



Pat Moeller
Mayor

Carla Fiehrer
Vice Mayor

Matthew Von Stein
Council Member

Kathleen Klink
Council Member

Rob Wile
Council Member

Robert Brown
Council Member

Timothy Naab
Council Member

Call to Order

Offering of Prayer – Council Member Klink

Pledge of Allegiance

Special Presentations by City Council or the City Manager/ Proclamations/ Verbal Reports

1. Efficiency Smart Presentation by Dave Cawley
2. Hamilton Character Week Proclamation
3. Finance Department GFOA Award Recognition

Audience of Citizens

Individuals who wish to make comments regarding items scheduled on the Agenda may speak during this part of the agenda or may reserve the right to speak specifically when that item is up for a vote on Council floor. Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address City Council are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

Consent Agenda

The Consent Agenda is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Agenda. Anyone may request an item on this calendar to be "pulled" off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately under Pulled Consent Items.

- Approval of Minutes
- All Staff Reports
- [Informational Report – Regarding Hamilton Artspace](#)
- [Informational Report – Regarding the 2016 NYPA Sale](#)
- [Informational Report – Regarding McDulin Parking Garage](#)
- Committee of the Whole Report (Includes all Caucus Reports)

Caucus Agenda February 10, 2016

1. [Recommendation relative to Change Order #1 Millville/Wasserman/Smalley Intersection Improvements](#)

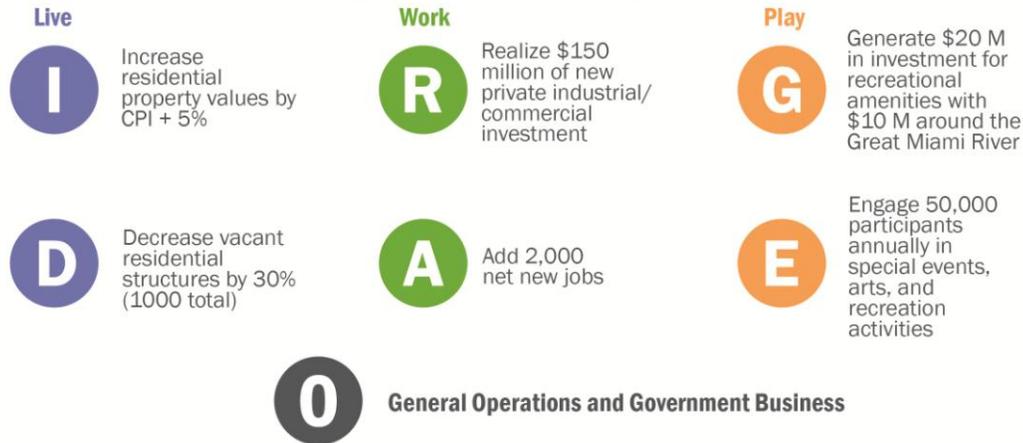
Public Hearing

4. A public hearing regarding amending Part Seventeen of the City of Hamilton's Codified Ordinances.





These icons illustrate which strategic goals Council Actions align to



Council Actions Pertaining to Legislative Items:

Pending Legislation:

5. [An ordinance amending various portions of Part Seventeen – Health Code of the City of Hamilton’s Codified Ordinances.](#) (Second Reading) **I D**
6. [An ordinance approving the City of Hamilton’s Annual Action Plan Update for Fiscal Year 2016-2017, delineating the statement of objectives and proposed use of Community Development Block Grant \(CDBG\) and HOME Investment Partnership Program Funds, and authorizing the submittal of said plan to the United States Department of Housing and Urban Development.](#) (Second Reading) **I I D A R**
7. [An ordinance amending various portions of the City of Hamilton Zoning Ordinance No. 7503, relative to Section 1116.100 “R-2A” Single Family Residence District.](#) (Second Reading) **I**

New Legislation:

8. [An ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during the Fiscal Year ending December 31, 2016.](#) (Two Readings). **I**
9. [An ordinance approving the sale and purchase of certain real property located within the City of Hamilton, Ohio’s Urban Renewal Area \(1101 and 1083 High Street\).](#) (First reading). **R I I**
10. [An ordinance amending and supplementing Schedule “A” of the City’s Classification and Compensation plan, as set forth in Ordinance No. EOR2016-1-4, adopted January 13, 2016, adding the classification of Budget and Evaluation Manager.](#) (First Reading). **I**
11. [An ordinance amending and supplementing the Codified Ordinances of the City of Hamilton, Ohio by adding thereto new Subsection 193.13\(e\), relative to the transient occupancy excise tax.](#) (First reading). **I**
12. [An ordinance amending, transferring and appropriating up to \\$125,083 of Fiscal Year 2013-2016 Community Development Block Grant \(CDBG\) Program Funds.](#) (First Reading). **A I**





13. [An ordinance approving a request for a conditional use to allow the establishment of an automobile service and minor repair facility \(i.e. Convenience Store/Gas Station\) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard](#) (Shane Jones, Applicant). (First Reading). (I) (R) (O)
14. [A resolution adopting a new procedure for the certification of availability of funds.](#) (O)

Audience of the City Manager

Audience of City Council

Executive Session

Adjournment



City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council

FROM: Eugene F. Scharf, Director of Community Development

RE: Hamilton Artspace Report

Dear Mayor and Members of Council:

The City received notice from Wallick, Hamilton Artspace's local management company, that the building has reached full occupancy including both residential and commercial/retail units. For the exception of one (1), all residential units are occupied by artists. All tenants meet eligibility requirements set forth by the funding agencies. Additionally, the local tenant committee is meeting with the Fitton Center concerning a possible exhibition in the Spring or Summer of this year.

This report is provided for your information and requires no City Council action.

Related Strategic Goal(s)

- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- A** Add 2,000 new jobs
- R** Realize \$150 million of new private industrial/commercial investment
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General operations / Government Business





Kevin M. Maynard
Director of Public Utilities
345 High Street, Suite 450
Hamilton, Ohio 45011
513.785.7208
maynardk@hamilton-oh.gov

To: Mayor Patrick Moeller
Hamilton City Council
From: Kevin M. Maynard, Director of Public Utilities
Subject: *Informational Report – 2016 NYPA Sale*
Date: February 3, 2016

Since the 1980s, the City of Hamilton has received an allocation of New York Power Authority (NYPA) federal hydropower. The City purchases approximately 3.8 megawatts (MW) on peak and 1.9 MW off peak of NYPA Niagara and St. Lawrence Project hydroelectric power and associated energy supplied through American Municipal Power (AMP). The City's NYPA allocation is projected to provide approximately 26,000 megawatt-hours (MWh) or 3 percent of the City's 2016 power supply resources.

For a number of years, the City has sold its NYPA allocation to AMP because it had sufficient power supply resources to meet its needs, the NYPA allocation could be sold at a price greater than its cost, and the value of NYPA capacity and energy was greater in northeast Ohio than it was in our area.

This year is no exception. The City is projected to have sufficient resources to meet its 2016 capacity and energy requirements without its NYPA allocation. The NYPA allocation can be sold to AMP for approximately \$310,000 greater than the City's purchase price. This positive margin will be applied to reduce our community's total power supply costs.

The details of the transaction are shown in the attached spreadsheet prepared by Energy Management Administrator Doug Childs. Please feel free to contact me at your convenience with any questions regarding this matter.

cc: City Manager Joshua Smith
Hamilton Public Utilities Commission
Energy Management Administrator Douglas Childs
Utility Business Manager Nathan Perry
file

**2016 Projected NYPA Energy And Capacity Sale
Net Margin Analysis**

Projected Sales Proceeds							Cost to City (1)						Projected Sales Margin							
Capacity Revenue			Energy Revenue				Capacity Cost			Energy Cost			Combined	Capacity	Energy	Total				
Rate Per	MW	MW Month	Revenue	MWH Allocation ⁽¹⁾	Rate Per	MWH	Revenue	Total Revenue	Rate Per	MW	MW Month (2)	Cost	MWH Allocation ⁽¹⁾				MWH (2)	Cost	Total Cost	
Jan	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
Feb	3.548	\$6,500	\$23,062	1,852	\$30	\$55,562	\$78,624		3.548	\$6,352	\$22,538	\$22,538	1,852	\$17.10	\$31,669	\$54,207	\$524	\$23,893	\$24,417	
Mar	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
Apr	3.548	\$6,500	\$23,062	1,916	\$30	\$57,478	\$80,540		3.548	\$6,352	\$22,538	\$22,538	1,916	\$17.10	\$32,761	\$55,299	\$524	\$24,717	\$25,240	
May	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
June	3.548	\$6,500	\$23,062	1,916	\$30	\$57,478	\$80,540		3.548	\$6,352	\$22,538	\$22,538	1,916	\$17.10	\$32,761	\$55,299	\$524	\$24,717	\$25,240	
Jul	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
Aug	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
Sep	3.548	\$6,500	\$23,062	1,916	\$30	\$57,478	\$80,540		3.548	\$6,352	\$22,538	\$22,538	1,916	\$17.10	\$32,761	\$55,299	\$524	\$24,717	\$25,240	
Oct	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
Nov	3.548	\$6,500	\$23,062	1,916	\$30	\$57,478	\$80,540		3.548	\$6,352	\$22,538	\$22,538	1,916	\$17.10	\$32,761	\$55,299	\$524	\$24,717	\$25,240	
Dec	3.548	\$6,500	\$23,062	1,980	\$30	\$59,394	\$82,456		3.548	\$6,352	\$22,538	\$22,538	1,980	\$17.10	\$33,853	\$56,391	\$524	\$25,540	\$26,064	
Total			\$276,744	23,374		\$701,227	\$977,971					\$270,458	23,374		\$399,684	\$670,142	\$6,286	\$301,542	\$307,829	
Total Per MWH						\$	41.84								\$	28.67			\$	13.17

⁽¹⁾ Based upon December 2014 through November 2015 capacity factor of 75% @ 2016's 3.548 MW allocation

⁽²⁾ Based upon November 2015 actual billed capacity rate and average 2015 actual energy costs



Informational Report
February 9, 2016

City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council
FROM: Richard A. Engle, P.E., Director of Public Works/City Engineer
RE: McDulin Parking Garage

Dear Mayor and Members of Council:

George F. McDulin Municipal Garage has a total capacity of 550 parking spaces on 5 Floors. Current monthly lease rates are \$48 for Floor 1 (available for lease), \$38 for Floor 2 (available for lease) and \$15 for Floors 3, 4 and 5 (reserved for StarTek).

There are contractual arrangements with Mercantile Lofts (residents and employees of businesses) to provide 60 spaces and with StarTek to provide 350 spaces on Floors 3, 4 and 5. Monthly lease rate for Mercantile Lofts is market rate depending on floor and for StarTek is \$15. StarTek Agreement was approved by City Council on June 10, 2015 and a copy of Resolution No. R2015-6-22 is attached as Exhibit A.

Prior to StarTek Agreement, monthly parking leases were available on Floors 3, 4 and 5 for \$15. This reduced rate was intended to promote higher numbers of monthly parking and to increase the number of people walking to their place of employment in the Central Business District. Once the StarTek Agreement was executed, no more monthly parking leases were offered for Floors 3, 4 and 5. StarTek has been issued 350 keycards for their employees. There are a number of people (including some Artspace residents) who were recipients of the lower monthly lease rate and are grandfathered to use Floors 3, 4 and 5 because there are currently adequate parking spaces. As the number of StarTek employees grows and demand for more parking spaces increases on Floors 3, 4 and 5, these renters will be asked to relocate. It is difficult to predict when these renters will need to relocate.

In addition, the Administration has considered offering a reduced monthly parking lease rate to those who live or work in the Central Business District. The reduced rate has not been established and appropriate legislation will need to be passed by City Council before it will become effective. In addition, there have been very preliminary discussions internally to consider raising monthly lease rates for Floors 1 and 2. Again this is not finalized and appropriate legislation will need to be passed by City Council before it becomes effective.



In a letter dated November 11, 2011 from Mr. Larry Bagford to SHP Architects, it was reported a variance to waive the requirement for thirty-six (36) off-street parking spaces was approved. Letter is attached as Exhibit B.

In a letter dated February 7, 2013 from Ohio Housing Finance Agency to Artspace Projects Inc., it was noted their "approval is conditional on a review of the parking options available to residents during an on-site visit by OHFA. Letter is attached as Exhibit C.

In an application to Ohio Housing Finance Agency by Artspace dated February 19, 2013, Tab 23 Parking Exception Narrative provides a summary of potential parking available to the residents. This summary is attached as Exhibit D.

For clarification, Artspace Projects did not contact Public Works Department to request dedicated parking for their residents. I had a telephone conversation with Sarah White on November 24, 2015 and Ms. White sent an email summarizing our conversation. The \$20 parking fee for Floor 5 is incorrect. Prior to the passage of the \$15 monthly parking rate, Floor 5 was \$30 per space per month. A copy of this email is attached as Exhibit E.

This report is provided for your information and requires no City Council action.

Related Strategic Goal(s)

- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- A** Add 2,000 new jobs
- R** Realize \$150 million of new private industrial/commercial investment
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General operations / Government Business



RESOLUTION NO. R2015-6-22

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF HAMILTON AND STARTEK USA, INC., RELATIVE TO PARKING SPACES IN THE GEORGE MCDULIN MEMORIAL PARKING GARAGE.

WHEREAS, StarTek USA, Inc. has requested to lease parking spaces from the City for their employees which will be located at 150 High Street; and

WHEREAS, the City has agreed to make available to the Company up to three hundred fifty (350) parking spaces in the City owned and operated George McDulin Memorial Parking Garage, also known as the McDulin Parking Garage; and

WHEREAS, Council desires to authorize the City Manager to execute an agreement by and between the City and StarTek USA, Inc., relative to said parking spaces;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That the City Manager be and is hereby authorized and directed to execute an Agreement by and between the City and StarTek USA, Inc. relative to the parking spaces in the George McDulin Memorial Parking Garage. Said agreement shall be and read substantially in the form of Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof, subject to any amendments recommended by the Director of Law or the Director of Economic Development determined to be in the best interest of the City of Hamilton, Ohio.

SECTION II: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: June 10, 2015



Mayor

Effective Date: Immediately

ATTEST: Marcos Nichols
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Resolution No. R2015-6-22 was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: June 12, 2015.

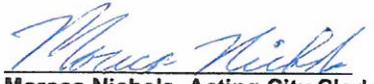

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1

LEASE AGREEMENT

This Lease Agreement ("Lease") is dated the ____ day of _____, 2015, by and between the City of Hamilton, Ohio, an Ohio municipal corporation ("Lessor"), and StarTek USA, Inc., a Colorado corporation ("Lessee").

WITNESSETH:

WHEREAS, Lessor owns a public parking garage (the "Garage") located at 101 North Third Street in Hamilton, Ohio (the "Property"), part of which Lessee desires to lease from Lessor.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, and subject to the provisions and conditions hereinafter provided, Lessor and Lessee do hereby agree as follows:

SECTION 1: LEASED PREMISES

Subject to the terms of this Lease, Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the area of the Garage shown on Exhibit A attached hereto (the "Leased Premises"). The Leased Premises contains three hundred fifty (350) parking spaces (each a "Parking Space").

SECTION 2: COMMON AREA

Subject to the terms of this Lease, Lessor grants to Lessee, for use in common with Lessor and others, a nonexclusive license to use the access ramps located in the Garage (the "Common Areas") for ingress from North Third Street and egress to North Second Street and the Leased Premises. For purposes of this Lease, the Leased Premises and the Common Area are collectively referred to as the "Premises".

SECTION 3: TERM

The term of this Lease shall commence upon the date this Lease is executed by Lessor (such date being hereinafter referred to as the "Commencement Date"), which date will be inserted in the first line of this Lease by Lessor. The term of this Lease shall end on the date that is five (5) years and six (6) months following the Commencement Date, unless sooner terminated pursuant to the terms of this Lease ("Expiration Date").

