

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 21-25

TO AMEND SECTION 111.33 OF THE CHEVIOT CODE OF ORDINANCES TO REVISE THE PENALTY.

WHEREAS, Section 111.33 of the Cheviot Code of Ordinances currently reads as follows:

§ 111.33 CITATIONS FOR MULTIPLE NUISANCE ACTIVITIES; CRIMINAL AND CIVIL PENALTIES.

(A) Whoever violates this subchapter or fails to obey any lawful order issued by the Police Chief or his or her designee to abate a chronic nuisance, is guilty of a misdemeanor of the fourth degree on the first offense and guilty of a misdemeanor of the third degree on the second and subsequent offenses. Each day's continuation of a violation or failure to comply is a separate offense.

(B) As an alternative to criminal prosecution, the Chief of Police or his or her designee may cite a person who violates any provision of this subchapter or fails to obey any order to abate a chronic nuisance.

(1) Citations for nuisance activities shall be imposed based upon the number of bills for enforcement sent to a premises owner for a specific premises within a two year period beginning with the date of the nuisance activity that is the subject of the first bill for enforcement sent to the premises owner for that specific premises.

(2) Whenever a premises owner has been billed on three or more separate dates within a two year period beginning with the date of the nuisance activity that is the subject of the first bill for enforcement sent to the premises owner for that specific premises, the Police Chief or his or her designee shall issue a citation to the premises owner as follows:

- (a) For the fourth bill within a two year period, a citation of \$250 shall be imposed;
- (b) For the fifth bill within a two year period, a citation of \$500 shall be imposed;
- (c) For the sixth bill within a two year period, a citation of \$750 shall be imposed; and
- (d) For each bill after the sixth bill within a two year period, a citation of \$1,000 shall be imposed.

WHEREAS, this Council desires to amend subsection (A) of Section 111.33 to state that the criminal penalty for the first offense shall be a minor misdemeanor and the criminal penalty for the second and subsequent offenses shall be a misdemeanor of the fourth degree; and

WHEREAS, this Council determines that it is in the best interest of the City to amend subsection (A) of Section 111.33 to revise the penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, THAT:

Section 1. Section 111.33 of the Cheviot Code of Ordinances is hereby amended as follows:

111.33 CITATIONS FOR MULTIPLE NUISANCE ACTIVITIES; CRIMINAL AND CIVIL PENALTIES.

(A) Whoever violates this subchapter or fails to obey any lawful order issued by the Police Chief or his or her designee to abate a chronic nuisance, is guilty of a minor misdemeanor on the first offense and guilty of a misdemeanor of the fourth degree on the second and subsequent offenses. Each day's continuation of a violation or failure to comply is a separate offense.

(B) As an alternative to criminal prosecution, the Chief of Police or his or her designee may cite a person who violates any provision of this subchapter or fails to obey any order to abate a chronic nuisance.

(1) Citations for nuisance activities shall be imposed based upon the number of bills for enforcement sent to a premises owner for a specific premises within a two year period beginning with the date of the nuisance activity that is the subject of the first bill for enforcement sent to the premises owner for that specific premises.

(2) Whenever a premises owner has been billed on three or more separate dates within a two year period beginning with the date of the nuisance activity that is the subject of the first bill for enforcement sent to the premises owner for that specific premises, the Police Chief or his or her designee shall issue a citation to the premises owner as follows:

(a) For the fourth bill within a two year period, a citation of \$250 shall be imposed;

(b) For the fifth bill within a two year period, a citation of \$500 shall be imposed;

(c) For the sixth bill within a two year period, a citation of \$750 shall be imposed; and

(d) For each bill after the sixth bill within a two year period, a citation of \$1,000 shall be imposed.

Section 2. Existing Section 111.33 of the Cheviot Code of Ordinances is hereby repealed.

Section 3. This Ordinance shall be in effect at the earliest time allowed by law.

Kerry Smyth
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
Clerk of Council

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) _____, 2021, and
- 2) _____, 2021.

Jenny M. Eilermann
Clerk of Council