

**ORDINANCE NO.:** 07-O-06  
**SPONSOR:** COUNCIL AS A WHOLE  
**INTRODUCED:** JULY 18, 2007 (AMENDED SEPTEMBER 5, 2007)

**AN ORDINANCE TO CREATE A PROPERTY MAINTENANCE ENFORCEMENT BOARD FOR THE CITY OF NEW FRANKLIN.**

WHEREAS, there are certain property maintenance issues that exist in the City of New Franklin; and

WHEREAS, the interests of public health and safety require the creation of a board to assist in the enforcement of New Franklin property maintenance laws; and

WHEREAS, the creation of an enforcement board is necessary to insure that the due process rights of property owners and residents are protected.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:**

**SECTION ONE: PURPOSE**

A Property Maintenance Enforcement Board is established to assist in the enforcement of property maintenance laws in New Franklin and to insure that the due process rights of property owners and residents are protected.

**SECTION TWO: MEMBERSHIP AND COMPENSATION**

The Property Maintenance Enforcement Board shall consist of five (5) New Franklin residents appointed by the Mayor, subject to the approval of New Franklin Council. Each member shall serve for ~~three~~ FIVE (5) years or until a successor is appointed and qualified. The members of the Property Maintenance Enforcement Board shall be paid Twenty-five Dollars (\$25.00) per meeting, not to exceed 12 meetings per calendar year. THE TERMS OF THE MEMBERS OF THE BOARD SHALL BE STAGGERED. THE INITIAL APPOINTMENTS SHALL BE FOR FIVE (5) FOUR (4), THREE (3), TWO (2), AND ONE (1) YEARS.

**SECTION THREE: JURISDICTION TO HEAR APPEALS**

The Property Maintenance Enforcement Board shall hear appeals from property owners and residents as authorized by ordinances adopted by New Franklin Council.

The Property Maintenance Enforcement Board shall hear appeals within 45 days after filing by the property owner or resident.

**SECTION FOUR: NOTICE OF HEARING CONTENTS**

A Notice of Hearing shall be required setting forth the date and time of the hearing. The Notice of Hearing shall be prepared by the New Franklin Zoning Department and shall include the following information:

1. The name of the property owner as listed by the County Fiscal Officer in the current property ownership records.
2. The name of the occupant of the property, if known by the Zoning Department, and if different from the property owner.
3. The address where the property maintenance violation has occurred.
4. The nature of the property maintenance violation that will be the subject of the hearing.
5. A statement that the purpose of the hearing is to give the property owner and the property occupant an opportunity to appear in person to present evidence and testimony as may be pertinent to the question of the property maintenance violation.
6. The date, time and location of the hearing.

**SECTION FIVE: SERVICE OF HEARING NOTICE**

- A. The New Franklin Zoning Department shall, no later than twenty (20) days prior to the hearing, send the Notice of Hearing to the property owner, and to the property occupant if known and if different from the property owner, by certified mail, return receipt requested.
- B. In the alternative, the Zoning Department may, no later than twenty (20) days prior to the hearing, personally serve the Notice of Hearing on the property owner and the property occupant if known and if different from the owner.
- C. If service of the Notice of Hearing is not perfected by certified mail or personal service, the Zoning Department shall post the Notice of Hearing at the property where the property maintenance violation has occurred and at the address of

the property owner as listed by the County Fiscal Office in the current property ownership records. The Notice shall be affixed to the door or entrance of the property and shall be done no later than seven (7) days prior to the hearing date.

**SECTION SIX: HEARING PROCEDURE**

- A. All hearings conducted by the Property Maintenance Enforcement Board shall be open to the public and on the record. Witnesses shall be sworn and subject to cross examination. Evidence may include, but shall not be limited to, inspection reports and photographs of the property prepared by the Zoning Department or any other City, County or State Official, and the history of any abatement activities to remedy the violation after the notice of violation was issued.
- B. After all evidence has been presented, the hearing shall be concluded and the Property Maintenance Enforcement Board shall review the matter and render its decision in the public meeting and on the record.
- C. At its discretion, and with the agreement of the parties, the Property Maintenance Enforcement Board may continue the hearing and reconvene at a later date to hear additional testimony and evidence and to render its decision.

**SECTION SEVEN: NOTIFICATION OF DECISION**

The Zoning Department shall provide the property owner and the property occupant, if known and if different from the property owner, with a written notification of the decision by regular mail at the addresses set forth in Section Five.

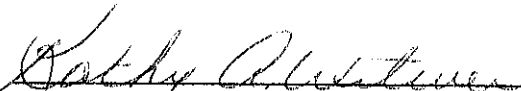
**SECTION EIGHT: APPEAL**

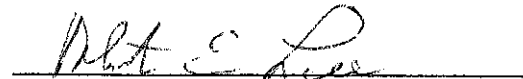
An appeal from any decision of the Property Maintenance Enforcement Board shall be made to the Summit County Common Pleas Court pursuant to Ohio Revised Code Chapter 2506.

**SECTION NINE: OPEN MEETINGS**


The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED September 5, 2007

  
Kathy A. Witwer, Clerk

  
Robert E. Lee, President, Pro-Tem

APPROVED: September 5, 2007

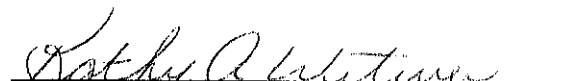
  
Al Bottas, Mayor

ENACTED EFFECTIVE October 5, 2007

ON ROLL CALL:

Adamson, Yes. Hess, Yes. Jones, Yes.  
Lee, Absent. Mobley, Yes. Stock, Yes.

Akron Legal News Publications on September 17, & September 24, 2007

  
Kathy A. Witwer, Clerk