SECTION 4: RENEWAL OPTION

If Lessee complies with each of the terms, provisions, and conditions of this Lease, then Lessee shall have the option to extend this Lease for two (2) additional periods of three (3) years each (each, a "Renewal Term"). Each Renewal Term shall be subject to the same terms, covenants and conditions contained in this Lease except that: (a) Rent for the first Renewal Term shall be at the lesser of (i) the monthly rent per Parking Space in effect for the first month of the first Renewal Term or (ii) Twenty-Five (\$25.00) Dollars per Parking Space per month; (b) Rent for the second Renewal Term shall be at the lesser of (i) the monthly rent per Parking Space in effect for the first month of the second Renewal Term or (ii) Thirty (\$30.00) Dollars per Parking Space per month; and (c) there shall be no more than two (2) Renewal Terms. Lessee shall exercise its option to renew by delivering a written notice to renew ("Notice to Renew") to Lessor at least ninety (90) days before the expiration of the initial term or the first Renewal Term, as the case may be. The failure to timely renew this Lease shall automatically result in a forfeiture of the right to extend this Lease for that and any future Renewal Term.

Lessee's right to extend the term of this Lease may only be exercised if: (a) the Notice to Renewal is timely delivered to Lessor by Lessee; and (b) at the time of delivering any such Notice to Renew, no Default (defined below) shall exist under the Lease and all Rent and other charges under the Lease have been fully paid as required by this Lease.

All references to the "Term" of this Lease shall include: (a) the initial term; (b) each properly exercised Renewal Term; and (c) any holdover term.

SECTION 5: RENT

During the Term of this Lease, Lessee shall pay Lessor a monthly rent ("Rent") in an amount equal to Fifteen (\$15.00) Dollars per Parking Space or Five Thousand Two Hundred Fifty and 00/100 (\$5,250.00) Dollars per month or Sixty-Three Thousand and 00/100 (\$63,000.00) Dollars per year. Rent shall be paid, in advance, on the Commencement Date and on the first (1st) day of each month thereafter. In the event the Commencement Date and the last month of the initial term does not fall on the first day of a month, Rent for the month of the Commencement Date and last month of the initial term shall be prorated based upon a thirty (30) day month. Rent shall thereafter be paid in monthly installments in advance on the first (1st) day of each month.

Other remedies for nonpayment of Rent notwithstanding, if any installment of Rent or any other payment required under this Lease is not received by Lessor on or before the tenth (10th) calendar day of any month, such obligation shall automatically, and without limitation on Lessor's other remedies hereunder, be subject to a late charge of five (5%) percent of the amount due.

If during the Term of this Lease Lessor, by duly adopted legislation, effects a general rate increase for regular monthly rental parking at the Garage, Rent shall be increased by the same percentage as the percentage of such general rate increase. Such increase shall be effective as of the date specified in such legislation.

SECTION 6: EXPENSES

During the Term of this Lease, Lessor shall pay: (a) all real estate taxes and assessments levied or charged against the Property; (b) all utilities serving the Garage; and (c) all maintenance, repairs and replacements at the Garage that do not result from the negligence or willful misconduct of Lessee, its employees, agents or contractors.

SECTION 7: USE OF PREMISES

During the hours that the Garage is open for business, Lessee shall use and occupy the Leased Premises solely for employee parking purposes and for no other purpose or purposes. Notwithstanding the foregoing, Lessee shall enjoy unrestricted access to the Leased Premises during Lessee's hours of operations of the call center located at 150 High Street, Hamilton, Ohio.

SECTION 8: "AS-IS"

Execution of this Lease by Lessee shall constitute Lessee's agreement to take possession of the Premises in a "where-is", "as-is" condition.

SECTION 9: COMPLIANCE WITH RULES AND REGULATIONS

Lessee shall comply with all rules and regulations for the use of the Garage by members of the public as may be now or hereafter established by Lessor.

SECTION 10: WARRANTY OF QUIET ENJOYMENT

Lessee, upon paying the Rent and keeping and performing the covenants of this Lease to be performed by Lessee, shall peacefully and quietly hold, occupy and enjoy the Leased Premises during said Term without any hindrance or molestation by Lessor or any persons lawfully claiming under Lessor.

SECTION 11: ASSIGNMENT AND SUBLETTING

Lessee shall not assign this Lease nor sublet all or any part of the Leased Premises without first securing Lessor's prior written consent. Notwithstanding the provisions of the previous sentence, Lessee shall have the right to permit its employees to use the Parking Spaces.

SECTION 12: FIRE OR OTHER CASUALTY

Should the Garage be damaged in such a manner that Lessee, in its reasonable discretion, cannot continue to use the Garage, Lessee shall have the right to cancel the unexpired Term of this Lease upon giving a written notice of termination to Lessor. In such event, the Rent payments will be apportioned to the date of damage.

SECTION 13: OPTION TO TERMINATE

Either Lessor or Lessee shall have the right to terminate this Lease by delivering a written notice of termination ("Termination Notice") to the other on or before the ninetieth (90th) day following the effective date of the termination of the Lease for the call center located at 150 High Street, Hamilton, Ohio. The failure to timely terminate this Lease as provided in this Section shall automatically result in a forfeiture of the right to terminate. In the event Lessee exercises its right to terminate pursuant to this Section, this Lease shall terminate on the date (the "Termination Date") set forth in the Notice of Termination, which Termination Date shall not be earlier than the fifth (5th) day following the date of the Termination Notice. For the Termination Notice to be effective, Lessee shall not be in Default on the date of the Termination Notice or the Termination Date. After termination, neither party hereto shall have any further rights or obligations under this Lease except for those obligations which survive the expiration or termination of this Lease.

SECTION 14: INSURANCE

Lessee will keep in full force and effect at its own expense so long as this Lease remains in effect Commercial General Liability Insurance with respect to the Premises covering Lessee and Lessor as an additional insured on an occurrence basis for bodily injury, property damage and personal injury, including contractual liability coverage, in an amount of coverage not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate. On or before the Commencement Date, Lessee will provide to Lessor a certificate from its insurance carrier showing that the insurance coverage required by this Section is in full force and effect for so long as this Lease remains in effect and providing that the insurance coverage will not be cancelled without thirty (30) days' prior written notice to Lessor.

If Lessee shall not obtain or maintain the insurance coverage called for in this Section during the entire Term of this Lease, then Lessor may at its option cause insurance as aforesaid to be executed and, in such event, Lessee agrees to pay the premium for such insurance as additional Rent promptly upon Lessor's demand. The failure to repay the same shall carry with it the same consequences as failure to pay any installment of Rent.

Any property in or on the Leased Premises shall be kept at the risk of the Lessee only, and the Lessor shall not be liable for any damage to said property or to Lessee or anyone claiming through Lessee, except for those damages that arise due to a negligent or willful act of Lessor, its agents or employees.

SECTION 15: INDEMNITY

Lessee shall indemnify and hold harmless Lessor and its employees from and against all claims, demands, actions, liabilities, expenses (including attorney and other professional fees) and judgments paid, incurred or suffered by Lessor arising from the use or occupancy of the Leased Premises by Lessee, its

employees, agents or contractors. If any proceeding is filed against Lessor, Lessee agrees to defend such proceeding at its sole cost by legal counsel reasonably satisfactory to Lessor, if requested by Lessor. This above indemnity shall not release or affect Lessor's liability for the negligence or willful misconduct of Lessor, its employees or agents.

The provisions this Section shall survive the expiration or earlier termination of this Lease.

SECTION 16: HOLDING OVER

If Lessee shall hold possession of the Premises after the expiration or termination of this Lease, Lessor shall have the following options: (a) Lessor may permit Lessee to occupy the Premises as a Lessee from month-to-month, in which event Lessee shall be liable to pay Rent to Lessor in the amount of 110% of the Rent and otherwise subject to all of the terms and conditions of this Lease; or (b) Lessor may exercise any remedies it has under this Lease for Default, including a legal action against Lessee for wrongfully holding over. If Lessor permits Lessee to occupy the Premises as a Lessee from month-to-month either party may terminate that month-to-month tenancy on thirty (30) calendar days' written notice to the other.

SECTION 17: ADDITIONAL SPACES

Lessee shall have the option (the "Expansion Option") to expand the Leased Premises by leasing additional spaces in the Garage or in other parking lots owned by the City. In the event that Lessee needs additional parking spaces in connection with its operation of the call center at 150 High Street and provided that Lessee is not in Default under this Lease, Lessor and Lessee will work cooperatively to identify: (a) the location of additional spaces in the Garage or in other parking lots owned by the City; (b) the Rent for the additional spaces; and (c) the date that the additional spaces will be available for use by Lessee.

SECTION 18: RIGHTS RESERVED TO LESSOR

Each of the following shall constitute an event of default ("Default") by Lessee under this Lease:

(a) Failure to Pay Rent. In the event Lessee shall fail to pay Rent or additional Rent and such Default continues for ten (10) days after being given written notice of the Default from Lessor, Lessor may, at its option, terminate this Lease.

(b) Default. In the event Lessee shall violate any covenant made by it in this Lease (other than Lessee's obligation to pay Rent or additional Rent) and shall fail to comply or commence compliance with said covenant within thirty (30) days after being given written notice of said violation by Lessor, Lessor may, at its option, terminate this Lease.

In the event Lessor elects to terminate this Lease, Lessor may re-enter the Leased Premises and shall be entitled to the recovery of lands and tenements held over by Lessee through a proceeding in forcible entry and detainer may pursue such other remedies as are available at law or in equity.

SECTION 19: MISCELLANEOUS

(a) Brokerage Commission. Lessor and Lessee each represent and warrant to the other that no broker or agent is involved in this transaction who would be entitled to a fee or commission as a result of this Lease. Any fees, costs and/or commissions owing to any broker or agent shall be the sole responsibility of the party contracting for such broker or agent and such party shall remain fully responsible for any claims, losses, costs, damages and/or expenses (including but not limited to reasonable attorney's fees) for a fee or commission due or alleged to be due as a result of the activities of that party. The provisions of this Section shall survive the expiration or the earlier termination of this Lease.

(b) Notices. Any notice given pursuant to this Lease shall be given in writing and delivered: (a) in person; (b) by overnight courier; or (c) by certified mail, postpaid, return receipt requested, addressed as follows:

If to Lessor:

345 High Street
Hamilton, OH 45011
Attention: City Manager

If to Lessee:

STARTEK, Inc.
8200 E. Maplewood Ave., Suite 100
Greenwood Village, CO 80113
Attention: Director of Real Estate

Such notice, if delivered personally or by overnight courier service, shall be deemed given at the time of delivery, or, if sent by certified mail, shall be deemed given two (2) calendar days after the time of mailing with appropriate postage attached thereto.

(c) Governing Law. This Lease shall be governed in all respects by the laws of the State of Ohio, without giving effect to its principles or rules of conflict of laws to the extent such principles or rules would require or permit the application of the laws of another jurisdiction.

(d) No Offer. The submission of this Lease to Lessee for examination or consideration does not constitute an offer to lease the Leased Premises and this Lessee shall become effective, if at all, only upon the full execution and delivery thereof by Lessor and Lessee.

(e) Entire Agreement. This Lease sets forth all the covenants, agreements and understandings (collectively, the "Representations") between Lessor and Lessee concerning the Premises and there are no Representations, either oral or written, between them other than those in this Lease. This Lease supersedes and revokes all previous negotiations, whether oral or in writing, between the parties or their respective representatives, agents, brokers, salespersons or any other person purporting to represent Lessor or Lessee. Lessee acknowledges that it has not been induced to enter this Lease by any Representations not set forth in this Lease and that Lessee has not relied on any Representations which are not set forth in this Lease in making its decision to sign this Lease. No subsequent amendment, modification, change or addition to this Lease shall be binding upon Lessor or Lessee unless in writing and signed by both Lessor and Lessee.

Lessor and Lessee have executed this Lease on the day and year first above written.

City of Hamilton, Ohio

Approved as to Form:

By: _____
Joshua A. Smith, City Manager

City Law Director

StarTek USA, Inc.
By: _____
Lisa Weaver, CFO

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Joshua A. Smith, the City Manager of the City of Hamilton, an Ohio municipal corporation, on behalf of the corporation.

Notary Public

STATE OF _____, COUNTY OF _____, SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Lisa Weaver, the Chief Financial Officer of StarTek USA, Inc., a Colorado corporation, on behalf of the corporation.

Notary Public

Resolution No. R2015-6-22 (cont'd)

s:\mason\hanrahan\jir leases\city of hamilton\starteklease agmt. 5-21-15.docx



Founded 1791

DEPARTMENT OF COMMUNITY
DEVELOPMENT
Planning Division

Telephone (513) 785-7350

Fax (513) 785-7349

<http://www.hamilton-city.org>

City of Hamilton, Ohio
One Renaissance Center
345 High St. Hamilton, Ohio 45011

November 3, 2011

SHP Architects

Attn: Mr. Mike Dingeldein
228 High St.
Hamilton, Ohio 45011

RE: Appeal No 2011-17 CU
ADDRESS: 222-224 High St.
MTG. DATE: November 3, 2011

Dear Mr. Dingeldein:

This letter is to advise you that your request before the Board of Zoning Appeals (BZA) for a conditional use approval for first floor residential use in order to redevelop the referenced property as a multi-family residence and retail mixed use building was granted as proposed at the Board's November 3, 2010 meeting.

In addition the requested variances to waive the requirement for thirty-six (36) off-street parking spaces and for a variance to the lot density requirement were also approved.

The Board approved the conditional use and variances with a twenty-four month period to apply for building permits for the project.

If you have any questions or wish further information, please contact the Planning Department office at 785-7350.

Sincerely,

Larry Bagford
Secretary
Board of Zoning Appeals



John R. Kasich Governor of Ohio | Douglas A. Garver Executive Director

57 East Main Street | Columbus OH 43215

February 7, 2013

Sarah White
Artspace Projects, Inc.

RE: Artspace Hamilton Lofts
Exception Request: Parking

Dear Ms. White:

The Ohio Housing Finance Agency (OHFA) has conditionally approved the above noted exception request. It is our understanding that since the project is located in an urban environment, near essential services with access to public transportation that the 1:1 parking requirement is infeasible. However the exception request notes there is no on-site parking and does not provide any parking options nearby. This approval is conditional on a review of the parking options available to residents during an on-site visit by OHFA. The field staff will review the accessibility, availability, and affordability of parking options and if those options will adequately meet the needs of the target population. We invite you to apply and review all available parking alternatives with the field staff during their visit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric L. DeHoff', is written over a horizontal line.

Eric L. DeHoff
Housing Development Underwriter, PP&D

Artspace Projects, Inc.
Tab 23 Parking Exception Narrative

Artspace Hamilton Lofts is a proposed adaptive reuse of an historic, vacant property located in downtown Hamilton, at 222-224 High Street. The project will offer a mix of creative, arts-oriented uses, by newly creating 42 units of affordable housing, with a preference for artists and their families and 3 ground-floor, retail spaces that will be marketed towards local artists, creative businesses, and non-profits.

As an historic structure originally constructed in 1910, no onsite parking exists at the property. However, the City of Hamilton owns and operates an underutilized public parking garage that abuts the property, to the rear of the site. Attached to this narrative please find information on the parking rates. To ensure its competitiveness in the local rental market, the asking rents have been reduced by \$20 per month, to create a parking allowance for residents to lease a top-floor unit in the City-Owned parking structure. The top floor of the garage offers in excess of 100 stalls and has ample parking available for lease each month.

Engle, Rich

From: Sarah White [sarah.white@artspace.org]
Sent: Tuesday, November 24, 2015 6:48 PM
To: Kim Moore; Victoria Taylor; Artspace Hamilton; Michael Dingledein; Engle, Richard
Subject: Parking info - City-owned parking structure

Hi everyone: I wanted to update you on a conversation that I had today with Rich Engle from the City of Hamilton, I also have him copied on this email.

I shared with him some of the feedback that our site manager Holly had passed along to me from local conversations that she has been having, mainly that residents were fearful that parking rates were going to increase beyond what they could afford to pay.

I felt encouraged after my conversation with Rich that things weren't as drastic as what had been reported to Holly. At the moment, there is no set date to modify parking agreements for those parking on the top floor at the \$20 rate.

Once Startec is fully operational (again, this date is TBD), they will lease the 3rd, 4th and 5th floor from the city. Once that happens, our residents can park on the 1st and 2nd floors of the parking garages. There is a potential rate increase in the works for the 1st and 2nd floors- to \$48 for the for the 2nd floor, but the date for this rate to take effect is in the process of being determined and it needs to go to city council for approval. There is also the possibility that there could be a 50% discount on the new rates for residents of downtown, which would be wonderful for our low income tenants and help us to retain our residents for the long term- with the discount in place a 2nd floor parking space would only be \$24 a month.

