



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 2328-2021

File ID: 2328-2021

Type: Ordinance

Status: Passed

Version: 3

***Committee:** Rules & Reference Committee

File Name:

File Created: 09/02/2021

Final Action: 09/23/2021

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.:

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To enact, amend, and repeal various code sections in Title 2, Title 5, Title 7, Title 9, Title 13, Title 31, Title 33, Title 45, and Title 47 in order to transfer the Code Enforcement Division from the Department of Development to the Department of Building and Zoning Services, **and to declare an emergency.**

Sponsors: Priscilla Tyson

Attachments: ORD2328-2021Attachment, ORD2328-2021Attachment
- Amended, ORD2328-2021Attachment - Amendment #2

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
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History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	09/13/2021	Read for the First Time				
1	Columbus City Council	09/20/2021	Amended as submitted to the Clerk				Pass
1	Columbus City Council	09/20/2021	Amended to Emergency				Pass
1	Columbus City Council	09/20/2021	Approved as Amended				Pass
3	COUNCIL PRESIDENT	09/20/2021	Signed				
3	MAYOR	09/22/2021	Signed				
3	CITY CLERK	09/23/2021	Attest				

ODI: Following the review and approval, when required, the Office of Diversity and Inclusion certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

BACKGROUND:

In a continued effort to improve operational efficiencies, provide better services to the public, and to streamline government organization and communication, it was determined that the Division of Code Enforcement should be relocated from the Department of Development to the Department of Building and Zoning Services.

This move will improve upon the existing strong coordination between the Department of Building and Zoning Services, which administers several code titles for the City of Columbus, including the Columbus Zoning Code, and the Division of Code Enforcement, which acts as the enforcement agency for the Columbus Zoning Code as well as other code titles. The code changes made by this ordinance will make the necessary adjustments to allow for the smooth and seamless transfer of this enforcement authority.

FISCAL IMPACT: Separate legislation will address the required fiscal and human resource changes.

Emergency Justification: Achieving this transfer sooner rather than later allows BZS to assimilate Code Enforcement and their processes into our current system.

Title

To enact, amend, and repeal various code sections in Title 2, Title 5, Title 7, Title 9, Title 13, Title 31, Title 33, Title 45, and Title 47 in order to transfer the Code Enforcement Division from the Department of Development to the Department of Building and Zoning Services, **and to declare an emergency.**

Body

WHEREAS, in an continued effort to improve operational efficiencies, provide better services to the public, and to streamline government organization and communication, it was determined that the Division of Code Enforcement should be relocated from the Department of Development to the Department of Building and Zoning Services; and

WHEREAS, this move will improve upon the existing strong coordination between the Department of Building and Zoning Services, which administers several code titles for the City of Columbus, including the Columbus Zoning Code, and the Division of Code Enforcement, which acts as the enforcement agency for the Columbus Zoning Code as well as other code titles; and

WHEREAS, the code changes made by this ordinance will make the necessary adjustments to allow for the smooth and seamless transfer of this enforcement authority; **and**

WHEREAS, an emergency exists in the usual daily operations of the City of Columbus in that it is immediately necessary to enact, amend, and repeal various code sections to transfer the Code Enforcement Division from the Department of Development to the Department of Building and Zoning Services, **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

(See ORD2328-2021Attachment)

ORD2328-2021 Attachment – Amended

SECTION 1. That existing Section 215.01 of the Columbus City Code is hereby amended to read as follows:

215.01 Department of development established.

There is established a department of development. The department of development shall consist of a director, one (1) department deputy director and the following divisions: economic development, planning, housing, ~~code enforcement~~ and land redevelopment. Within the director's office there shall be an administrative office. The department of development shall have as its primary duty the coordination, ~~enforcement of codes~~, management, implementation and promotion of programs to encourage business expansion and attraction, planned growth, creation of housing opportunities, a lively downtown, land reutilization and redevelopment of properties, and healthy, safe and revitalized neighborhoods ~~and code enforcement~~. The department of development shall perform all other lawful functions as directed by the mayor or ordinance of council.

SECTION 2. That existing Section 216.01 of the Columbus City Code is hereby amended to read as follows:

216.01 Department of building and zoning services established.

There is established a department of building and zoning services. The Department of Building and Zoning Services shall consist of a director and one (1) department deputy director. The Department of Building and Zoning Services shall have as its primary duty the protection of public safety, health and welfare by regulation and management of programs to encourage planned and orderly growth, and ensuring safe construction and the enforcement of codes. The department of building and zoning services shall perform all other lawful functions as directed by the mayor or ordinance of council.

