Trustees of Sycamore Township, on December 11, 2011, adopted the Property Maintenance Code of Sycamore Township ("Property Maintenance Code") pursuant to the authority granted to the Township under, including but not limited to Ohio Revised Code § 505.73, to adopt, administer, and enforce a property maintenance code pertaining to the repair and continued maintenance of structures and premises of such structures within the Township; and

WHEREAS, the Property Maintenance Code establishes the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within Sycamore Township, and provides standards to insure the structures are safe, sanitary, and fit for occupation and use, and provides for the condemnation and demolition of unsafe structures or those unfit for human occupancy; and

WHEREAS, Ohio Revised Code § 505.74 provides that no person shall violate a standard existing structures code adopted pursuant to § 505.73 and each day of continued violation of § 505.74 constitutes a separate offense; and

WHEREAS, Ohio Revised Code § 505.99 provides that whoever violates § 505.74 is guilty of a minor misdemeanor; and

WHEREAS, after further consideration, the Board desires to amend the Property Maintenance Code clarifying that violations of the Property Maintenance Code of Sycamore Township are minor misdemeanor offenses;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Sycamore Township, Hamilton County, Ohio that:

Section 1. The Property Maintenance Code of Sycamore Township as adopted December 11, 2011 shall be amended as to include the italicized and underlined language and removal of the stricken language:

Section 106.3 shall read: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of *a minor misdemeanor and, upon conviction thereof, for each offense shall be subject to financial sanctions in the amount provided for under Ohio Revised Code §§ 505.99 and 2929.28, and/or up to thirty (30) hours of community service as provided for under*

~~Ohio Revised Code § 2929.27. or civil infraction as determined by the local municipality and such violation shall be a strict liability offense, subject to a civil fine of up to \$1,000.00.~~ If the notice of violation is not complied with, the Zoning Administrator or his or her designate shall institute the appropriate proceeding at law or in equity (including action for permanent injunctive relief) *deemed necessary* to restrain, correct, or abate such violation, or require the removal or termination of the unlawful occupancy or use of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The cost of any action taken by the authority having jurisdiction on such ~~premises~~ shall be charged against the real property on which the violation occurs and shall be a lien upon such real property.

Section 2. The text amendment hereby adopted is in furtherance of the public peace, health, safety, and welfare of Sycamore Township.

Section 3. If any section, subsection, sentence, clause or phrase of this resolution or the portions of the 2009 International Property Maintenance Code, or the amendments made by Sycamore Township, is, for any reason, held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this resolution or of the Property Maintenance Code of Sycamore Township.

Section 4. That nothing in this Resolution or in the Property Maintenance Code of Sycamore Township as amended hereby shall be construed to affect any suit or proceeding pending in any court, or any liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed.

Section 5. The Township Fiscal Officer shall post a notice that clearly identifies the Property Maintenance Code, states the Code's purpose, and states that a complete copy of the code, as amended, is on file for inspection by the public in the office of the Fiscal Officer and in the County Law Library, and that the Fiscal Officer has copies available for distribution to the public at cost.

Section 6. The Township Fiscal Officer shall post the notice in five conspicuous places in the Township for thirty (30) days before the Code becomes effective and shall publish the notice in a newspaper of general circulation in the Township for three consecutive weeks. The notice shall include a brief summary of any amendments to or deletions from the 2009 International Property Maintenance Code within the Property Maintenance Code of Sycamore Township.

Section 7. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

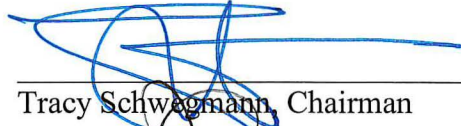
Section 8. That the Trustees of Sycamore Township upon a unanimous vote hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

Section 9. That this Resolution shall be effective at the earliest date allowed by law.

VOTE RECORD:

Mr. James Absent Ms. Schwegmann Aye Mr. Weidman Aye

PASSED at the meeting of the Board of Trustees this 5^m day of July, 2023.



Tracy Schwegmann, Chairman



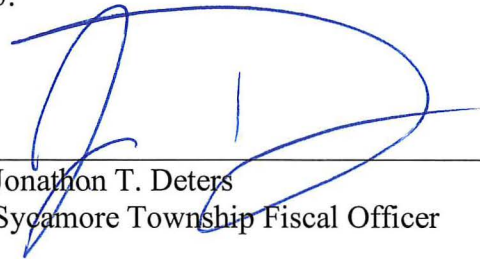
Thomas J. Weidman, Vice Chairman

Absent

Thomas C. James, Jr., Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, this 5th day of July, 2023.



Jonathon T. Deters
Sycamore Township Fiscal Officer

APPROVED AS TO FORM:



Lawrence E. Barbieri, Law Director