Rich said that he would keep me posted on when the Startec changes, rate increases and any potential discounts for downtown residents would be going to city council for consideration, so that we could have the opportunity to participate in the process. I also know Mike is involved in all of this as well and can also provide updates as they come up.

Finally, Rich also mentioned that there is a city-owned surface lot near the YMCA that rents for \$30/month.

My take away from this conversation is that there are workable options and that we need to make sure that residents have the correct information. We should stay involved as things move forward to the council, as the parking discount has a meaningful impact on the Artspace residents.

Rich, thanks so much for the call back today, we look forward to working with you as things move forward.

Thanks everyone,

Sarah White

Director, Property Development

Artspace Projects, Inc. // Creating better communities through the arts.

250 3rd Ave N, Suite 400, Minneapolis, MN 55401

P: 323-481-8103

E: sarah.white@artspace.org

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Contract #15-09 – Change Order #1
Millville/Wasserman/Smalley Intersection Improvements

- | | |
|--------------------------|-------------------------------|
| <input type="checkbox"/> | 1 st Reading Date: |
| <input type="checkbox"/> | 2 nd Reading Date: |
| <input type="checkbox"/> | Public Hearing Date: |

Dear Mayor and Members of Council:

Contract #15-09 was awarded to Barrett Paving Materials Inc. to construct the Millville/Wasserman/Smalley Intersection Improvements.

During construction, additional work was performed on the roadway subbase, adjacent driveways, and alignment of underground utilities. All field quantities and additions to the contract were reviewed and approved by the Public Works Department.

Barrett Paving Materials Inc. is presently under contract with the City and had the necessary equipment to perform the work. Barrett Paving Materials, inc. submitted acceptable unit prices and had performed similar work for the City with satisfactory results.

The original contract amount for the project was \$521,527.14. Change order No. 1 for additional improvements is \$7,781.51 resulting in a final contract amount of \$529,308.65. The increase in work would not have changed the order of the original low bidder and second bidder. Funds are available in Fund 311 Infrastructure Renewal.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Richard A. Engle, P.E.
Director of Public Works/City Engineer

Choose Strategic Goal(s)

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Eugene F. Scharf, Director of Community Development

Agenda Item: Revision and Amendment of portions of Part Seventeen- Health Code of the City of Hamilton's Codified Ordinances

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input checked="" type="checkbox"/> I Increase property values <input checked="" type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
Ordinance or Resolution	1 st Reading Date: 1/27/16 2 nd Reading Date: 2/10/16 Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Caucus Report of 1/13/16	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$ NA Expenditure: \$ NA Source Funds: General Fund	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

Policy Issue

Does City Council wish to adopt legislation to revise and amend portions of Part Seventeen of the City of Hamilton's Codified Ordinances?

Policy Alternative(s)

Council may choose not to adopt such legislation to revise and amend portions of Part Seventeen of the City of Hamilton's codified ordinance. However, by not taking this action, the City will not tighten up timeframes, provide alternate notice service, create a Nuisance Appeals Board and clarify definitions.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to revise and amend portions of Part Seventeen of the City of Hamilton's Codified Ordinances

Statutory/Policy Authority

Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.



Fiscal Impact Summary

The legal cost savings balanced with additional expense of alternate servicing is believed to be net neutral fiscal impact.

Background Information

Upon careful review, City staff examined portions of Part Seventeen – Health Code of the Codified Ordinances to eliminate redundancy, tighten up time frames, clarify definitions, create a Nuisance Appeals Board and provide alternate notice service. Community Development’s Health Division as well as the Law Department carefully drafted the revisions to certain portions of Part Seventeen. Additionally, staff met with the Investment Property Owners Association of Butler County (IPOA) in the summer to provide summary information as well as gather input to the proposed revisions. Additionally, staff has met with and spoken to individual members of the IPOA concerning revisions. These revisions have been carefully vetted by the Ordinance Review Committee at their November 2015, December 2015 and January 2016 meetings. During these meetings, public testimony was received by individual property owners as well as members of the IPOA. The Ordinance Review Committee at their meeting of January 6, 2016 recommended these revisions and changes to portions of Part Seventeen of the City of Hamilton’s Codified Ordinances.

Attached Information

The proposed revised draft of Part Seventeen of the City’s Codified Ordinance is attached.

Copies Provided to:

Joshua A. Smith
Scott Scrimizzi
Kay Farrar, Health Commissioner
Cindy Hogg, Environmental Health – Administrator



TITLE ONE - HOUSING CODE

CHAPTER 1701 – GENERAL PROVISIONS [NO CHANGES]

CHAPTER 1705 - ADMINISTRATION AND ENFORCEMENT

Sec. 1705.01: Rules and Regulations.

(a) The Commissioner of Health is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of the Housing and Non-Residential Property Maintenance Codes to secure the intent thereof.

(b) Such rules and regulations described in subsection (a) above shall not be in conflict with the provisions of the Housing and Non-Residential Property Maintenance Codes or any other ordinance of the City of Hamilton, nor shall they have the effect of waiving any provisions of the Housing Code, Non-Residential Property Maintenance Code, or any other ordinance.

(c) Such rules and regulations described in subsection (a) above shall have the same force and effect as the provisions of the Housing and Non-Residential Property Maintenance Codes, and the penalty for violation thereof shall be the same penalty for violation of the provisions of the Housing Code or Non-Residential Property Maintenance Code.

(d) Such rules and regulations described in subsection (a) above shall be on file and available as a matter of public record.

Sec. 1705.02: Inspection of Dwellings.

(a) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, and other property in order to safeguard the health, safety, morals, and welfare of the public.

(b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under this Housing Code.

Sec. 1705.03: Access to Dwellings in Emergency.

The owner, operator, or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or other property shall give personnel authorized pursuant to section 1705.02 access to such dwelling, dwelling unit, rooming house, rooming unit, or other property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1705.04: Identification of Authorized Personnel.

Personnel authorized pursuant to section 1705.02 to conduct inspections shall be supplied with official identification and shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, or other property.

Sec. 1705.05: Notice of Violation.

(a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the person responsible therefore and order compliance, as herein provided.

(b) The notice and order shall:

(1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;

(2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;

(3) Specify a the time within which to comply; and

(4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.

Sec. 1705.06: Final Order.

Ordinance No. _____ (cont'd)

Any order contained in a notice of violation provided for in section 1705.05 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Sec. 1705.07: Power to Act in Emergency.

(a) Whenever the Commissioner of Health, at any stage of the proceedings instituted under the provisions of this Housing Code, finds that a violation of the Housing or Non-Residential Property Maintenance Codes exists which requires immediate action to abate a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or of the public, he or she may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger.

(b) Such order described in subsection (a) above may include an order to vacate as provided in section 1705.15.

(c) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.07.

Sec. 1705.08: Agency to Abate Hazards in Emergency.

Whenever any violation of the Housing or Non-Residential Property Maintenance Codes which, in the opinion of the Commissioner of Health, causes a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or the public, has not been corrected in the time specified by the order issued under section 1705.07, the Commissioner of Health may take such direct action as is necessary to abate the hazard or danger.

Sec. 1705.09: Demolition as Compliance.

(a) Any owner of a building, receiving notice of a violation stating that such building does not comply with the provisions of the Housing or Non-Residential Property Maintenance Codes, may demolish such building.

(b) Demolishing such building as outlined in subsection (a) above shall be deemed compliance with the order contained in the notice of violation.

Sec. 1705.10: Re-Inspection.

At the end of the period specified in a notice of violation, or any extension thereof, it shall be the duty of the Commissioner of Health to make, or cause to be made, a re-inspection of the building, structure, dwelling, dwelling unit, rooming house, rooming unit or property.

Sec. 1705.11: Extension of Compliance Time.

The Commissioner of Health may extend the compliance time specified in any order contained in a notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Code where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

Sec. 1705.12: Transfer of Ownership.

(a) No owner of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, upon whom any notice of violation issued pursuant to the Housing or Non-Residential Property Maintenance Codes has been served, shall sell, transfer, grant, mortgage, lease, or otherwise dispose thereof, such property to another until compliance of the provisions of such order contained in the notice of violation has been achieved; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee, or lessee, prior to such sale, transfer, grant, mortgage, or lease, a true copy of such notice of violation and order and, at the same time, give adequate notification to the Commissioner of Health of his intent to sell, transfer, grant, mortgage, or lease, and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage or lease is proposed.

(b) A purchaser, transferee, grantee, mortgagee, or lessee, who has been informed of the existence of any notice of violation and order issued pursuant to the Housing or Non-Residential Property Maintenance Codes shall be bound thereby.

Sec. 1705.13: Unfit Buildings.

Ordinance No. _____ (cont'd)

Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, shall be designated as unfit for human habitation if any of the following defects or conditions are found, and when, in the judgment of the Health Administrator, such defects create a hazard to the health, safety, or welfare of the occupants or of the public:

- (a) It is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, and/or contains hazardous levels of lead-based paint, asbestos or other substances; or
- (b) It lacks illumination, ventilation and/or required sanitation facilities; or
- (c) The general condition of the property is unsanitary, unsafe and/or unhealthful; or
- (d) It lacks any basic facility, including, but not limited to, water, waste-water disposal facilities, electricity and heat.

Sec. 1705.14: Notice.

Whenever any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may place a notice on the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, indicating that it is unfit for human habitation.

Sec. 1705.15: Order to Vacate.

(a) Whenever a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may order the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property to be vacated.

(b) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.15.

Sec. 1705.16: Vacation of Unfit Building.

(a) Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13 and ordered vacated as provided in section 1705.15, shall be vacated within such reasonable time as the Commissioner of Health may specify in the order.

(b) Any such building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall neither be used for human habitation, nor the notice removed, until written approval is secured from the Commissioner of Health.

Sec. 1705.17: Removal of Notice.

No person shall deface or remove the notice placed as provided in section 1705.14, except as provided in section 1705.16(b).

Sec. 1705.18: Vacated Building Made Secure.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which has been vacated shall make the same safe and secure in whatever manner the Commissioner of Health deems necessary.

(b) Any vacant building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a public nuisance.

(c) The Commissioner of Health shall be authorized, when necessary, to enter any vacant, open, and unguarded property to board it or otherwise secure it in order to lessen the severity of the danger.

(d) In securing or boarding the property, the Commissioner of Health may call upon any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such property.

(e) Such securing or boarding shall be deemed to constitute effective boarding, but does not abate the nuisance condition(s) previously identified, unless so declared in writing by the Commissioner of Health.

Sec. 1705.19: Effective Boarding.

(a) Pending the correction of violations of the Housing or Non-residential Property Maintenance Codes to the minimum standards provided therein, as well as the standards specified in the Ohio Revised Code and the Ohio Administrative Code, the owner or operator of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall secure the same through effective boarding.

Ordinance No. _____ (cont'd)

(1) The Commissioner of Health, or his or her designee, shall review the condition of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, and set forth special requirements, if any, necessary for compliance with the minimum standards for effective boarding.

(2) If a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property cannot be effectively boarded due to its condition, its rehabilitation shall be undertaken immediately or it shall be demolished by the owner or operator as provided in Chapter 1767.

(3) The owner or operator shall effectively board the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property and post a sign on the front of the building containing the owner's or operator's name and phone number to be contacted in case of emergency using at least two-inch (2") lettering within two (2) days from the receipt of the notice of violation, or within such other time limit that the Commissioner of Health shall permit.

(b) **Materials.** The effective boarding of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall include, but not be limited to doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such opening(s) shall be secured by plywood not less than one-half (.5) inch thick, wire mesh or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight (48) inches wide shall be framed with two-inch (2") by four-inch (4") lumber, plywood, wire mesh, or equivalent material fastened twenty-four (24) inches on center onto the frame. The plywood or equivalent material shall be fastened into the openings by screw type nails, lag screws, or equivalent fasteners.

(c) **Monitoring and Maintenance.** Upon effectively boarding a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, the owner or operator shall monitor and maintain the building or structure and its surrounding property in a safe, sanitary, and secure condition.

(1) Any portion of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which is deemed to be potentially hazardous, due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such manner so as to eliminate the hazard.

(2) Failure of the owner or operator to properly maintain the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property in the above condition will result in the structure being deemed a public nuisance.

Sec. 1705.20: Insurance or Bond Requirements for Vacant Buildings.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13, and ordered vacated, as provided in section 1705.15, shall acquire insurance or post a bond in the amounts set forth below to cover liability for damages that may be proximately caused as a result of the condition of that property:

(1) Not less than three hundred thousand dollars (\$300,000.00) for buildings designated primarily for use as residential units, including buildings containing no more than four (4) dwelling units; and

(2) Not less than one million dollars (\$1,000,000.00) for any other building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property.

(b) The owner or operator shall provide proof of such insurance or bond to the Commissioner of Health within thirty (30) days of any determination that the property is unfit for human habitation pursuant to section 1705.13 and ordered vacated.

(c) The owner or operator shall provide written notice to the Commissioner of Health within thirty (30) days of any lapse, cancellation, or change in coverage and shall, upon request, provide evidence of said insurance or bond to the Commissioner of Health.

Sec. 1705.21: Expenses Recoverable.

(a) Any expenses incurred by the City as a result of violations of the Housing or Non-Residential Property Maintenance Code shall be paid by the owner or operator of the affected property, or by the person who caused or maintained the subject violations, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The Commissioner of Health shall file among the records of the Department of Community Development - Health Division an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of the actions authorized by sections of the Housing or Non-Residential Property Maintenance Code.

(c) The Commissioner of Health may:

(1) issue a complaint to the Director of Law pursuant to section 1705.27 for collection of the expenses and costs incurred as a result of violations of the Housing or Non-Residential Property Maintenance Code; or

(2) make a written return to the county auditor of the action taken as a result of violations of the Housing or Non-Residential Property Maintenance Code, with a statement of the expenses incurred by the City

Ordinance No. _____ (cont'd)

and the administrative costs, and a proper description of the property. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such property from the date of the entry, and shall be collected as other taxes and returned to the City with the general fund.

(d) Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

Sec. 1705.25: Appeals Board.

(a) There is hereby created a Nuisance Appeals Board of seven (7) members to conduct hearings authorized by the Housing and Non-Residential Property Maintenance Codes. Four (4) members of the Nuisance Appeals Board in attendance at any meeting shall constitute a quorum.

(b) Such Nuisance Appeals Board shall:

(1) Consist of: the Public Safety Director, who shall be the Chairperson of the Board; the Community Development Director, who shall be the Secretary of the Board; the Fire Chief; the Police Chief; and three (3) additional members as follows: one (1) appointed by the Greater Hamilton Chamber of Commerce; one (1) appointed by the Investment Property Owners Association of Butler County, Ohio, Inc.; and one (1) appointed by Neighborhood Housing Services of Hamilton, Inc. The additional members shall not be City employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. The term of membership for the additional members shall be two years, except that upon adoption of this section the member appointed by the Greater Hamilton Chamber of Commerce shall be appointed for a one year term. If an appointment is vacated by one of the additional members, the replacement for that appointment shall be selected by the organization that appointed the vacating member, and the new appointee shall complete the unexpired term of the previous member. There is no limit on the number of terms that may be served should a member be reappointed by the appointing organization. The additional members must be residents of the City. No person may be appointed as an additional member, or can continue to serve as an additional member, if such person is the owner or operator of a property to which two (2) or more notices of violation have been issued pursuant to section 1705.05 or 1779.15 within any two (2) year period, relative to the same property, and final orders relative to such notices are, or were, not complied with within the time provided.

(2) Adopt rules of procedure not inconsistent with the Housing and Non-Residential Property Maintenance Codes.

(c) No member of the Nuisance Appeals Board shall take part in any hearing or determination in which he has a personal or financial interest.

Sec. 1705.26: Hearing.

(a) Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Housing or Non-Residential Property Maintenance Codes may request and shall be granted a hearing on the matter before the Nuisance Appeals Board, provided that such person files in the office of the Department of Community Development - Health Division a written petition requesting such hearing and setting forth:

(1) The complete name, address, and telephone number of the petitioner;

(2) The date and description of the alleged violation; and

(3) A brief statement of the grounds for such hearing or for the mitigation of any item appearing on any notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Codes.