SECTION 3. That Columbus City Code Chapter 216 is hereby supplemented with the creation of a new section, numbered 216.05, reading as follows:

216.05 Division of code enforcement.

The division of code enforcement is established as a division of the department of building and zoning services. The division shall have as its primary duties the facilitation of the enforcement of codes and other duties as may be authorized by the director or ordinance of council.

SECTION 4. That existing Section 598.08 of the Columbus City Code is hereby amended to read as follows:

598.08 Authority to Conduct Inspections

(A) Upon display of the proper credentials, any employee of the division of police, division of fire, department of building and zoning services, ~~code enforcement division~~, or Columbus Public Health may be permitted to inspect the hotel/motel premises or short-term rental unit to ensure compliance with this chapter.

(B) If the request for inspection described in division (A) of this section is denied, any officer or employee of the division of police, division of fire, department of building and zoning services, code enforcement division, or Columbus Public Health may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

SECTION 5. That existing Section 701.07 of the Columbus City Code is hereby amended to read as follows:

701.07 Department Powers and Duties ~~Department of development.~~

(A) Functions, Powers and Duties. In order to protect the health, safety and welfare of any person, the department, unless otherwise specified, ~~of development~~ shall have the following authority, functions and duties:

- (1) To enforce the provisions of the Health, Sanitation and Safety Code by conducting inspections and reinspections, and by issuing notices of violation whenever a premises or structure is used or maintained contrary to the provisions of this code;
- (2) To maintain records of inspections performed and notices/orders issued;
- (3) To abate public nuisances.

(B) Authority.

- (1) The director or the director's duly authorized representative shall have supervision, control and direction over matters relating to the sanitary maintenance of premises, the control and abatement of solid waste and litter, the control and abatement of weeds, noxious weeds and rank growth, the sanitary maintenance of animals, the control and abatement of rodents, insects, vermin or other pests, and the control and abatement of public nuisances. The director shall have the authority to cause the summary abatement of any public nuisance found on any premises. The director shall have the power and duty to administer and enforce the provisions of this Health, Sanitation and Safety Code by means of forfeitures, injunctive actions, criminal complaints, and other remedies available by law.
- (2) The director is authorized to determine on what premises in the city weeds, noxious weeds, or rank growth of a height of twelve (12) or more inches is growing or about to spread mature seeds. After a determination has been made that such weeds, noxious weeds or rank growth constitute a public nuisance or endangers the health, safety or welfare of any person, it shall be the duty of the director to see that said weeds, noxious weeds or rank growth are removed or said public nuisance is abated.
- (3) The director is authorized to determine on what premises in the city solid waste is located. After a determination has been made that such solid waste constitutes a public nuisance or endangers the health, safety or welfare of any person, it shall be the duty of the director to see that said solid waste is removed or said public nuisance is abated. This section does not apply to premises being used under a city permit or license to operate a dump, junkyard or similar business.
- (4) The director is authorized to determine on what premises in the city that there exists a public nuisance. A public nuisance may include, but is not limited to, conditions resulting from the unsanitary maintenance of premises, conditions resulting from the unsanitary maintenance of animals, conditions resulting from the infestation of rodents, insects, vermin or other pests. After a determination has been made that the existence of the aforementioned conditions constitute a public nuisance or endangers the health, safety or welfare of any person, it shall be the duty of the director to see that said public nuisance is abated.
- (5) The director is authorized to promulgate reasonable rules to implement the provisions of this Health, Sanitation and Safety Code, including rules governing the issuance of notices of violation under 703.17, 703.19, 703.20, 707.03 and 709.03 for conditions that exist in a street, alley, sidewalk or right-of-way.

SECTION 6. That existing Section 701.09 of the Columbus City Code is hereby amended to read as follows:

701.09 Enforcement.

~~(A)~~ Inspection, Right of Entry, Evidence.

(1) The director in enforcing the provisions of the Health, Sanitation and Safety Code is hereby authorized and directed to make inspections pursuant to procedures of inspection by the department of ~~development~~; or in response to a complaint that an alleged violation of the provision of this code or of applicable rules or orders pursuant thereto may exist; or when the director has valid reason to believe a violation of this code or any rules and orders pursuant thereto has been or is being committed.

(2) Upon presentation of proper credentials, the director is authorized, where permission is granted, to enter any dwelling, dwelling unit, multiple dwelling, business building or premises in the City of Columbus at reasonable times to perform any duty imposed on the director by this code. If any owner or person having charge of a building or premises subject to the provisions of this code fails or refuses to permit free access and entry to the dwelling, dwelling unit, multiple dwelling, business building or premises under the control of the owner or person having charge of a building or premises or any part thereof, the director may apply to a judge of a court record, pursuant to Ohio Revised Code 2933.21(F) for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided in Ohio Revised Code 2933.22.

