

ORDINANCE NO. 2024-6

**AN ORDINANCE ESTABLISHING A PENALTY FOR A VIOLATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS PREVIOUSLY ADOPTED BY THE VILLAGE OF CASTALIA AND DECLARING AN EMERGENCY.**

**WHEREAS**, Council has previously adopted the International Property Maintenance Code (hereinafter, "IPMC") relative to the maintenance of real property within the corporate limits of the Village of Castalia, in order to protect property values, and to protect the health, safety and general welfare of the citizens and visitors of the Village; and

**WHEREAS**, Section 109.02 of the International Property Maintenance Code authorizes the code official to serve a notice of violation upon a property owner deemed in violation of section of this code; and

**WHEREAS**, Section 109.03 of the International Property Maintenance Code authorizes the Council to establish a misdemeanor or civil penalty for a violation of that code as adopted by the Council; and

**WHEREAS**, Council has now determined that it is necessary to establish a structure for notices of violation and penalties for a violation of that code as adopted by the Council; and

**WHEREAS**, Council has further determined that it is necessary to adopt the within ordinance as an emergency measure as the establishment of a notice structure and penalties for a violation of the IPMC is directly related to immediate preservation of the health, safety, and welfare of the Village of Castalia; an

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:**

**SECTION 1.** From after the effective date of this Ordinance, section 109.02 of the IPMC as adopted by Council shall read as follows:

**Notice of Violation.** The *code official* shall serve a notice of violation or order in accordance with Section 111.4. The first notice of violation or order shall provide the person, firm, or corporation in violation of any provision of the IPMC thirty (30) days to abate the violation(s). In the event the person, firm, or corporation fails to abate the violation(s) within the first thirty (30) day time period as set forth in the first notice of violation, the *code official* shall send a second notice of violation(s) informing the person, firm, or corporation that it will be assessed one hundred fifty and no/100 dollars (\$150.00) per day for every day the violation(s) continue from the 31<sup>st</sup> day until the sixtieth (60) day the violation(s) continue to exist unless violation(s) are abated. In the event the person, firm, or corporation fails to abate the violation(s) within the second thirty (30) day time period as set forth in the second notice of violation, the *code official* shall send a third notice of violation(s) informing the person, firm, or corporation that it will be assessed five hundred and no/100 dollars (\$500.00) per day for every day the violation(s) continue to exist on the premises

from the 61<sup>st</sup> day until the violation(s) are abated. On or after the ninetieth (90) day the violation(s) are not abated, the *code official* will turn the matter over to the village solicitor to commence the appropriate legal action in a court of competent jurisdiction as set forth in section 109.03.

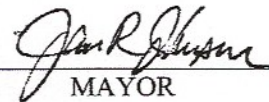
**SECTION 2.** From after the effective date of this Ordinance, section 109.03 of the IPMC as adopted by Council shall read as follows:

**109.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as set forth in section 109.2, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation(s), or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**SECTION 3.** That the Fiscal Officer is authorized and directed to provide a certified copy of the foregoing ordinance to the Erie County Sheriff, the enforcement official of the International Property Maintenance Code, the Sandusky Municipal Court, and the Sandusky Bay Law Library.

**SECTION 4.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *§121.22 of the Revised Code*.

**SECTION 5.** That the Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the Village of Castalia. Therefore, this Ordinance shall be adopted as an emergency measure to take effect immediately upon its adoption and due authentication by the Mayor and the Fiscal Officer, respectively.

  
MAYOR

ATTEST:

  
VILLAGE FISCAL OFFICER

Adopted: May 14, 2024