(b) The petition shall be filed within five (5) days after the day a notice of violation is received.

(c) Upon receipt of such a petition, the Commissioner of Health shall schedule a hearing to take place before the Nuisance Appeals Board no later than thirty (30) days after receipt of the petition, and shall give the petitioner written notice thereof.

(d) At such hearing, the petitioner shall be given an opportunity to be heard and show cause why any item appearing on such notice of violation should be modified or withdrawn.

(e) The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition had been filed.

(f) After a hearing, the Nuisance Appeals Board shall, by majority vote, sustain, modify, or withdraw any item appearing on the notice of violation. The Nuisance Appeals Board shall issue its findings and decision, in writing, within ten (10) business days to petitioner and the Commissioner of Health. With respect to all items appearing on the notice of violation that are not withdrawn pursuant to the vote of the Nuisance Appeals Board, the findings and decision of the Nuisance Appeals Board shall constitute a final order to petitioner as to such items to take the remedial action ordered in the notice of violation which will effect compliance with the provisions of the Housing or Non-Residential Property Maintenance Codes.

Ordinance No. _____ (cont'd)

(g) The proceedings at such hearings shall be summarized and reduced to writing and entered as a matter of public record in the Department of Community Development - Health Division, along with the findings and decision of the Nuisance Appeals Board.

(h) Such record shall also include a copy of every notice and/or order issued in connection with the matter.

Sec. 1705.27: Legal Remedies.

(a) The Director of Law shall, upon complaint of the Commissioner of Health or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and take such other legal action as is necessary to carry out the terms and provisions of the Housing and Non-Residential Property Maintenance Codes.

(b) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(c) Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

Sec. 1705.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1705.99: Penalty.

(a) Criminal Penalties. Any person, owner, operator, or occupant who violates or fails to comply with any of the provisions of the Housing Code or any chapter contained therein shall be guilty of an unclassified misdemeanor and, in addition to the imposition of court costs pursuant to Ohio Revised Code section 2947.23, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one hundred eighty (180) days, or both, and shall, in addition to any other penalties within these maximum amounts, be subject to imposition of the following minimum mandatory penalties, which shall not be suspended or held in abeyance:

(1) If, within two (2) years of the offense, a person, owner, operator, or occupant has not previously been convicted of or plead guilty to any violation of a section of the Housing Code, shall be fined not less than one hundred and fifty dollars (\$150.00).

(2) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to one violation of a section of the Housing Code, shall be fined not less than five hundred dollars (\$500.00).

(3) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to two (2) violations of a section of the Housing Code, shall be fined not less than seven hundred and fifty dollars (\$750.00).

(4) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to three (3) or more violations of a section of the Housing Code, shall be fined not less than one thousand dollars (\$1,000).

(b) Application of Prior Convictions. A conviction or convictions obtained on or after the effective date of this section shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the Housing Code.

(c) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(d) Strict Liability. The provisions of this chapter are specifically intended to impose strict liability.

CHAPTER 1709 - DEFINITIONS

As used in Chapters 1701, 1705, 1709, 1713, 1717, 1721, 1767, and 1779 of Part 17 – Health Code of the Codified Ordinances of the City of Hamilton, Ohio:

Sec. 1709.01: Accessory Structure.

“*Accessory Structure*” means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same property.

Sec. 1709.02: Approved.

“*Approved*” means approved by:

Ordinance No. _____ (cont'd)

(a) The Commissioner of Health under the provisions of the Housing or Non-Residential Property Maintenance Codes or under the rules and regulations adopted pursuant thereto; or

(b) An authority designated by law or by the Housing or Non-Residential Property Maintenance Codes.

Sec. 1709.03: Basement.

"*Basement*" means the portion of the building that is partly underground which has more than one-half (1/2) its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining the building.

Sec. 1709.04: Bathroom.

"*Bathroom*" means an enclosed space containing one or more bathtub(s), shower(s), or both, and which may also include toilet(s), lavatories, or fixture(s) serving similar purposes.

Sec. 1709.05: Boarding House.

"*Boarding House*" means a rooming house where, for compensation and by prearrangement for definite periods, meals are provided for five (5) or more persons.

Sec. 1709.06: Building.

(a) "*Building*" means a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property.

(b) The word "*Building*" shall be construed, when used herein, as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

Sec. 1709.07: Building Code.

"*Building Code*" means the Ohio Building Code or the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings.

Sec. 1709.08: Cellar.

"*Cellar*" means the lowermost portion of the building partly or totally underground having half (1/2) or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

Sec. 1709.09: Chief of Police.

"*Chief of Police*" means the police authority of the City of Hamilton, and his or her authorized representative.

Sec. 1709.10: City.

"*City*" means the City of Hamilton, Ohio.

Sec. 1709.11: Commissioner of Health.

"*Commissioner of Health*" means the health authority of the City of Hamilton, and his or her authorized representative or designee

Sec. 1709.12: Council.

"*Council*" means the City Council of the City of Hamilton, Ohio.

Sec. 1709.13: Deteriorate.

"*Deteriorate*" means to fall below the conditions of good repair.

Sec. 1709.14: Dwelling.

"*Dwelling*" means a building containing enclosed space which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Sec. 1709.15: Dwelling Unit.

"*Dwelling Unit*" means one or more rooms with living, cooking, sanitary, and sleeping facilities therein, arranged for one family with whom may reside not more than four (4) lodgers or boarders.

Sec. 1709.16: Engineer.

"*Engineer*" means the City Engineer for the City of Hamilton, or his or her designee.

Sec. 1709.17: Excessive Vegetation.

Ordinance No. _____ (cont'd)

"Excessive Vegetation" means all vegetation, dead or alive, other than the following:

- (a) Ground cover;
- (b) Shrubbery;
- (c) Flowers; and
- (d) Trees which are planted and maintained.

Sec. 1709.18: Exterior Property or Exterior Property Area.

"Exterior Property" or *"Exterior Property Area"* means the open space on the property and on adjoining property under the control of the owners, operators, or occupants of such property.

Sec. 1709.19: Extermination.

"Extermination" means the control and elimination of insects, rodents, and vermin:

- (a) By eliminating their harborage places,
- (b) By removing or making inaccessible materials that may serve as their food;
- (c) By poisoning, spraying, fumigating, or trapping them; or
- (d) By any other approved means of pest elimination.

Sec. 1709.20: Garbage.

"Garbage" means the animal, vegetable, and mineral waste resulting from the handling, preparation, cooking, and consumption of food.

Sec. 1709.21: Grade.

"Grade" means:

- (a) The natural surface of the ground, or
- (b) The surface of the ground after completion of any change in contour.

Sec. 1709.22: Graffiti.

"Graffiti" means unauthorized drawings or markings on an exterior surface, without regard to the content of the drawing or marking.

Sec. 1709.23: Gross Floor Area.

"Gross Floor Area" means the total net area of all habitable space.

Sec. 1709.24: Grounds.

"Grounds" means that portion of real property which does not support a building or structure.

Sec. 1709.25: Habitable Space.

- (a) *"Habitable Space"* means space occupied by one or more persons for living, sleeping, eating, or cooking.
- (b) Kitchenettes shall not be deemed to be *"habitable space."*

Sec. 1709.26: Hot Water.

"Hot Water" means water heated to a temperature of not less than one hundred and twenty degrees Fahrenheit (120° F.) at the outlet.

Sec. 1709.27: Housing Code.

"Housing Code", as used in Title One of Part Seventeen - Health Code, means Ordinance 7714, passed March 28, 1973, as amended.

Sec. 1709.28: Infestation.

"Infestation" means the presence, within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, or property, of insects, rodents, vermin, or other pests.

Sec. 1709.29: Kitchen.

- (a) *"Kitchen"* means space sixty (60) square feet or more in floor area, with a minimum width of five (5) feet, used for cooking or preparation of food.
- (b) A *"Kitchen"* shall be deemed habitable space.

Sec. 1709.30: Kitchenette.

Ordinance No. _____ (cont'd)

(a) "Kitchenette" means space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

(b) A "Kitchenette" shall not be deemed to be habitable space.

Sec. 1709.31: Mobile Home.

"Mobile Home" means a movable living unit equipped with a chassis and provided with the following mechanical equipment:

- (a) Plumbing, and
- (b) Heating, and
- (c) Electrical, and
- (d) Cooking, and
- (e) Refrigeration.

Sec. 1709.32: Multiple Dwelling.

"Multiple Dwelling" means a building containing two (2) or more dwelling units and/or rooming units.

Sec. 1709.33: Non-habitable Space.

"Non-habitable Space" means space used as:

- (a) Kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets, and other spaces for service and maintenance of the building; and
- (b) Those spaces used for access and vertical travel between stories.

Sec. 1709.34: Non-Residential Property.

"Non-Residential Property" means:

- (a) (1) A lot or tract of land;
- (2) A building or other structure; or
- (3) Grounds

which is/are:

- (b) (1) Used;
- (2) Intended to be used; or
- (3) Last actively used

primarily for non-residential purposes.

Sec. 1709.35: Nuisance.

"Nuisance" or "Public Nuisance" means any underground container or storage tank, fence, wall, garage, shed, house, lot, building, structure, tree, pole, smoke stack, excavation, basement, cellar, well, cistern, sidewalk subspace, walks, driveways, terrace steps or parts thereof, which has any or all of the conditions or defects hereinafter described:

(a) The following conditions or defects shall constitute a public nuisance when they endanger the life, health, property, safety, or welfare of the public, or of any current or prospective occupants:

(1) Whenever the property is a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

(2) Whenever the property is vacant and is not secured in the manner required pursuant to section 1705.19.

(3) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(4) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

(5) Whenever any building or structure is determined to be a fire hazard.

(6) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(7) Whenever any building or structure, whether or not erected in accordance with all applicable laws and ordinances, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is determined to be unsafe for occupation due to the lack of:

- A. Structural strength;
- B. Fire-resisting qualities or characteristics; or

Ordinance No. _____ (cont'd)

C. Weather-resisting qualities or characteristics required by law.

(8) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the applicable Building Code or the Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.

(9) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

A. An attractive nuisance to children;

B. A harbor for vagrants, criminals or immoral persons; or as to

C. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(10) Whenever the building or structure, exclusive of the foundation, because of inadequate maintenance, dilapidation, decay, faulty construction or arrangement, suffers damage or deterioration of its supporting member or members, or damage or deterioration of its non-supporting members, enclosing or outside walls or coverings, such that said condition endangers the life, health, property, safety, or welfare of the public, or of any current or prospective occupants.

(11) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(12) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(13) Whenever the building or structure, or any portion thereof, because of:

A. Dilapidation, deterioration or decay;

B. Faulty construction;

C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

D. The deterioration, decay or inadequacy of its foundation; or

E. Any other cause;

is likely to partially or completely collapse.

(14) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is reasonably safe.

(15) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the applicable Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the applicable Building Code for such buildings.

(16) Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(17) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the applicable Building Code for new buildings of similar structure, purpose or location.

(18) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the applicable Building Code for new buildings of similar structure, purpose or location.

(19) Whenever the walking surface of any aisle, passageway, stairway or other element of a means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(20) Whenever any door, aisle, passageway, stairway or other element of a means of egress is not of sufficient width or size or is not so arranged as to provide safe and adequate means of egress and creates a serious hazard.

(b) The following conditions shall constitute a public nuisance:

(1) That which is defined as a nuisance in Ohio Revised Code section 3767.01(c), which is incorporated herein by reference and made a part hereof.

(2) That which is defined as a nuisance in Ohio Revised Code section 4301.73, which is incorporated herein by reference and made a part hereof.

(3) Property, including vacant land, on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 occurs, regardless of whether there has been a conviction for said violation.

Ordinance No. _____ (cont'd)

Sec. 1709.36: Obsolete.

"*Obsolete*" means no longer serving any current purpose, either aesthetic or functional.

Sec. 1709.37: Occupancy.

"*Occupancy*" means the purpose for which a building, or portion thereof, is used.

Sec. 1709.38: Occupant.

"*Occupant*" means any person over one year of age, living, sleeping, cooking, or eating in, or who has actual or constructive possession of, property, including, without limitation, a lessee, sub-lessee, assignee, licensee, or permittee.

Sec. 1709.39: Openable Area.

"*Openable Area*" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Sec. 1709.40: Operator.

"*Operator*" means any person who has charge, care, or control of property.

Sec. 1709.41: Outside Design Temperature.

"*Outside Design Temperature*" means temperature based on the average of the low annual temperature recorded in the area, either during the last twenty-five (25) years or as long as temperature records have been kept, if less than twenty-five (25) years.

Sec. 1709.42: Owner.

- (a) "*Owner*" means:
- (1) The owner or owners of record of property in fee, or lesser estate therein;
 - (2) A mortgagee in possession;
 - (3) Vendee of record;
 - (4) Assignee of the rents,
 - (5) Receiver, executor, administrator, trustee, lessee, or other person, firm, corporation or business entity or organization in control of a building, or their duly authorized agents.
- (b) Any person or entity representing the owner shall be held to comply with the provisions of this Part 17 to the same extent as if he or it were the owner.
- (c) The usual place of residence of the owner shall be the last known address of the owner, or that address used by the Treasurer of Butler County for tax purposes.

Sec. 1709.43: Person.

"*Person*" means any entity, either natural or created by law, including, but not limited to, a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian, or other fiduciary.

Sec. 1709.44: Plumbing.

"*Plumbing*" means the practice, materials, and fixtures utilized in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances.

Sec. 1709.45: Plumbing Fixture.

- "Plumbing Fixture" means a receptacle or device which:
- (a) Is either permanently or temporarily connected to the water distribution system of the property, and demands a supply of water therefrom; or
 - (b) Discharges waste water, liquid-borne waste materials, or sewage, either directly or indirectly, to the drainage system of the property; or
 - (c) Which requires both a water supply connection and a discharge to the drainage system of the property.

Sec. 1709.46: Plumbing System.

"*Plumbing System*" means the pipes, fixtures, and other apparatus for:

- (a) Supplying water for consumption; or
- (b) The conveyance of waste and drainage.

Sec. 1709.47: Potable Water.

Ordinance No. _____ (cont'd)

"Potable Water" means water duly approved as satisfactory and safe for drinking.

Sec. 1709.48: Property.

"Property" means a lot, plot, or parcel of land, including any buildings or structures thereon.

Sec. 1709.49: Public Sewer.

"Public Sewer" means the sewer operating by a public authority or public utility, and available for public use.

Sec. 1709.50: Rooming House.

"Rooming House" means a building, or part thereof, which contains one or more rooming units, and in which space is occupied, or intended to be occupied, by five (5) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Sec. 1709.51: Rooming Unit.

"Rooming Unit" means any room or group of rooms forming a single habitable unit used, or intended to be used, for living or sleeping, but not for cooking or eating purposes.

Sec. 1709.52: Rubbish.

"Rubbish" means all combustible and noncombustible waste, except garbage. The term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Sec. 1709.53: Sewage.

"Sewage" means liquid-carried waste from a flushed toilet, bath, sink, lavatory, dishwashing or laundry machine, or from any other fixture, equipment or machine, containing animal or vegetable matter and which may include industrial or commercial wastes, and liquids containing chemicals.

Sec. 1709.54: Structure.

(a) *"Structure"* means a combination of any materials, whether fixed or portable, forming a construction, including any building, dwelling, dwelling unit, rooming house, or rooming unit.

(b) *"Structure"* shall be construed, when used herein, as though followed by the words "or part or parts thereof".

Sec. 1709.55: Supplied Facilities.

"Supplied Facilities" means facilities paid for, furnished, provided by, or under the control of the owner or operator.

Sec. 1709.56: Temporary Housing.

(a) *"Temporary Housing"* means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not secured to the ground, to another structure, or is not connected to any utility system for more than thirty (30) consecutive days.

(b) Any tent, trailer, or other structure occupied for more than thirty (30) consecutive days shall meet all requirements of this Housing Code.

Sec. 1709.57: Toilet Room or Compartment.

"Toilet Room or Compartment" means an enclosed space containing one or more toilet(s), which may also contain one or more lavatories, urinal(s), and other plumbing fixtures.

Sec. 1709.58: Trailer.