(3) Every occupant of a premises or structure shall give the owner or operator thereof, or keeper, agent or employee, access to any part of such structure or its premises at all reasonable times for the purposes of making such inspection, maintenance, repairs or alterations as are necessary to comply with the requirements of this code.

(4) All records pertaining to the identification of a complainant shall be kept confidential from the public record of inspection and notice of violation in regard to any dwelling, dwelling unit, multiple dwelling, business building or premises. (5) The director may obtain samples of evidence during inspections.

SECTION 7. That existing Section 701.15 of the Columbus City Code is hereby amended to read as follows:

701.15 Appeals of notice violation

Appeals of any notice of violation for an alleged violation of this Health, Sanitation and Safety Code issued by the department of ~~development~~ shall be made in writing within fifteen (15) days of the date of service of the notice of violation, pursuant to the requirements prescribed in Columbus City Code Chapter 4509. Any person affected by a notice of violation in connection with this Health, Sanitation and Safety Code may request and shall be granted a hearing before the property maintenance appeals board on all matters set forth in such notice of violation.

SECTION 8. That existing Section 701.17 of the Columbus City Code is hereby amended to read as follows:

701.17 Prohibition against failure to comply with notice of violation.

(A) No owner or person having charge or authority over a violation of this Health, Sanitation and Safety Code shall fail to comply with any notice of violation of the department of ~~development~~ for a violation of this Health, Sanitation and Safety Code, obstruct or interfere with the execution of such order, or omit to obey such notice of violation.

(B) No person shall fail to comply within the time specified in a notice of violation after receiving notification of being in violation of this Health, Sanitation and Safety Code.

SECTION 9. That existing Section 703.05 of the Columbus City Code is hereby amended to read as follows:

703.05 Letter D.

"Debris" means the scattered remains of something or the ruins of something.

"Department", unless otherwise specified, means the department of building and zoning services ~~department of development~~.

"Dilapidated" means a general condition of decay or extensive disrepair.

"Director" when used without clarification means the director of the department of building and zoning services ~~department of development~~ or designee.

"Division" when used without clarification means the code enforcement division of the department of building and zoning services ~~department of development~~.

"Dormitory sleeping room" means a room providing sleeping quarters for a number of persons.

"Dumpster" means a type of automated collection container that is made of metal or other material approved by the public service director and is collected primarily by front-loading waste collection vehicles.

"Dwelling" means any building or structure, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.

"Dwelling unit" means one (1) or more habitable rooms forming a single habitable unit within a dwelling with facilities, which are used or intended to be used by one (1) or more persons for living, sleeping, cooking and eating.

SECTION 10. That existing Section 902.00 of the Columbus City Code is hereby amended to read as follows:

902.00 Right to enforce.

The director of the public service department, the director of the department of safety, the director of the department of building and zoning services ~~development~~, the health commissioner, and their designees shall have the authority to enforce all relevant healthy and safety related laws under the Ohio Revised Code and Columbus City Code Chapter 902

SECTION 11. That existing Section 905.02 of the Columbus City Code is hereby amended to read as follows:

905.02 Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(A) "Authorized agent" for the abutting property owner shall mean a contractor having an active valid home improvement contractor's (H.I.C.) license on file with the department of building and zoning services ~~trade and development, building services division~~;

(B) "City" means the City of Columbus, Ohio;

(C) "Director" shall mean the director of the department of public service ~~public service department~~ or their designee;

(D) ~~"Director of the department of development" shall by reference include the development director or their designee;~~

~~(E)~~ "Owner" means any of the following:

(1) The owner of record as shown on the current tax list of the county auditor in which the property is located;

(2) The mortgage holder of record, if any, as shown in the mortgage records of the county recorder in which the property is located;

(3) Any person who has a freehold or lesser estate in the premises;

(4) A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the county sheriff in which the property is located has issued a deed for the premises whether or not the deed has been recorded;

(5) Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;

(6) Any person who holds themselves out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.

(E) ~~(F)~~ "Person" means, without limitation, a natural person, the person's beneficiaries, executors, administrators, or assigns, and also includes a corporation, partnership, an unincorporated society or association, or any other type of business or association, including respective successors or assigns, recognized now or in the future under the laws of the state or the city;

(F) ~~(G)~~ "Right-of-way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public shared-use path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the city;

(G) ~~(H)~~ "Bikeway" as defined in 900.03.