"Trailer" means a movable living unit equipped with a chassis, but lacking any of the following mechanical systems and equipment:

- (a) Plumbing; or
- (b) Heating; or
- (c) Electrical; or
- (d) Cooking; or
- (e) Refrigeration.

Sec. 1709.59: Ventilation.

Ordinance No. _____ (cont'd)

"*Ventilation*" means the supply and removal of conditioned or unconditioned air to and from any space by mechanical or natural means.

Sec. 1709.60: Ventilation, mechanical.

"*Mechanical Ventilation*" means ventilation by power-driven devices.

Sec. 1709.61: Ventilation, natural.

"*Natural Ventilation*" means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

Sec. 1709.62: Yard.

"*Yard*" means an open space on the same lot with a structure.

Sec. 1709.63: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1713 – ENVIRONMENTAL REQUIREMENTS

Sec. 1713.01: Hazards.

Exterior property areas shall be free from conditions that might create a nuisance or become a health, accident, or fire hazard.

Sec. 1713.02: Rubbish and Garbage Outside.

Exterior property areas shall be kept free from organic and inorganic material that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.03: Discharge of Sewage.

- (a) Sewage must be discharged into a public sewer system, except as provided in section 1717.05.
- (b) Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into any natural or artificial surface drainage ways or into any drains intended for storm drainage only.

Sec. 1713.04: Storm Water Drainage.

- (a) Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar.
- (b) Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.

Sec. 1713.05: Noxious Weeds.

Exterior property areas shall be kept free from noxious weeds, as defined in section 1763.01(f), and any species of weeds or plant growth which are physically harmful or destructive to living human beings.

Sec. 1713.06: Insect and Rodent Harborage Outside.

Exterior property areas shall be kept free from sources of insect, vermin, and/or rodent breeding, harborage, and infestation.

Sec. 1713.07: Number of Animals Restricted.

- (a) No person shall maintain upon any property such number of household pets or other animals as will create a nuisance.
- (b) No person shall keep or maintain upon any one property in the City more than five (5) total adult dogs and/or cats, nor any combination of adult dogs and cats exceeding five (5).
 - (1) This provision shall not apply to property which is properly zoned and licensed as a kennel.
- (c) Whoever violates or fails to comply with any of the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined or incarcerated as follows:
 - (1) For the first conviction of an offender for violating this section, the court shall impose a fine of one hundred and fifty dollars (\$150.00).

Ordinance No. _____ (cont'd)

(2) For a second conviction of the same offender within a period of two (2) years, the offender shall be fined not less than five hundred dollars (\$500.00).

(3) For a third or any subsequent conviction of an offender for the violation of this section within a period of two (2) years, the offender shall be fined not more than seven hundred and fifty dollars (\$750.00) or imprisoned not more than ninety (90) days, or both.

Sec. 1713.08: Accessory Structures.

Accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

- (a) In good repair; and
 - (1) As pertaining to fences and fence-like structures:
 - A. No section(s) of the fence or fence-like structure shall be missing; and
 - B. No section(s) of the fence or fence-like structure shall be broken; and
 - C. If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.
- (b) Free from health, fire, and accident hazards; and
- (c) Free from vermin, insect, and rodent harborage.

Sec. 1713.09: Foundation Walls.

The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound.

Sec. 1713.10: Stairs, Sidewalks, Driveways, Porches, and Railings Outside.

- (a) The stairs, sidewalks, driveways, porches, and railings, affixed to the exterior of, or servicing, any structure used for human habitation, shall be kept in good repair and structurally sound.
- (b) Railings shall be provided for stairs and balconies and, where necessary, for porches and accessible roofs.

Sec. 1713.11: Weather and Watertight.

Every structure used for human habitation shall be so maintained that it will be weather and watertight.

Sec. 1713.12: Protective Coating.

- (a) The exterior surfaces of all structures shall be kept painted or protected with an approved coating or material, where necessary, for the purposes of preservation and avoiding a blighting influence on adjoining property.
- (b) Exterior wood, composition, or metal surfaces shall be protected from the elements by paint or another protective covering, applied in an approved manner according to manufacturer's suggestion, and of a color and appearance to match or complement other structural surfaces on the property.
- (c) Surfaces shall be maintained in a manner where they are kept clean and free of flaking, loose, or peeling paint or covering.
- (d) Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

Sec. 1713.13: Overhanging Objects.

Every structure used for human habitation shall be free of insecure overhanging objects.

Sec. 1713.14: Vermin and Rodents.

The exterior of every structure used for human habitation shall be so maintained as to be vermin and rodent free.

Sec. 1713.15: Screens.

- (a) During that portion of the year when there is a need for protection against flies and other flying insects, every door opening directly from a dwelling unit to outside space that is used for ventilation shall be supplied with properly fitting screens having at least sixteen (16) mesh and a self-closing device.
- (b) Every window or other device with openings to outdoor space used, or intended to be used, for ventilation shall be supplied with screens having at least sixteen (16) mesh.

Sec. 1713.16: Dampness.

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Cellars, basements, and crawl spaces in every structure used for human habitation shall be reasonably free from dampness.

Sec. 1713.17: Structural Members.

Supporting structural members of every structure used for human habitation shall be structurally sound.

Sec. 1713.18: Chimneys, Flues and Vents.

Chimneys and all flue and vent attachments thereto, and all other flues and vents, of every structure used for human habitation, shall be structurally sound, free from defects, and able to perform the function for which they were designed and are used.

Sec. 1713.19: Stairs and Railings Inside.

(a) Interior stairs of every structure used for human habitation shall be structurally sound and free from defects and shall be so designed as to minimize accident hazards.

(b) Railings shall be provided for stairs, balconies, landings, and stairwells in every structure used for human habitation.

Sec. 1713.20: Floors, Walls, and Ceilings.

Floors, walls, and ceilings of every structure used for human habitation shall be structurally sound, free from irregularities that may be a cause of accidents, and maintained in a clean and sanitary condition.

Sec. 1713.21: Bathroom Floors.

Bathroom, shower room, and toilet room or compartment floors of every structure used for human habitation shall be water resistant.

Sec. 1713.22: Rubbish and Garbage Inside.

The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.23: Insect and Rodent Harborage Inside.

The interior of every structure used for human habitation shall be free from insect, rodent, and/or vermin infestation.

Sec. 1713.24: Outdoor Use of Furniture Susceptible to Weather and/or Rodents.

(a) No person, being the owner, operator, or occupant of any building, room, or property shall store, use, or permit to remain on the property under his or her control, in any outdoor area susceptible to moisture from inclement weather (including rain, snow, or hail), or infestation by insect, rodent, or other pest, any furniture designed for indoor use, including but not limited to cushions, pillows, mattresses, couches, and/or chairs.

(b) Subsection (a) above shall not apply to furniture specifically designed and/or intended for outdoor use.

(c) No person, being the owner, operator, or occupant of any building, room, or property, shall store, use, or permit to remain on property under his control, in any outdoor area, furniture which was originally designed for outdoor use which is now dilapidated or deteriorated.

(d) This section shall not apply to otherwise prohibited furniture properly deposited on or near the curb for litter or refuse collection.

Sec. 1713.25: Gutters and Downspouts.

All gutters and downspouts shall be properly installed in accordance with the applicable Building Code and kept in sound working condition and in good repair.

Sec. 1713.26: Graffiti Prohibited.

(a) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on such building, fence, gate, or accessory structure thereof

(b) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on any rock, structure, tree, wall, or other structure on the property located on the parcel.

(c) Whoever violates or fails to comply with this section shall be notified of the violation pursuant to section 1705.05 of the City of Hamilton Codified Ordinances, Title 1, Housing Code.

(d) In addition to any penalties provided by law or ordinance, a violation of subsections (a) or (b) above shall cause the Commissioner of Health to remove the graffiti and the Commissioner shall charge the cost of

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such removal, together with the administrative costs incurred with regard to such removal, to the owner, operator, or occupant of the property.

(1) If such cost is not paid by the owner, operator, or occupant of the property within thirty (30) days after having been billed for the same, the sum may be certified by the proper City official to the Auditor of Butler County, Ohio and placed upon the tax duplicate for collection, to be collected as other taxes are collected, and shall be a lien against such property until paid.

(2) The City may also collect such costs through a civil action in the appropriate court of law having jurisdiction thereof.

Sec. 1713.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1717 – SPACE AND OCCUPANCY REQUIREMENTS

Sec. 1717.01: Potable Water Supply.

- (a) Every dwelling, dwelling unit, and rooming house shall be supplied with a potable water supply.
- (b) There shall be adequate water supply and pressure at all installed hot and cold water outlets.
- (c) During interruption of potable water supply, every dwelling, dwelling unit, and rooming house shall be supplied with one gallon per person per day of potable water.

Sec. 1717.02: Hot Water.

Every dwelling, dwelling unit, and rooming house shall have an adequate supply of hot water that is properly connected to plumbing fixtures requiring hot water.

Sec. 1717.03: Plumbing Fixtures.

- (a) Within every dwelling unit there shall be the following plumbing fixtures:
 - (1) Kitchen sink, and
 - (2) Toilet, and
 - (3) Bathtub or shower, and
 - (4) Lavatory.
- (b) Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.

Sec. 1717.04: Plumbing Fixtures in Rooming Houses.

- (a) In every rooming house the following minimum plumbing fixtures are required for each multiple of ten (10) males, or fraction thereof, and for each multiple of ten (10) females or fraction thereof:
 - (1) Toilet, and
 - (2) Bathtub or shower, and
 - (3) Lavatory.
- (b) Bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.
- (c) All fixtures shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.
- (d) Where sleeping accommodations are arranged as a dormitory, the same plumbing fixtures are required as in the ratios stated in subsection (a) above.
- (e) Where toilet rooms are provided for the exclusive use of males, urinals may be substituted for not more than one-third (1/3) of the required number of toilets.

Sec. 1717.05: Plumbing Fixture Connections to Sewer Lines.

All plumbing fixtures, installed within a structure used for human habitation, shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal.

Sec. 1717.06: Privies Not Permitted.

No privy shall be constructed or continued in operation without the written approval of the City of Hamilton Health Department.

Sec. 1717.07: Heating Facilities.

Ordinance No. _____ (cont'd)

Every dwelling, dwelling unit, rooming house, and rooming unit, occupied during normal heating periods, shall have heating facilities capable of maintaining a minimum inside temperature of seventy degrees Fahrenheit (70°F), based on inside ambient temperature in all habitable rooms, bathrooms, and toilet and/or shower rooms and/or compartments.

Sec. 1717.08: Electrical Service.

Every dwelling, dwelling unit, rooming house, and rooming unit shall be provided with approved electrical service.

Sec. 1717.09: Cooking Facilities.

Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities.

Sec. 1717.10: Communal Cooking and Dining Facilities.

(a) Every communal kitchen and dining room located in a boarding house shall have adequate floor space and facilities and shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.

(b) The preparation and eating of meals in rooming units is prohibited.

(c) All boarding houses shall meet the applicable requirements of the applicable Building Code, and shall possess a valid food service operation license.

(d) Communal kitchens and dining rooms shall comply with the following requirements:

(1) Communal kitchens shall have a minimum gross floor area of sixty (60) square feet and a minimum width of five (5) feet where cooking is permitted.

(2) Communal kitchens used for combined cooking and eating purposes shall have a minimum gross floor area of one hundred (100) square feet, and a minimum width of seven (7) feet. Dining space and eating facilities shall comply with requirements for communal dining rooms.

(3) Required facilities are:

A. At least one kitchen sink; and

B. At least one kitchen gas or electric stove containing at least two (2) top burners

and an oven; and

C. At least one electric, gas, or other mechanical or suitably constructed ice refrigerator with adequate food storage capacity and adequate lineal feet of shelf storage space.

(4) Communal dining rooms shall have a minimum gross floor area of seventy (70) square feet.

(e) Required facilities for communal dining rooms include:

(1) At least one dining chair, and

(2) At least two (2) lineal feet of dining space for each occupant permitted in dining room at any particular time.

Sec. 1717.11: Refrigerated Space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage, or appropriate utility connections, shall be provided.

Sec. 1717.12: Means of Egress.

Every dwelling unit and rooming unit shall have safe and unobstructed means of egress from the structure.

Sec. 1717.13: Maintenance of Plumbing Fixtures.

Every water line, plumbing fixture, and drain, located in a structure used for human habitation, shall be properly installed, connected, maintained, and capable of performing the function for which it was designed.

Sec. 1717.14: Maintenance of Plumbing Systems.

Every stack, waste, and sewer line, located in a structure used for human habitation, and every connecting sewer line, shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard.

Sec. 1717.15: Installation of Heating Equipment.

Every heating, cooking, and water-heating device, located in a structure used for human habitation, shall be properly installed, connected, and capable of performing the function for which it was designed.

Sec. 1717.16: Venting of Heating Equipment.

Ordinance No. _____ (cont'd)

All heating, cooking, and water-heating equipment which burns solid fuels shall be properly connected to a chimney or flue, and such heating equipment which burns liquid or gaseous fuels shall be properly connected to a supply line and, where required, to a chimney, flue, or vent.

Sec. 1717.17: Maintenance and Operation of Heating Equipment.

Every heating, cooking, and water-heating device located in a structure used for human habitation shall be so maintained and operated as to be free from fire, health, and accident hazards.

Sec. 1717.18: Storage of Fuels.

All fuels stored on property for the operation of heat-producing equipment shall be stored in a safe manner.

Sec. 1717.19: Maintenance of Electrical Wiring and Devices.

(a) Electrical wiring and devices located in a structure used for human habitation shall be so designed, installed, and maintained so as not to be a potential source of ignition of combustible material or an electrical hazard.

(b) The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor.

Sec. 1717.20: Dwelling Unit Space.

(a) Every dwelling unit shall contain a minimum gross floor area of:

(1) At least one hundred and fifty (150) square feet for the first occupant, and

(2) At least one hundred (100) square feet for each occupant thereafter.

(b) The maximum occupancy of any dwelling unit shall not exceed a total number of persons equal to two (2) times the number of its habitable rooms.

Sec. 1717.21: Ceiling Height.

Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area, and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

Sec. 1717.22: Sleeping Room Space.

(a) In every dwelling or rooming unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least seventy (70) square feet.

(b) Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of fifty (50) square feet per occupant thereof.

(c) Kitchens shall not be used for sleeping purposes.

Sec. 1717.23: Rooming Unit Space.

Rooming units let to one or more persons shall contain a minimum gross floor area of ninety (90) square feet for a single occupant, and every such rooming unit occupied by more than one occupant shall contain a minimum gross floor area of seventy (70) square feet per occupant thereof.

Sec. 1717.24: Basement Dwelling Unit.

Dwelling units and rooming units located in a basement shall meet all the requirements of this Housing Code and the floors and outside walls shall be damp-proof.

Sec. 1717.25: Sleeping Space in Cellars.

No space in any cellar shall be used for sleeping purposes.

Sec. 1717.26: Natural Light in Habitable Room.

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors.

(b) The minimum aggregate area available for unobstructed light shall be not less than ten percent (10%) of the floor area of such rooms.

Sec. 1717.27: Light in Non-habitable Space.

(a) Every stair, hall, cellar, and basement located in a structure used for human habitation shall have either adequate natural or artificial light available at all times.

(b) Every laundry, furnace room, and all similar non-habitable work space located in a structure used for human habitation shall have either adequate natural or artificial lighting available at all times.

Sec. 1717.28: Light in Public Halls and Stairways.

(a) Every public hall and common stairway located in a structure used for human habitation, and which is used primarily for ingress and egress in connection with two (2) or more dwelling units or rooming units, shall be supplied with a proper amount of natural light or lighting facilities, controllable by the occupants of the structure, and be available at all times.

(b) The natural or artificial lighting provided shall not be less than three (3) foot candles (three lumens) measured in the darkest portions of normally traveled stairs and passageways during the darkest hours of the day.

(c) Structures containing three (3) or more dwelling units, or where rooms are let to five (5) or more persons, shall meet the requirements of the applicable Building Code.

Sec. 1717.29: Electric Outlets.

(a) Every habitable room shall have electric outlets and/or fixtures properly connected to a source of electric power as required in section 1717.08.

(b) Every habitable room shall have a minimum of:

(1) One outlet and one fixture; or

(2) Two (2) outlets.