SECTION 12. That existing Section 905.03 of the Columbus City Codes is hereby amended to read as follows:

905.03 Right to enforce.

The Director of the ~~Public Service Department, the Director of the Department of Department of Development, and their designees,~~ shall have the authority to enforce Columbus City Code Chapter 905. ~~They are hereby directed and empowered to do so.~~

SECTION 13. That existing Section 905.12 of the Columbus City Code is hereby amended to read as follows:

905.12 Notice of violation.

(A) Issuance of Notice of Violation. Whenever the director, ~~or the director of the department of development,~~ determines, or has reasonable grounds to believe, that there exists a condition that violates any provisions or requirements set forth within this chapter, they may issue a notice setting forth the alleged violations and advising the abutting property owner or person having charge that such violations must be corrected.

(B) Content of Notice of Violation.

(1) All notices of violation, except emergency orders, shall be in writing and shall be served on the abutting owner from whom action, forbearance or compliance is required;

(2) All notices of violation shall identify the sections of this chapter to which the order applies;

(3) All notices of violation shall provide a description of the premises where the violations are alleged to exist or to have been committed;

(4) All notices of violation shall specify a thirty-day time frame for compliance with the order, except in the case of an emergency order, as described in Section 905.13;

(5) All notices of violation shall advise the abutting property owner or person having charge of the right to appeal, within fifteen (15) days of receipt of notice;

(6) All notices of violation shall advise the owner or person having charge that if the order is not complied with by the time specified for compliance, the director may initiate a civil and/or criminal complaint against the owner or person having charge; and/or the director may, by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate;

(C) Service of Notice of Violation. A notice of violation shall be served upon the abutting owner or any person from whom action, forbearance or compliance is required. Such notice shall be served by any one (1) of the following methods:

(1) Personal service; or

(2) Certified mail; or

(3) Publication in a newspaper of general circulation in the county; or

(4) Regular mail service to an address that is reasonably believed to be:

(a) A place of residence of the owner, or

(b) A location at which the owner regularly receives mail; or

(5) Posting the notice of violation on the abutting property, except that if the structure or abutting property is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.

(D) When the notice of violation has been properly serviced, the order shall be effective as to anyone having any interest in the premises whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the director;

(E) Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the abutting owner pursuant to Section 905.14 shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

SECTION 14. That existing Section 905.13 of the Columbus City Code is hereby amended to read as follows:

905.13 Emergency order.

Whenever the director, ~~or director of the department of development,~~ finds that an emergency exists, as described in Section 905.11, which requires immediate action to protect the health and safety of any person, they may issue an oral or written emergency order reciting the existence of such an emergency and requiring that such action as they deem necessary shall be taken to eliminate the emergency. Notwithstanding the other provisions of this code, such emergency order shall be effective immediately and complied with immediately.

In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the abutting property owner it appears that the abutting property owner will not or cannot immediately correct the condition, the director may initiate whatever reasonable action necessary to eliminate such hazard. These actions may include the temporary barricade of the area, re-routing of pedestrian, bicycle and/or vehicular traffic, or whatever action deemed necessary to eliminate the hazard on an interim or permanent basis.

The director shall further cause the cost of all such temporary and/or permanent abatement to be billed to the abutting property owner as a municipal lien or to be recovered in a civil suit against the owner at the current hourly rates of the department of public service's equipment and personnel, or those of its contractual agent, including the cost for materials provided that cannot be reasonable salvaged by the city.

SECTION 15. That existing Section 905.14 of the Columbus City Code is hereby amended to read as follows:

905.14 Appeal procedure.

Any persons affected by any notice issued in connection with this chapter may request and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice, provided that:

(A) Such person shall file a written petition requesting such appeal hearing with the Department of Building and Zoning Services Development, within fifteen (15) calendar days after the notice is served; and,

(B) The petition shall set forth the factual reasons why a particular violation or violations is being appealed.

Appeals shall be conducted and the notice of the board findings shall be completed as set forth in the Columbus Housing Code, Chapter 4509.03.

SECTION 16. That existing Section 905.16 of the Columbus City Code is hereby amended to read as follows:

905.16 Procedure upon failure to comply with notice of violation.

Whenever, upon inspection the director, ~~or director of the department of development~~ determines that there are reasonable grounds to believe that there is a violation of this Sidewalk, Bikeway and Driveway Maintenance and Repair Code resulting in the existence of an actual or potential public nuisance, or whenever there exist conditions that adversely affect the health, safety or welfare of any person, or when notices or orders issued pursuant to this code or other notice sections of city codes do not alleviate such public nuisance or condition, they may:

(A) Cause the correction or abatement of any condition which violates any section of the Sidewalk, Bikeway and Driveway Maintenance and Repair Code and employ the necessary labor to perform the task;

Upon performance of the labor mentioned above with respect to abatement of the above-mentioned public nuisances, the director shall with respect to each parcel of land report to city council a statement of the charge for the services, the amount paid for performing the labor, and the fees of the officers who made the service of the notice and return;

Upon receipt of the statement and approval thereof by council, the city clerk shall make a return in writing to the auditor of the applicable county of such statement that shall be entered upon the tax duplicate of the county for the purpose of assessing these costs.

(B) Cause to be filed a civil complaint for injunctive relief seeking abatement of the public nuisance in a court of jurisdiction. The procedures to be followed will be pursuant to the Ohio Rules of Civil Procedure; or

(C) Cause to be filed a criminal complaint in a court of jurisdiction.

SECTION 17. That existing Section 922.02 of the Columbus City Code is hereby amended to read as follows:

922.02 Authority.

(A) The director of public service shall promulgate reasonable rules and regulations to carry out the provisions of this chapter. The authority granted to the director to promulgate such rules and regulations shall include the authority to establish permit fees.

(B) The director of the public service department, the director of the department of public safety, ~~the director of the department of development~~, the health commissioner, and their designees shall have the authority to enforce this chapter of code.

SECTION 18. That existing Section 1301.07 of the Columbus City Code is hereby amended to read as follows:

1301.07 Code Enforcement Officer.

"Code enforcement officer" means a property maintenance inspector, property maintenance trainee or other designated representative that is a duly authorized representative of the director of the Department of building and zoning services ~~Development~~.

SECTION 19. That existing Section 1307.07 of the Columbus City Code is hereby amended to read as follows:

1307.07 Notice of Violation Appeal to the Property Maintenance Appeals Board.

Any person who is the subject of a notice of violation in connection with this Refuse Collection Code, or any rule or regulation, or policy and procedure adopted pursuant thereto, may request and shall be granted a hearing before the property maintenance appeals board on all matters set forth in such notice of violation. Appeals of any notice of violation for an alleged violation of this Refuse Collection Code shall be made in writing to the department of development within fifteen (15) calendar days of the date of service of the notice of violation. This petition shall be limited to the notice of violation which has been issued and shall set forth the factual reasons why a particular violation or violations is being appealed. Upon the receipt of such petition, the Director of the Department of Building and Zoning Services ~~development department director~~, acting as secretary to the board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice of violation relating to the finding of facts regarding the violation should be modified or withdrawn. The scope of the board's authority shall be limited to a review of the notice of violation to determine whether the notice of violation is supported by substantial, reliable, probative evidence, and shall not permit or allow any use or requirement not otherwise permitted. Subsequent requests for variances from the requirements of this code shall be determined as prescribed. The board may postpone the date of hearing for a reasonable time if in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.

The board shall be constructed, action of the board completed, and notification of the petitioner made pursuant to Columbus City Code Chapters 4505 and 4509.

SECTION 20. That existing Section 3101.07 of the Columbus City Code is hereby amended to read as follows:

3101.07 Enforcement and appeal.

The Director of the Department of Development and/or the Director of the Department of Building and Zoning Services, or designees ~~The director, or designee~~, shall have the powers of a police officer for the purpose of enforcement of the provisions of this Planning and Historic Preservation Code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations. Strict liability shall be the standard for enforcement.

Appeals, unless otherwise specified in this code, of any notice of violation for an alleged violation of this code issued by the department shall be made in writing within fifteen (15) days of the date of service of the notice of violation, pursuant to the requirements prescribed in this code. Any person affected by a notice of violation in connection with this code may request and

shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice of violation unless directed by this code otherwise.

SECTION 21. That existing Section 3116.18 of the Columbus City Code is hereby amended to read as follows:

3116.18 Approvals required.

The director of the department of building and zoning services or designee shall issue no permit for the construction, reconstruction, alteration or demolition of any structure or architectural feature now or hereafter in a listed property or district except in cases excluded by C.C. 3116.23, unless the application therefore shall be certified under C.C. 3116.05 as involving no architectural feature or shall be accompanied by a certificate of appropriateness issued under C.C. 3116.09.

(A) Except in cases excluded by C.C. 3116.23, the applicant may initiate the construction, reconstruction, alteration, demolition or site improvement only upon receipt of the certificate of appropriateness or clearance, and upon subsequently obtaining any or all building permits, registrations, zoning clearances, and other approvals required by Columbus City Codes.