Sec. 1717.30: Electric Fixtures in Bathroom.

(a) Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall have permanently installed artificial lighting fixtures.

(b) The switches for the permanently installed artificial lighting fixtures shall be so located as to avoid danger of electrical hazards.

Sec. 1717.31: Ventilation in Habitable Rooms.

Every habitable room shall be ventilated by either openable areas equal to fifty percent (50%) of the required window area or by equivalent mechanical ventilation.

Sec. 1717.32: Ventilation in Bathrooms.

Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall be adequately ventilated.

Sec. 1717.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1721 – RESPONSIBILITIES OF PERSONS

Sec. 1721.01: Maintenance of Private Space.

Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the structure, dwelling, dwelling unit, or property thereof that he occupies or controls.

Sec. 1721.02: Maintenance of Plumbing Equipment.

Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

Sec. 1721.03: Waste Disposal.

(a) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter, so as to be in compliance with sections 1713.02 and 1713.22.

(b) Every owner or operator shall maintain the containers for solid waste and recyclable material collection issued pursuant to section 973.07 for the exclusive use on such property at such property for the occupant's use in compliance with section 1721.03(a).

Sec. 1721.04: Extermination.

(a) Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the property.

(b) Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such

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infestation is caused by the failure of the owner or operator to carry out the provisions of this Housing Code, as cited in sections 1713.06, 1713.14, and 1713.23, extermination shall be the responsibility of the owner or operator.

(c) When two (2) or more dwelling units within a building are so infested, it shall be the responsibility of the owner or operator to carry out the provisions of this Housing Code within such building, as cited above, with respect to extermination.

(d) When the owner or operator is applying pesticides for the purpose of extermination in a dwelling unit that is occupied by others, all laws and procedures in the Ohio Revised Code Chapter 921 (Pesticides) apply and are to be followed.

Sec. 1721.05: Maintenance of Public Space.

Every owner or operator of a building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, sanitary, and safe condition the shared or public areas of the property.

Sec. 1721.06: Supplied Facilities.

Every owner or operator of a dwelling, dwelling unit, rooming house, and rooming unit shall be responsible for keeping supplied facilities in proper operating condition, except or as otherwise provided by this Housing Code.

Sec. 1721.07: Supplied Heat.

(a) Every owner or operator of a building, who permits to be occupied any dwelling unit or rooming unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature of seventy degrees Fahrenheit (70°F) based on inside ambient temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments.

(b) The provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, negligent or malicious act(s) of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner, operator, or occupant.

Sec. 1721.08: Discontinuance of Utilities.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied by the provisions of this Housing Code, to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

Sec. 1721.09: Occupancy of Vacant Units.

(a) No person shall occupy as owner-occupant or permit to be occupied by another, any vacant dwelling or dwelling unit, unless it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of the Housing Code.

(b) Every owner of property that is residential rental property must register said property per state law.

Sec. 1721.10: Owner Access.

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, or rooming unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code, or with an order issued pursuant to the provisions of this Housing Code.

Sec. 1721.11: Screens.

(a) Every owner or operator of a dwelling, dwelling unit, rooming house, or rooming unit shall be responsible for providing and hanging all screens whenever required by this Housing Code.

(b) Every occupant of a single dwelling unit or rooming unit shall be responsible for the maintenance or replacement of screens once installed in any one season.

Sec. 1721.12: Responsibility of Owner.

Every owner or operator of a dwelling, dwelling unit, rooming house, and/or rooming unit shall be responsible for all environmental requirements contained in chapter 1713 and all space and occupancy requirements contained in chapter 1717, except as otherwise provided in the Housing Code.

Sec. 1721.13: Rental Unit Mandatory Inspection Required.

(a) Every owner of property that is residential rental property must register said property according to state law.

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(b) Every owner or operator of property that is residential rental property shall have the interior and exterior of such property inspected by the Department of Community Development - Health Division to determine compliance with the Housing Code, the Fire Code, and the Zoning Code, under the following circumstances:

(1) If two (2) or more notices of violation have been issued to the owner or operator pursuant to section 1705.05 of the Health Code within any two (2) year period, relative to the same property, and the orders contained in such notices are not complied with within the time provided, the property shall be subject to semi-annual mandatory inspections until such property is brought into compliance with the orders, and for a period of two (2) years thereafter; or

(2) If the owner or operator has been found to have maintained a nuisance by a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 3767, as may be amended from time to time, the property that was the subject of the finding shall be subject to semi-annual mandatory inspections for a period of two (2) years.

(c) No owner or operator of residential rental property shall fail to obtain a rental unit mandatory inspection from the Department of Community Development - Health Division when the provisions of this section require a rental unit mandatory inspection.

(d) A rental unit-semi-annual mandatory inspection fee, per rental unit, which shall include the first two (2) inspections, shall be imposed as follows:

- (1) A fee of one hundred and twenty-five dollars (\$125.00) for property with one rental unit;
- (2) A fee of one hundred and seventy-five dollars (\$175.00) for property with two (2) rental units;
- (3) A fee of two hundred and twenty-five dollars (\$225.00) for property with three (3) rental units;
- (4) A fee of two hundred and fifty dollars (\$250.00) for property with four (4) rental units; and
- (5) A fee of two hundred and sixty-five dollars (\$265.00) for the first rental unit on property with five (5) or more rental units, and a fee of fifteen dollars (\$15.00) per rental unit for each additional rental unit on the property.

(e) A re-inspection fee in the amount of fifty dollars (\$50.00), per rental unit, shall be imposed for each semi-annual inspection subsequent to the first two (2) inspections.

(f) Penalty. Notwithstanding any other provision of this chapter, an owner or operator who fails to schedule an inspection within thirty (30) days as required in subsection (b) of this section shall be fined one thousand dollars (\$1,000).

(g) Fees and fines collected pursuant to this section shall be used exclusively to help defray the costs to the City for rental unit mandatory inspections.

Sec. 1721.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

**CHAPTER 1731 - ADMINISTRATION
[NO CHANGES]**

**CHAPTER 1733 – FEES AND CHARGES
[NO CHANGES]**

CHAPTER 1735 - LITTERING

Sec. 1735.01: Short Title.

The provisions of this chapter shall be known and may be cited as the "Hamilton Anti-Litter Ordinance."

Sec. 1735.02: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "*Aircraft*" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The term shall include helicopters and lighter-than-air dirigibles and balloons.

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(b) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the City.

(c) "Authorized Private Container" means a litter storage and collection receptacle as required and authorized in chapter 973 of the Streets, Utilities and Public Services Code.

(d) "City" is the City of Hamilton, Ohio.

(e) "Commercial Handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing; or

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. But, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. However, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(f) "Commissioner of Health" means the health authority of the City of Hamilton, and his or her authorized representative or designee.

(g) "Enclosed Structure" means a building with at least three (3) sides.

(h) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

A. "Litter" means "garbage", "refuse", and "rubbish", as defined herein, including peelings of vegetables or fruits, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger or nuisance to public health, safety and welfare.

(j) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law. In addition "newspaper" means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(k) "Noncommercial Handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a "commercial handbill" or "newspaper" in this section.

(l) "Nonresidential Property" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for non-residential purposes.

(m) "Park" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

(n) "Person" means any individual, firm, partnership, association, corporation, company, or organization of any kind.

(o) "Public Container" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(p) "Public Place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(q) "Refuse" means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or inoperative automobiles, appliances and equipment, and solid market and industrial wastes.

(r) "Residential Property" means any dwelling, house, building, multi-family structure, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes, but is not limited to, any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house building, or other structure.

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(s) “*Rubbish*” means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(t) “*Vehicle*” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 1735.03: Power to Enforce.

The Commissioner of Health, and his or her designee, shall have the power and authority to enforce any section(s) of this chapter.

Sec. 1735.04: Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, including freshwater streams, lakes, and ponds, except in public containers, in authorized private containers for collection, or in official City refuse disposal sites.

Sec. 1735.05: Use of Containers so as to Prevent Scattering.

Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and ponds, or upon private property.

Sec. 1735.06: Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their property free of litter.

Sec. 1735.07: Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the territorial limits of the City shall keep the sidewalk and parkway in front of their business property free of litter.

Sec. 1735.08: Litter in Parks.

(a) No person shall throw or deposit litter in any park within the City except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place, including freshwater streams, lakes, and ponds.

(b) Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 1735.09: Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, freshwater streams, lakes, ponds, or any other body of water in a park or elsewhere within the City.

Sec. 1735.10: Distributing Commercial and/or Noncommercial Handbills in Public Places.

(a) No person shall hand out, distribute, sell or cause another to hand out, distribute, or sell any commercial handbill in any public place.

(b) However, it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(c) No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any sidewalk, street or other public place, including freshwater streams, lakes, or ponds within the City.

Sec. 1735.11: Placing Commercial and/or Noncommercial Handbills on Vehicles.

(a) No person shall throw or deposit, or cause another to throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

(b) However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

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Sec. 1735.12: Depositing Commercial and/or Noncommercial Handbills on Uninhabited or Vacant Property.

No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any private property that is temporarily or continuously uninhabited or vacant.

Sec. 1735.13: Prohibiting Distribution of Handbills where Properly Posted.

No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill upon any property, if requested by anyone thereon not to do so, or if there is placed on the property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice indicating in any manner that the occupants of the property do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon the property.

Sec. 1735.14: Distributing Commercial and Noncommercial Handbills at Inhabited Private Property.

(a) No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill in or upon private property which are inhabited, except by handing or transmitting any such handbill directly to the owner, operator, occupant or other person then present in or upon such private property which are not posted as provided in section 1735.13.

(b) A person may, unless requested by anyone upon such property not to do so, place or deposit any such handbill in or upon such inhabited private property, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such property or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(c) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

Sec. 1735.15: Posting Notices.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public place, structure, or building, except as may be authorized or required by law, or upon any private property, unless it is done with the consent or by the direction of the owner or operator of such property. Any notice, poster, or other paper or device posted or affixed in violation of this section shall be deemed to be rubbish or trash, abandoned by the person posting or affixing such notice, poster, or other paper or device, and may be removed and disposed of by the City or its agents without notice.

Sec. 1735.16: Litter on Vacant Land.

(a) No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

(b) Vacant lots shall be kept free of litter at all times by the person responsible for the vacant lot.

Sec. 1735.17: Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner, operator, or occupant may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and/or ponds, or upon any private property.

Sec. 1735.18: Maintaining Private Property Free of Litter.

(a) The owner, operator, or occupant of any private property shall at all times maintain the property free of litter. All litter shall be stored in authorized private containers for collection.

(b) Unused lumber and abandoned, unused or inoperative automobiles, washers, dryers, refrigerators, and other such appliances, equipment and like items shall be stored in an enclosed structure upon all private property.

(c) The storage of such items listed in this section must comply with any and all health, fire, and building codes, and such other regulations, orders, ordinances, or statutes as may apply.

Sec. 1735.19: Notice of Violation.

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(a) The Commissioner of Health shall notify the owner, operator, or occupant of any property to properly dispose of litter located on such property that is dangerous or a nuisance to public health, safety, and welfare.

(b) Notice by the Commissioner of Health shall be in the form of a letter and service of such notice may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing. It shall be deemed sufficient to mail the notice to the owner's, operator's, or occupant's residence, regular place of business, or last known address.

(c) If the property in violation of this chapter is unimproved with no structure upon which to post notification of the violation or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1735.20: Effect of Noncompliance; City may Remove Violation.

(a) Upon receiving a notice of violation of this chapter, the owner, operator, or occupant of the property is required to abate the condition within forty-eight (48) hours from receipt of the notice of violation.

(b) Whenever a notice or order to remove a violation has not been complied with, the Commissioner of Health may proceed to cause the violation to be removed after the Commissioner of Health has documented sufficient proof to support such determination of non-compliance.

(1) The owner, operator, or occupant of the property shall then be notified of such finding by the Commissioner of Health in the manner described in section 1735.19.

(2) The Commissioner of Health shall not commence their abatement until forty-eight (48) hours after the subsequent notification required by section 1735.20(b)(1).

Sec. 1735.21: Expense Recoverable.

(a) All expenses incurred by the City pursuant to section 1735.20 shall be paid by the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The owner or operator shall receive due notice of the amount of such charge and, should he or she fail to pay such amount for a period of thirty (30) days after the date of such notice, such amount shall be certified to the Auditor of Butler County, Ohio, and the same shall be collected as are other taxes and shall be a lien against such property until paid.

(c) In order to so certify the non-payment of such charges, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this section and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the Municipal General Fund.

Sec. 1735.22: Junk Motor Vehicles on Private Property with Permission of Owner; Notice of Removal and Impounding.

(a) It shall be a violation of this chapter to accumulate and store junk motor vehicles, non-operating motor vehicles or vehicle parts, on private property, which motor vehicles are in the nature of refuse and unsightly debris.

(b) Accumulation and storage of the items in this section constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults. Further, these conditions interfere with the comfort and well-being of the public and create, extend, and aggravate urban blight. Accordingly, the public health, safety, and general welfare require that such conditions be regulated, abated and prohibited.

(c) Definitions.

For the purposes of this section:

- (1) "Junk Motor Vehicle" means any motor vehicle which
- A. Is three (3) years old or older;
 - B. Extensively damaged, with such damage including, but not limited to, any of the following: missing wheels, tires, motor, or transmission;
 - C. Apparently inoperable;
 - D. Having a fair market value, as determined by Kelley Blue Book, NADA, or other similar publication, of one thousand five hundred dollars (1,500) or less; and
 - E. That:
 - (i) Is left outside of a building, and thus is in the open on private property for more than forty-eight (48) hours; or

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(ii) Has been left on private property for more than forty-eight (48) hours without the permission of the person having the right to the possession of the property.

(2) "*Left outside of a building*" means that the motor vehicle has not been placed in an enclosed structure or building with at least three (3) sides. Neither a carport, nor a car cover, nor a fence, qualifies an enclosed structure or building with at least three (3) sides.

(3) "*Non-Operating Motor Vehicle*" means:

A. Any motor vehicle not bearing current, valid, state license plates; or

B. Any motor vehicle partly disassembled, incapable of satisfying state standards of safe operation or incapable of moving under its own power, whether bearing current, valid, state license plates or not. Any motor vehicle not moved within thirty days shall be presumed to be incapable of moving under its own power.

(4) "*Property*" means any real property within the City which is not a street or highway

(5) "*Vehicle Part*" means any portion or part of a motor vehicle.

(d) Storage on Private Property.

(1) No person shall park, store, leave, or permit the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not, for a period in excess of forty-eight (48) hours upon any private property within the City, unless the same is completely enclosed within a building, having three (3) or more sides, or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise, or it is a collector's vehicle pursuant to Ohio Revised Code section 4501.01(F), as may be amended from time to time.

(2) Neither a carport, nor a car cover, nor a fence meets the requirement under subsection (d)(1) of this section 1735.22 of completely enclosed within a building having three (3) or more sides. Therefore, parking, storing, leaving, or permitting the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not attended, in a carport, under a car cover, or behind a fence, for a period in excess of forty-eight (48) hours upon any private property within the City is a violation of this section and this chapter.

(e) Removal Required.

(1) The accumulation and storage of one or more such junk motor vehicles, non-operating motor vehicles, or vehicle parts in violation of the provisions of this section shall constitute refuse and unsightly debris and shall constitute a nuisance, detrimental to the health, safety and general welfare of the inhabitants of the City.

(2) The owner, operator, or occupant of the property upon which such nuisance is located otherwise shall remove the nuisance to a place of lawful storage, or shall have the junk motor vehicle, non-operating motor vehicle, or vehicle part housed within a building where it will not be visible from the street or alley.

(3) Notwithstanding any provisions to the contrary contained in chapter 1767, regulation, enforcement, notice, and abatement shall be pursuant to this section.

(f) Notice to Remove.

(1) Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section.

(2) The Commissioner of Health shall give, or cause to be given, written notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section; or the Commissioner of Health shall give, or cause to be given written notice to the owner, operator, or occupant of the property upon which such junk motor vehicle, non-operating motor vehicle, or vehicle part is located; or the Commissioner of Health shall give, or cause to be given, written notice to both the registered owner of the junk motor vehicle, non-operating motor vehicle, or vehicle part and the owner, operator, or occupant of such property.