(B) No building permit, registration, zoning clearance, or other required approvals shall be obtained unless and until the issuance of the required certificate of appropriateness or clearance. The building inspector and/or director shall void any permit or approval issued prior to a required certificate of appropriateness.

(C) Any construction, alteration, work, action, or site improvement not in compliance with, or contrary to that specifically approved in the certificate of appropriateness or clearance shall be a violation of this Planning and Historic Preservation Code.

SECTION 22. That existing Section 3119.45 of the Columbus City Code is hereby amended to read as follows:

3119.45 Limitation on issuance of building permit.

Except in cases excluded by C.C. 3116.23, the director of the department of building and zoning services or designee shall issue no permit for the construction, reconstruction, alteration or demolition of any structure or architectural feature now or hereafter in of these districts, unless the application for such permit shall first have been certified as appropriate under C.C. 3116.09 or as involving no architectural feature under C.C. 3116.05.

SECTION 23. That existing Section 3305.07 of the Columbus City Code is hereby amended to read as follows:

3305.07 Enforcement

The Director of the Department of Development and/or the Director of the Department of Building and Zoning Services ~~director of the department of development and the director of the department of building and zoning services~~, or their designees. The director of the department of development and the director of the department of building and zoning services, or their designees, shall have the power to enforce all provisions of this Zoning Code and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alteration of any building or structure or the unlawful establishment, change or modification or any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. Strict liability shall be the standard for enforcement.

SECTION 24. That existing Section 3349.035 of the Columbus City Code is hereby amended to read as follows:

3349.035 Licensing.

A. Uses are subject to all city ordinances, rules, and regulations including but not limited to Title 41 of the city codes, entitled the Building Code, and may be subject to Title 45, the Housing Code.

B. Each owner of any use such as, but not limited to, a boarding home, home for the aging, nursing home, rest home, rooming house, residential care facility, or shared living facility regulated by a federal, state or local agency which requires it to be licensed or certified thereby shall prior to occupancy and continuously thereafter obtain and display said license or certificate together with any renewal thereof upon the promises and provide a copy of same to:

1. The department of ~~development~~; and
2. The board of health; upon issuance and thereafter upon each renewal. As soon as one owner provides such copies any remaining co-owners of the same use are excused until the next submission is due.

C. In the same manner each owner shall obtain a rooming house license if so required by Title 45, C.C.

SECTION 25. That existing Section 3359.21 of the Columbus City Code is hereby amended to read as follows:

3359.21 Property maintenance.

No owner of a property or structure shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure, including the maintenance and upkeep to areas within the public right-of-way, that are, by virtue of other codes and ordinances, the responsibility of the property owner to maintain. For the purposes of this section, maintenance and upkeep shall include, but not be limited to keeping exterior surfaces free from debris, garbage, noxious weeds, and free from hazardous objects or conditions such as holes, broken concrete, broken glass, dead or dying trees or landscaping or any other condition that constitutes a violation of City Code. Maintenance shall also mean the continuing compliance with all the conditions and standards of the Zoning Code, including any special conditions of a permit or design review approval given by the downtown commission. The downtown commission may by resolution present evidence of code violations to the director ~~code-enforcement administrator~~ who shall initiate appropriate action thereon.

SECTION 26. That existing Section 4501.073 of the Columbus City Code is hereby amended to read as follows:

4501.073 Code enforcement officer.

"Code enforcement officer" means the director or their designee, including a property maintenance inspector, or a property maintenance inspector trainee, ~~and is a duly authorized representative of the director.~~

SECTION 27. That existing Section 4501.075 of the Columbus City Code is hereby amended to read as follows:

4501.075 Department

"Department" when used without clarification means the department of building and zoning services ~~development~~.

SECTION 28. That existing Section 4501.085 of the Columbus City Code is hereby amended to read as follows:

4501.085 Director.

"Director" when used without clarification means the director of the Department of Building and Zoning Services ~~department of development~~ or designee.

SECTION 29. That existing Section 4501.087 of the Columbus City Code is hereby amended to read as follows:

4501.087 Division

"Division" when used without clarification means the code enforcement division of the department of building and zoning services ~~development~~.

SECTION 30. That existing Section 4501.274 of the Columbus City Code is hereby amended to read as follows:

4501.274 Property maintenance inspector.

"Property maintenance inspector" or "property maintenance inspector trainee" means the director or their designee, including a "code enforcement officer," ~~and is a duly authorized representative of the director.~~

SECTION 31. That existing Section 4503.04 of the Columbus City Code is hereby amended to read as follows:

4503.04 Rules and regulations.

The director ~~administrator~~ is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper administration of the enforcement of the provisions of this Housing Code, provided that such rules and regulations shall not be in conflict with the provisions or intent of this Housing Code. The director ~~administrator~~ shall file a certified copy of all rules and regulations adopted as specified herein ~~which the administrator may adopt~~ with the city clerk. Such rules and regulations shall be printed in the City Bulletin thirty (30) days before the same shall go into effect. Such rules and regulations shall have the same force and effect as the provisions of this Housing Code.

A copy of all rules and regulations adopted as provided herein shall be maintained by the division at its main office and any person having business with the division shall have access to the copy of all rules and regulations.

SECTION 32. That existing Section 4507.02 of the Columbus City Code is hereby amended to read as follows:

4507.02 Inspection fees.

A fee per dwelling unit as prescribed in the fee schedule shall be collected by the department ~~division~~ at the time an owner or the owner's agent requests: (1) an inspection of his property to determine whether or not it meets the requirements of this Housing Code; and (2) a report of such inspection; for any purpose other than enforcement of the provisions of this code. For example, inspections and reports required by F.H.A, V.A. and C.M.H.A. shall necessitate payment of this inspection fee.

A subsequent fee for reinspection of a dwelling unit shall be assessed as prescribed in the fee schedule at any time a follow-up inspection to an original inspection is requested for purposes other than code enforcement. A reinspection regarding a Housing Code certification letter shall occur not later than ninety (90) days after the date of the first certification letter.

These fees shall be for the purpose of defraying the costs of making such inspection, the cost of preparing a report thereof for the person requesting it, and the related administrative costs involved. Once a fee has been paid and the inspection has been made, the fee shall not be refundable for any reason whatsoever.

SECTION 33. That existing Section 4507.05 of the Columbus City Codes is hereby amended to read as follows:

4507.05 Enforcement.

The Director of the Department of Development and/or the Director of the Department of Building and Zoning Services, or designees ~~The director, or designee,~~ shall have the power to enforce all provisions of this Housing Code, and may institute any appropriate action or judicial proceeding to prevent the unlawful construction or alternation of any building or structure or the unlawful establishment, change or modification of any use; to restrain, correct or abate such violations; or to prevent occupancy of the unlawful building or structure. Enforcement powers shall also include such sections of the Ohio Revised Code as expressly relate to littering.

SECTION 34. That existing Section 4509.08 of the Columbus City Code is hereby amended to read as follows:

4509.08 Fire insurance claims.

(A) No insurance company doing business in the state shall pay a claim of a named insured for fire damage to a building or other structure located within the city where the loss agreed to between the named insured or insurers and the company or companies is more than five thousand dollars and equal or exceeds sixty percent of the aggregate limits of liability on all fire policies covering the building or other structure unless there is compliance with Section B and C of this section.

(B) The insurance company or companies in accordance with division (F) of Section 715.26 of the Ohio Revised Code shall transfer from the insurance proceeds to the director ~~of trade and development~~ in the aggregate two thousand dollars (\$2,000.00) for each fifteen thousand dollars (\$15,000.00), and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insurers and the insurance company or companies the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure.

(C) Upon receipt of proceeds by the director as authorized by this section, the ~~development~~ director shall deposit same with the treasurer who shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing the building or structure incurred by the city pursuant to Section 715.261, of the Ohio Revised Code.

When transferring the funds as required in this section, an insurance company shall provide the director with the name and address of the named insured or insureds, whereupon the director shall contact the named insured or insureds, certify that the proceeds have been received by the city and notify them that the following procedures will be followed:

The fund shall be returned to the named, insured or insureds when repairs, or removal, or securing of the building or other structure have been completed and approved by the director, if the city has not incurred any costs for such repairs, removal, or securing. If the city has incurred any costs for repairs, removal, or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the city shall transfer the remaining funds to the

named insured or insureds. Nothing in this section shall be construed to limit the ability of the city to recover any deficiency under Section 715.261 of the Revised Code.