(3) Written notice shall be by United States certified mail with return receipt, commercial carrier service, or by personal service, and shall state that such junk motor vehicle, non-operating motor vehicle, or vehicle part violates the provisions of this section and that within forty-eight (48) hours, the junk motor vehicle, non-operating motor vehicle, or vehicle part is to be removed to a place of lawful storage or to be housed in a building where it will not be visible from the street or alley.

(g) Removal by City.

(1) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section, or the owner, operator, or occupant of the private property upon which the same is located, fails, neglects, or refuses to remove or house such junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the notice given pursuant to the provisions of subsection (f) hereof, the Commissioner of Health may remove and dispose of such junk motor vehicle, non-operating motor vehicle, or vehicle part in any manner authorized by state law.

(h) Right of Entry.

(1) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter

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upon private property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose and to remove any junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the provisions of this section.

(2) Any person to whom notice was given pursuant to subsection (f) hereof shall have the right to remove or house such motor vehicle in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives as listed above in (h)(1), for the purpose of removal.

(i) Penalty for Junk Motor Vehicle Offense.

(1) Whoever violates any prohibition contained in this section is guilty of a minor misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, non-operating motor vehicle or vehicle part, plus administrative costs in the amount of twenty-five (25%) percent of the total costs incurred, and less any money accruing to the City from such disposal.

(2) Each day such violation exists or is permitted to continue shall constitute a separate offense.

Sec. 1735.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1735.99: Penalty for Littering Offense.

(a) Notwithstanding the provisions of section 1735.22, whoever violates any other provision of this chapter shall be deemed guilty of an unclassified misdemeanor.

(b) Whoever violates any prohibition contained in section 1735.22 is guilty of an unclassified misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, less any money accruing to the City from such disposal.

(c) A separate offense may be deemed committed each day during or on which a violation occurs or continues.

(d) The provisions of this chapter are specifically intended to impose strict liability.

**CHAPTER 1737 – ADULTERATION AND MISBRANDING OF FOOD AND DRUGS
[REPEALED PREVIOUSLY]**

**CHAPTER 1739 – RETAIL FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS
[REPEALED PREVIOUSLY]**

**CHAPTER 1743 – FROZEN DESSERTS
[REPEALED PREVIOUSLY]**

**CHAPTER 1745 – MEAT SALES
[REPEALED PREVIOUSLY]**

**CHAPTER 1747 – DISPOSAL OF THE DEAD
[REPEALED PREVIOUSLY]**

**CHAPTER 1751 – MASS GATHERINGS
[NO CHANGES]**

**CHAPTER 1755 – SWIMMING POOLS
[NO CHANGES]**

CHAPTER 1757 – SKIN TANNING FACILITIES
[REPEALED PREVIOUSLY]

CHAPTER 1759 – OFFENSIVE OBJECTS AND SUBSTANCES

Sec. 1759.01: Destruction of rats.

No owner, operator, or occupant of any property shall harbor, or fail to destroy so far as possible any rats, mice or vermin thereat. The foregoing provisions of this section shall not be construed to prohibit the keeping in proper confinement of animals or insects for scientific or commercial purposes. The infestation of any property by rats, mice or vermin is hereby declared to be a nuisance detrimental to the public health, and may be abated as such.

Sec. 1759.02: Disposal of dead animals.

No person being the owner or person in charge of any animal which dies or is killed otherwise than by slaughter for meat, shall permit the carcass of such animal to lie or remain within the limits of the City for more than five hours after he or any member of his household or any employee has knowledge thereof.

Sec. 1759.03: Throwing rubbish, animal carcass into street, river, etc.

No person shall place, cast, throw or abandon any filth, dung or rubbish or any other putrid, noxious, poisonous, offensive or unsound substance or material of any kind whatever into or upon any thoroughfare, park, public place, river, pond, basin, watercourse or private property. No person shall place, cast or throw into any street or other thoroughfare, or into any basin, pond, river or watercourse, the carcass of any animal, or any putrid, noxious, poisonous or unsound substance or material whatever, or any filth, dung, rubbish or offensive liquid.

Sec. 1759.04: Brining animal carcass into City, prohibited.

No person shall bring into the City the carcass of any animal of any kind or description; but this section shall not apply to the bringing into the City of the carcass of any animal lawfully slaughtered for meat, under all conditions of inspection and otherwise conforming to any requirements of the United States Department of Agriculture, the laws of the State, or ordinances of the City.

Sec. 1759.05: Disposition of liquid waste.

No person shall throw or cast any household or industrial liquid waste, slop, swill, oil, brine or water other than clean water, upon or into any thoroughfare, gutter, park or parkway, sidewalks, property, basin, pond, river or watercourse. If any such liquid wastes are produced upon any property not so situated as to permit of water and sewer connections, it shall be the duty of the owner, operator, or occupant of the property to provide some sanitary means of disposing thereof, so as not to cause any nuisance or any condition detrimental to the public health.

Sec. 1759.06: Stagnant water.

It shall be the duty of the owner, operator, or occupant of any property on which water stands or accumulates, either on the surface or in any excavation or cellar, to cause the same to be drained if any sewer or drain is accessible for such purpose, and otherwise to be filled; but the foregoing provision shall not be construed to prohibit the construction of any pool or fountain provided with proper drainage, the water of which does not become stagnant.

Sec. 1759.07: Notice to Fill Lots, Remove Putrid Substances.

No person shall fail to comply with the requirement to:

- (a) Fill or drain any lot or land; or
- (b) Remove all putrid substances therefrom; or
- (c) Remove all obstructions from culverts, covered drains, or natural watercourses within the lawful time after service, publication of the notice, or resolution is made, as required by law

Sec. 1759.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1759.99: Penalty

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 1763 – WEEDS

Sec. 1763.01: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Building" means any structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.
- (b) "City" means the City of Hamilton, Ohio.
- (c) "Grass" means any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
- (d) "Lot" means a single parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the City of Hamilton's Zoning Ordinance.
- (e) "Noxious" means physically harmful or destructive to living human beings.
- (f) "Noxious Weeds" means any plant designated a noxious weed by the State of Ohio or the federal government, and also turf grasses or weeds exceeding seven (7) inches in height. This term also includes grass, weeds, vegetation, and shrubs that are growing into or onto any portion of a public sidewalk or road.
- (g) "Parcel" means a plot or tract, undivided acreage or group of lots in common ownership or control.
- (h) "Property" means any land, lot, parcel of lands, or part thereof.
- (i) "Structure" means anything constructed, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.
- (j) "Weeds" means any and all vegetation that is not managed or maintained by the owner, operator, or occupant of the property on which such vegetation is located, but excludes trees, shrubs and/or cultivated flowers and gardens.
- (k) "Undeveloped" means that the entire lot and/or parcel that is free from any building or structure, as those words are defined above.

Sec. 1763.02: Owner To Control.

No owner, operator, or occupant of property situated within the City limits shall permit the same to become overgrown with noxious weeds, grass or other vegetation.

Sec. 1763.03: Removal of Noxious Weeds; Weed Control Responsibility of Adjacent Owner.

- (a) Any and all noxious weeds growing or being upon any property within the City limits are hereby declared a public nuisance.
- (b) Every owner, operator, or occupant of any property within the City limits shall cause the same to be kept free from such noxious weeds by cutting them or by destroying them by spraying with a chemical compound, and then removing said cut or destroyed noxious weeds from such property.
- (c) An owner, operator, or occupant of property, adjacent to a partition fence, shall keep all brush, briars, thistles, or other noxious weeds cut in the fence corners and a strip four feet wide on the owner's, operator's, or occupant's side along the line of a partition fence, except this does not apply to the planting of vines or trees for use.
- (d) The owner, operator, or occupant of each property adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

Sec. 1763.04: Notice to Owner to Cut; Failure of Owner to Comply; City Action.

- (a) When the City ascertains that noxious weeds are growing on any property within the City limits, notice shall be given to the owner, operator, or occupant, of such property that noxious weeds are growing thereon and must be destroyed by any of the methods set forth in section 1763.03, and that such destruction must be completed within forty-eight (48) hours after receipt of such written notice. The written notice shall state the City's intent to cut the noxious weeds if the owner, operator or occupant of such property fails to comply with the notice within forty-eight (48) hours after receipt. The written notice shall also advise the property's owner, operator, or occupant that such person shall be liable for all expenses incurred by the City for cutting such noxious weeds, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred,

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(b) If the owner, operator, or occupant neglects or refuses to cut brush, briars, thistles, or other noxious weeds as described in section 1763.03(c), an owner, operator, or occupant of land abutting on the partition fence, may cut any portion of said brush, briars, thistles, or other noxious weeds as is encroaching on his or her property.

(c) If the owner, operator, or occupant of property fails to comply with the notice issued pursuant to subsection (a) of this section 1763.04 within forty-eight (48) hours after receipt, the Commissioner of Health or designee is hereby authorized to proceed to cut the noxious weeds.

(d) For any notice herein required, service may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing. It shall be deemed sufficient service to mail the notice to the last known address of such owner, operator, or occupant, of the property. If notice is sent by regular mail, it shall be deemed received three (3) business days from the date of mailing.

(e) If the property in violation of this Chapter is unimproved or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1763.05: Limitation of Written Notice; Derelict Property List.

(a) An owner or operator of any property situated within the City limits is limited to two (2) written notices for any violation of this Chapter per property per calendar year. If, after two (2) notices have been served in accordance with this Chapter, the Commissioner of Health or designee determines that a subsequent violation has occurred within the same calendar year, the City may proceed with the remedy set forth in 1763.04 without further notice.

(b) Once the City has sent written notification to the owner or operator of any property for two separate violations of this Chapter, the property shall be added to the City's Derelict Property List.

(c) Once any property is put on the City's Derelict Property List, the City is authorized to cut such weeds, grass, or other vegetation on the property that exceeds seven (7) inches in height, without any prior notice given to the owner or operator of such property. The owner or operator of such property shall be liable for all expenses incurred by the City for cutting such weeds, grass, or other vegetation.

(d) The City's Derelict Property List shall be maintained and published on the City's Health Department website or may be obtained from the Department of Community Development - Health Division at 345 High Street, Suite 330, by completing a Public Records Request Form.

(e) To be removed from the Derelict Property List, and thus to have the City cease cutting such weeds, grass, or other vegetation on the property without prior notification, the owner or operator of said property must send a letter to the Health Department, 345 High Street, Suite 330, Hamilton, Ohio 45011 via certified mail, return receipt requested. The letter must include a proper description of the property (physical address or description of the property as recorded in the Real Property Records of Butler County) and the property owner's or operator's request that the property be taken off the Derelict Property List.

(f) If a property that is on the City's Derelict Property List has a change in recorded owner, the new owner must notify the Commissioner of Health so that the property can be taken off the City's Derelict Property List.

Sec. 1763.06: Payment of Costs; Failure of Owner to Pay Costs.

(a) If the City cuts such weeds, grass, or other vegetation because the owner or operator of the property fails to comply with this Chapter, the City's expenses for cutting such weeds, grass, or other vegetation shall be charged to the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) Notice of such assessment shall be given to the owner or operator of such property either in person or left at the usual place of residence of the owner or operator, or sent by mail.

(c) Upon the owner's or operator's failure to pay such amounts for a period of thirty (30) days after the receipt of notice, such amounts shall be certified to the Auditor of Butler County and the same shall be collected as other taxes are collected and shall be a lien against such property until paid.

(d) In order to so certify, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this Chapter and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the general fund.

Sec. 1763.07: Certain Lands Exempted.

(a) Sections 1763.01 through 1763.06, inclusive, shall not apply to undeveloped lots or parcels of land, which consist of five acres or more, regardless of zoning district classification.

(b) However, if land excluded from this Chapter by this section is located adjacent to private residences, businesses, or public rights-of-way, the exemption in this section shall not apply to a strip of land twenty (20) feet in width closest to such private residences, businesses, or public rights-of-way.

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Sec. 1763.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this Chapter shall remain in full force and effect.

Sec. 1763.99: Penalty.

Any person, owner, operator, or occupant violating any provision of this Chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense that occurs within the same calendar year.

CHAPTER 1767 – NUISANCES GENERALLY

Sec. 1767.01: Nuisances.

(a) No person shall cause, maintain, or permit to exist, any thing or condition that amounts to or is declared by law or ordinance to be a nuisance.

(b) No owner, operator, or occupant of any property shall cause or permit any condition to exist thereon that amounts to a nuisance, or to fail or neglect to abate or remove the same, upon being required to do by the Commissioner of Health.

(c) No person, being the owner, operator, or occupant of any property, shall permit any stagnant water, noisome liquid, or filthy or offensive substance, which might tend to pollute the atmosphere, to injure the health of persons in the vicinity or attract or breed flies or other noxious insects or vermin, to be or remain on such property or in or about any building or structure on or in connection with the property.

1767.02: Investigation of Nuisance.

(a) It shall be the duty of the Commissioner of Health, whenever he or she receives any complaint or information as to the existence of any condition or thing which amounts to a nuisance, to investigate as may be necessary, and to take such measures as may be necessary to cause the abatement of any nuisance found to exist.

(b) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the existence of any condition or thing which amounts to a nuisance.

(c) The Commissioner of Health or his designated representatives, shall be authorized to enter any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under Part 17 – Health Code of the City of Hamilton's Codified Ordinances.

(d) Abating a nuisance shall be by or at the expense of the person in charge of or responsible for such nuisance, or otherwise if circumstances so require.

Sec. 1767.03: Notice of Public Nuisance

(a) The provisions of any other section of these Codified Ordinances notwithstanding, when the Commissioner of Health suspects the existence of a public nuisance, as defined in section 1709.35, in the City, the Commissioner shall promptly cause to be inspected the property on which the public nuisance is suspected to exist. Should the Commissioner of Health find that a public nuisance does exist, it shall be the duty of the Commissioner to cause photographs of such public nuisance to be made, and to file in his or her office the photographs and the written report of the findings of the inspector. The Commissioner of Health shall cause a written notice to be served on the owner of such property, and on the holders of legal or equitable liens of record upon the property, stating the findings with respect to the existence of a public nuisance and stating that unless the owner, or any lienholder, thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the same will be abated by the City at the expense of the owner. Service shall be made personally, or by United States certified mail or commercial carrier service to the person's residence, regular place of business, last known address, or to the address of the statutory agent on file with the Ohio Secretary of State. If the certified mail is returned undelivered or the commercial carrier reports failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, or last known address, and posted in a conspicuous place in or on the property. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing, provided that the regular mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. If service of the notice cannot be made on any person or entity to be provided with notice pursuant to this section because the residence or other address of said person or entity cannot be ascertained with reasonable diligence, said person or entity shall be served with notice of the existence of the

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public nuisance and notice that the City shall cause the abatement of the public nuisance by rehabilitation or removal if not otherwise abated, by publication. Such publication shall be in a newspaper of general circulation in Butler County, Ohio, at least once a week for six consecutive weeks. Service shall be deemed complete at the date of the last publication. If the owner, or any lienholder, fails or refuses to cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the City may cause either the abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance.

(b) The City may, at its option, elect to not utilize the procedure provided in this Chapter 1767 and proceed instead with the filing of an action in common pleas court.

Sec. 1767.04: Order to Vacate.

(a) In case any nuisance is not abated in compliance with the orders of the Commissioner of Health, or in case the Commissioner is of the opinion that it is impracticable to abate a nuisance, the Commissioner shall have the power to require such place to be vacated, pending the abatement of such nuisance.

(b) Such order to vacate shall be posted on the property, specifying a time not less than twenty-four (24) hours or more than twenty (20) days after posting, within which the property shall be vacated. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the time specified shall remain as provided in the order as posted pursuant to this section 1767.04.

Sec. 1767.05: Enforcement of Vacation Order by Fire or Police Chief

When the order to vacate has not been complied with, and the Commissioner of Health certifies that fact to the Fire Chief or Police Chief, together with a copy of the order, it shall be the duty of the Fire Chief or Police chief to enforce such order to vacate and to cause the property to be vacated in accordance with the terms of the order.

Sec. 1767.06: Court Order to Vacate.