Nothing in this section shall be construed to prohibit the city and the named insured or insureds from entering into agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

SECTION 35. That existing Section 4525.16 of the Columbus City Code is hereby amended to read as follows:

4526.16 Graffiti assistance program

- (A) Creation and Purpose. There is hereby created in the department of ~~development~~ the graffiti assistance program. The purpose of this program is to assist the owner of a building, accessory structure, fence, gate, or business building located in the City of Columbus and zoned agricultural, residential or commercial to abate graffiti that is present on such building, accessory structure, fence, or business building in order to comply with the provisions of Section 4525.15(A) of this Housing Code.
- (B) Supervision of Director of ~~Development~~. The director of ~~development~~ shall promulgate reasonable rules and regulations to implement the provisions of the graffiti assistance program. Such rules shall address, but shall not be limited to, the following:
- (1) Any limitations on those buildings, accessory structures, fences, gates, or business buildings eligible for assistance;
 - (2) Any per-occurrence or lifetime limits on abatement services rendered by the city or its contractors;
 - (3) Any waivers necessary to receive approval from the owner or operator of the property to gain entry by a city employee or contractor for the express purpose of graffiti abatement, provided that such waiver shall not be available to an owner who appeals a notice violation pursuant to Section 4525.15(A) of this Housing Code;
 - (4) Any tolling of violations should a waiver be obtained from an owner or operator;
 - (5) The tie period during which the program may be made available; and
 - (6) Any other rules deemed reasonably necessary by the director of ~~development~~.

SECTION 36. That existing Section 4701.13 of the Columbus City Code is hereby amended to read as follows:

4701.13 Appeals of notice violation

Appeals of any notice of violation for an alleged violation of this Nuisance Abatement Code issued by the department of ~~development~~ shall be made in writing within fifteen (15) days of the date service of the notice of violation, pursuant to the requirements prescribed in Columbus City Code Chapter 4509. Any person affected by a notice of violation in connection with this Nuisance Abatement Code may request and shall be granted a hearing before the property maintenance appeals board on all matters set forth in such notice of violation.

SECTION 37. That existing Section 4703.01 of the Columbus City Code is hereby amended to read as follows:

4703.01 Definitions

- For purposes of Title 47 the definitions found in Title 45 and the following definitions apply:
- A. "Code enforcement officer" means a property maintenance inspector, or a property maintenance inspector trainee, or a duly authorized representative of the director.
 - B. "Department" means the department of ~~development~~ building and zoning services.

- C. "Director" means the director of the department of ~~development~~ building and zoning services or designee.
- D. "Graffiti" means any inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property that defaces, damages, or destroys any public or private, real or personal property, without the privilege to do so.
- E. "Owner" means any of the following:
1. The owner of record as shown on the current tax list of the auditor of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;
 2. The mortgage holder of record, if any, as shown in the mortgage records of the recorder of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;
 3. Any person who has a freehold or lesser estate in the premises;
 4. A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the sheriff of Franklin, Delaware, Pickaway, Licking, or Fairfield County has issued a deed for the premises whether or not the deed has been recorded;
 5. Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
 6. Any person who holds themselves out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.
- F. "Public nuisance" means any of the following:
1. Any building, premises or real estate, including vacant land, or any appurtenance thereto which is not in compliance with any building, housing, nuisance abatement, air pollution, sanitation, health, fire, zoning or safety code of the City of Columbus;
 2. Any building, premises or real estate, including vacant land, or any appurtenance thereto upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment;
 3. Any building, premises or real estate, including vacant land, or any appurtenance thereto on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 has occurred;
 4. Any building, premises or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in Ohio Revised Code Chapter 3767.
 5. Any building, premises or real estate, including vacant land, or any appurtenance thereto that is used or occupied by a criminal gang (as defined in RC 2923.41) on more than two (2) occasions within a one-year period to engage in a pattern of criminal gang activity (as defined in RC 2923.41).
 6. Any building, premises or real estate, including vacant land, or any appurtenance thereto used in violation of Ohio Revised Code Chapter 2915.
 7. Any building, premises or real estate, including vacant land, or any appurtenance thereto on which a felony offense of violence as defined by Ohio Revised Code Section 2901.01 has occurred, except that it does not include any violation of sections 2919.25 or 2919.27 of the Revised Code.

SECTION 38. That existing Section 4711.01 of the Columbus City Code is hereby amended to read as follows:

4711.01 Registry of neglected properties.

There is hereby created in the department of ~~development~~ a registry of Neglected Properties. This registry shall be available for public inspection during regular business hours of the department.

SECTION 39. That prior existing sections 215.01, 215.07, 216.01, 701.07, 701.09, 701.15, 701.17, 703.05, 598.08, 902.00, 905.02, 905.03, 905.12, 905.13, 905.14, 905.16, 922.02, 1301.07, 1307.07, 3101.07, 3116.18, 3119.45, 3305.07, 3349.035, 3359.21, 4501.073, 4501.075, 4501.085, 4501.087, 4501.274, 4503.04, 4507.02, 4507.05, 4509.08, 4525.16, 4701.13, 4703.01, and 4711.01 of the Columbus City Codes are hereby repealed.

SECTION 40. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.**