(a) If the occupant of any property required by the Commissioner of Health to be vacated:

- (1) Does not vacate such property within the time allowed as provided in section 1767.04, or
- (2) If such property having been vacated as required is again occupied before the nuisance therein has been abated and reoccupation of such property is authorized by the Commissioner, the Commissioner shall lay such facts before the judge of the Municipal Court and the court shall immediately issue an order requiring the vacation of such property.

(b) The court order requiring vacation of such property shall be enforced by the Chief of Police or by police officers acting under his authority.

Sec. 1767.07: Rehabilitation or Removal.

(a) **Notice to Elect Whether to Rehabilitate or Remove.**
(1) Together with the notice of public nuisance served pursuant to section 1767.03, the owner of a public nuisance shall be served by the Commissioner with a "Notice to Elect Whether to Rehabilitate or Remove" the public nuisance.

(2) Within thirty (30) days of the receipt of the Notice to Elect, the owner of the public nuisance shall submit a proposal to either rehabilitate or remove the public nuisance and a timetable for completing such proposal.

(b) **Owner's Proposal to Rehabilitate.**
(1) The Commissioner of Health shall examine an owner's proposal to rehabilitate to determine whether it contains a reasonable timetable in light of:

A. The present condition of the structure;
B. Whether the rehabilitation to be performed will:
(i) in the case of a non-residential structure, bring the structure into compliance with the Non-Residential Property Maintenance Code within twelve (12) months from the owners receipt of an approval of the proposal to rehabilitate; or

(ii) in the case of a residential structure, bring the structure into compliance with the Housing Code within six (6) months from the owner's receipt of an approval of the proposal to rehabilitate.

(2) If the Commissioner of Health determines that the timetable for rehabilitation is reasonable and will correct all the structure's Housing or Non-Residential Property Maintenance Code violations, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner starts the rehabilitation within thirty (30) days of the Commissioner of Health's approval, subject to the City's building permit and Zoning Code requirements, and complies with the approved proposal to rehabilitate.

(c) **Rehabilitation.**

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(1) Before beginning rehabilitation following the approval of the proposal to rehabilitate, the owner of the structure shall secure any necessary building permits from the Construction Services Division.

(2) If the property is located within one of the City's Historic Preservation Districts, a Certificate of Appropriateness shall be required before commencing any exterior work.

(3) Final inspection and approval of the owner's rehabilitation efforts shall be required from the Construction Services Division and the Department of Community Development - Health Division before the structure may be reoccupied.

(d) Owner's Election to Remove.

(1) If the owner's election is for removal, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner commences demolition within fifteen (15) days of such approval and complies with the approved proposal to demolish as provided in subsection (d)(3) hereof.

(2) No proposal for demolition received from an owner will be approved if it does not contain the written authorization and consent of the owner authorizing the Commissioner of Health to arrange for the structure's demolition at the owner's expense if demolition is not completed as proposed by the owner.

(3) Demolition. Demolition shall be completed by the owner of a structure in compliance with the proposal approved by the Commissioner of Health.

A. Before demolishing any structure or part thereof, the owner shall obtain all required demolition permits from the Construction Services Division.

B. Orders to demolish shall be reviewed by City Council or, if the property is of Historic Significance, the Architectural Design Review Board. A property is deemed to be Historically Significant if it is included on the Ohio Historic Inventory or if it is located within an area designated as a Historic Preservation District, as defined in the Zoning Ordinance, section 1126.50.

C. No demolition permit shall be issued unless the following requirements are adhered to:

(i) For structures located within a Historic Preservation District, a Certificate of Appropriateness shall be required for the demolition.

(ii) The Architectural Design Review Board shall adhere to its normal and regular procedure in determining the appropriateness of the demolition as defined in the Zoning Ordinance, section 1126.60 and the ADRB's Guidelines and Policies.

(iii) If the Architectural Design Review Board finds that the application does not meet the criteria of said sections, a Certificate of Appropriateness shall not be issued.

D. For the proposed demolition of structures on the Ohio Historic Inventory (OHI), but not located within a Historic Preservation District, the City's normal and regular policy and procedure for insuring demolition permits for structures on the OHI shall be followed.

E. Where Federal and/or State funds are proposed to be utilized for a demolition, a demolition permit will not be issued until any required environmental assessment(s) have been reviewed and approved by the appropriate officials and the funds are cleared for expenditure.

(e) Rejection of Owner's Proposal.

(1) If the Commissioner of Health determines the timetable for demolition or rehabilitation is unreasonable in light of the structure's current condition, or if the Commissioner of Health finds the proposal to rehabilitate will not bring the structure into compliance with the Housing or Non-Residential Property Maintenance Code, the Commissioner of Health shall disapprove the owner's proposal, state the reasons therefor, and continue enforcement action.

(2) The Commissioner of Health shall have the authority to assist the owner in correcting the proposal to achieve compliance with the Housing or Non-Residential Property Maintenance Code.

(f) Extension of Time.

(1) Upon the owner's written request, and for good cause shown, the Commissioner of Health may grant an extension of time for the owner to decide whether to demolish or rehabilitate the structure, or provide an amended proposal to demolish or rehabilitate.

(2) Failure of the owner to obtain additional time to present an original or amended proposal to demolish or rehabilitate shall result in the City's abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance as provided in section 1767.09.

Sec. 1767.08: Appeal hearing of public nuisance structures

(a) The owner, lienholder, or other responsible person named on a notice of public nuisance may within thirty (30) days after receipt of notice or within thirty (30) days after any other determination has been made by the Commissioner of Health pursuant to this chapter, make a demand in writing to the Director of Community

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Development (Director), for a hearing on any legal or factual issue relating to the notice of public nuisance, or on any determination made by the Commissioner of Health pursuant to the authority granted by this chapter 1767. The demand shall include the correct mailing address of the owner, lienholder, or person representing the owner or lienholder, and shall be accompanied by an appeal fee in the amount of \$100.00. If the owner or other responsible person cannot afford to pay the fee, the demand for a hearing can be submitted if it is submitted along with a notarized affidavit of indigence. The hearing shall be scheduled within a reasonable time, not to exceed thirty (30) days following receipt of the written demand.

(b) The hearing shall be conducted by the Nuisance Appeals Board. After the hearing, the Nuisance Appeals Board may vote to:

(1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof by repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or

(2) Continue the matter for a period not to exceed 45 days for further investigation and disposition; or

(3) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter; or

(4) Reverse the finding that a public nuisance exists on the property and dismiss the case.

(c) A copy of the decision of the Nuisance Appeals Board shall be mailed, with certificate of mailing, to the owner or other person or entity that demanded the hearing, at the address provided pursuant to 1767.07(A). It shall be the responsibility of the owner, lienholder, or person representing the owner or lienholder, to keep the secretary of the Nuisance Appeals Board apprised of his or her current mailing address. For the purpose of appeal pursuant to Ohio Revised Code Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

Sec. 1767.09: Abatement of Nuisance by City.

(a) Should a public nuisance not be abated within thirty (30) days of receipt of the notice of public nuisance, or at the expiration of the time stated in the approved election to rehabilitate or remove, or any extensions granted by the Commissioner of Health or such additional time as the Nuisance Appeals Board may grant, the Commissioner shall be authorized at any time thereafter to enter on the property and the owner shall permit him/her entry to abate the public nuisance by demolition and removal, or by taking such other action as is deemed appropriate to abate the public nuisance. If the public nuisance is located within an Architectural Conservation/Historic District, abatement of the public nuisance shall be coordinated with the Planning Department and Architectural Design Review Board as required by section 1126.00, et seq., of the Zoning Ordinance of the City of Hamilton, Ohio. In abating a public nuisance, the Commissioner of Health may call on any department, division, or bureau of the city for whatever assistance may be necessary to abate such public nuisance as aforesaid, or may, by private contract, abate or lessen the severity of such public nuisance or take such other action as may be deemed appropriate. In the event that a fire occurs on the property of a nuisance structure between the time it is declared a public nuisance and the time such nuisance is fully abated, the reasonable expenses incurred by the City as a result of the services provided by the Fire Department shall be included in the cost of abating or lessening the severity of the public nuisance. The cost of abating or lessening the severity of such public nuisance shall be recovered in the manner provided in subsection (b) of this section.

(b) The cost of abating or lessening the severity of such public nuisance, or of such other action taken by the City pursuant to this chapter, shall be recovered in the following manner:

(1) The owner shall be billed directly by United States certified mail or commercial carrier service for the cost of abating or lessening the severity of such public nuisance. The bill for the cost thereof shall be paid within 60 days after receipt of the bill.

(2) If the costs are not so recovered, the City may collect the costs by any of the following methods:

A. The City may cause the costs of abating or lessening the severity of such public nuisance to be levied as an assessment and recovered in accordance with Ohio Revised Code section 715.261.

B. The City may commence a civil action to recover the costs from the owner, as provided in Ohio Revised Code section 715.261.

Sec. 1767.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

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CHAPTER 1771 – ANIMALS

Sec. 1771.01: Abandoning Animals.

[Repealed Previously]

Sec. 1771.02: Killing or Injuring Animals.

[Repealed Previously]

Sec. 1771.03: Poisoning Animals.

[Repealed Previously]

Sec. 1771.04: Cruelty to Animals Generally.

[Repealed Previously]

Sec. 1771.05: Cruelty to Companion Animals.

[Repealed Previously]

Sec. 1771.06: Barking or Howling Dogs.

[Repealed Previously]

Sec. 1771.07: Enticing Away Dogs.

[Repealed Previously]

Sec. 1771.08: Hunting of Animals in City Prohibited.

(a) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle, or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(c) Under this section, privilege to engage in the acts otherwise prohibited by subsection (a) hereof may be granted exclusively by the City Manager and/or his or her designee.

Sec. 1771.09: Running At Large.

[Repealed Previously]

Sec. 1771.10: Impounding.

[Repealed Previously]

Sec. 1771.11: Odors.

No owner, operator, or occupant of any property shall keep in any pen or otherwise confine any animal or any fowl so that such animal or fowl, or such pen or other confinement, shall become noisome or offensive to persons residing by or being in the vicinity thereof.

Sec. 1771.12: Feces Removal.

(a) The owner or harbinger of every dog, except guide dogs for blind individuals, shall be responsible for the immediate removal of any feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or person in charge of such dog or dogs.

(b) No person, being the owner or harbinger of any dog, except guide dogs for blind individuals, shall fail to immediately remove feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or harbinger of such dog.

Sec. 1771.13: Restraint of Vicious Animals, Vicious Dogs and Dangerous Dogs.

[Repealed Previously]

Sec. 1771.14: Wild or Exotic Animals.

[Repealed Previously]

Sec. 1771.15: Rabies Vaccination.

(a) For the purpose of these regulations, pertaining to the inoculation of dogs and cats with anti-rabic vaccine, the following meanings shall be given to the following terms, words, and/or phrases:

(1) "Dog" includes dogs of either sex more than six months of age.

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- (2) "Cat" includes cats of either sex more than six months of age.
- (3) "Inoculated" means the administration of an anti-rabic vaccine, the material, method, and administration of which has been approved by the City of Hamilton Health Department.
- (4) "Veterinarian" means any person licensed to practice the profession of veterinary medicine in the State of Ohio.
- (5) "Harborer" means a person who permits any dog or cat to remain and be lodged and fed within his or her home or enclosure.
- (b) It shall be the duty of every person who owns or harbors a dog or cat in the City of Hamilton to have such dog or cat inoculated with anti-rabic vaccine by a veterinarian:
 - (1) Before the dog or cat reaches its sixth month of age; or
 - (2) Within one month after acquiring possession of such dog or catand to maintain the immunity of such dog or cat by having such dog or cat re-inoculated before the validity of such vaccination expires.
- (c) It shall be the duty of each veterinarian when inoculating a dog or cat with anti-rabic vaccine to insert on a certificate:
 - (1) The name and address of the owner or harborer of the dog or cat;
 - (2) The date of vaccination;
 - (3) The year of expiration of vaccination;
 - (4) The tag number given to the dog or cat after inoculation;
 - (5) The breed, age, color, and sex of dog or cat; and
 - (6) The veterinarian shall immediately present one copy of the certificate to the owner or harborer of the dog or cat and one copy shall be retained by the veterinarian for his file.
- (d) At the time of the inoculation of any dog or cat the veterinarian shall also deliver to the owner or harborer of the dog or cat a tag that contains:
 - (1) The tag number;
 - (2) The year of expiration of the vaccination; and
 - (3) The identity of the veterinarianas evidence of such inoculation with anti-rabic vaccine.
- (e) Every owner or harborer of a dog or cat, upon obtaining the tag from a veterinarian, shall immediately attach the tag to the collar or harness of the dog or cat to be worn by the dog or cat at all times.
- (f) The certificates obtained from the veterinarian shall be retained by the owner or harborer of such dog or cat for inspection by the officials of the Health and Police Departments of the City of Hamilton at all times.
- (g) The requirement imposed by subsection (b) hereof shall not apply to:
 - (1) Dogs or cats kept by regularly chartered medical colleges or other education or scientific institutions to be used for scientific purposes;
 - (2) To dogs or cats kept in licensed breeding kennels and confined to the premises at all times; or
 - (3) To dogs brought to the City of Hamilton for exhibition purposes at any dog show, provided a permit for the holding of such show is obtained from the Department of Health of the City of Hamilton.
- (h) Failure to have a valid re-inoculation for the dog or cat shall subject such person to the penalty hereinafter provided.

1771.16: Animal bites; reports and quarantine.

- (a) Whenever any person is bitten by a dog, cat, or other animal, report of such bite shall be made to the Commissioner of Health within twenty-four (24) hours.
- (b) Whenever it is reported that any dog or cat has bitten a person, that dog or cat shall be quarantined, under an order issued by the Commissioner of Health, for isolation and observation.
- (c) The dog or cat shall be quarantined:
 - (1) By its owner or harborer; or
 - (2) In a pound or kennel.
- (d) In all cases of quarantine as required by subsection (b) herein, such quarantine shall be under the supervision of a veterinarian and shall be at the expense of the owner or harborer.
- (e) Quarantine shall continue until the Commissioner of Health determines that the dog or cat is not afflicted with rabies.
- (f) In no case shall the quarantine period be for less than ten (10) days from the date on which the person was bitten.
- (g) During the quarantine, a veterinarian shall observe the dog or cat twice, once at the beginning and again at the end of the quarantine, for symptoms of rabies.

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(h) The veterinarian shall report to the Commissioner of Health the conclusions reached as a result of these observations.

(i) No dog or cat shall be released from the required quarantine unless and until it has been properly immunized against rabies.

(j) If the owner or harbinger of the dog or cat is unknown, and the dog or cat is exhibiting signs of illness, as determined by a veterinarian, the dog or cat shall be destroyed, as directed by the Commissioner of Health, and the head of the dog or cat shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(k) Whenever it is reported to the Commissioner of Health that any other animal that is commonly known to transmit rabies has bitten a person, the animal shall be destroyed, as directed by the Commissioner of Health, and the head of the animal shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(l) No person shall fail to comply with the requirements of this section or with any order of the Commissioner of Health made pursuant thereto, nor fail to immediately report to the Commissioner of Health any symptoms or behavior suggestive of rabies.

1771.17: Notice of Disease; Sale of Animal Prohibited.

(a) If any person has reason to suspect the existence of a dangerously contagious or infectious disease in any animal, he or she shall give notice of such fact immediately to the Commissioner of Health or to a licensed veterinarian.

(b) If a veterinarian receives notice of the existence or suspected existence of a dangerously contagious or infectious disease as provided in subsection (a) hereof, the veterinarian shall immediately communicate that notice to the Commissioner of Health.

(c) No person shall:

- (1) Sell;
- (2) Attempt to sell;
- (3) Keep with the intent to sell;
- (4) Bring into the City of Hamilton; or
- (5) Otherwise transfer to another person

any animal which he or she knows, or has reason to know, is infected with or exposed to any dangerously contagious or infectious disease, except as otherwise provided in Ohio Revised Code Chapter 941, or regulations promulgated thereunder.

(d) The Commissioner of Health, upon obtaining information regarding the case of any animal having any communicable disease, shall cause the destruction, removal, or isolation, as may be required of such animal. .

1771.18: Sanitary Maintenance of Horses and Farm Animals.

(a) No person shall use any structure as a stable or housing for any horse, mule, donkey, bovine, sheep, or goat, that is situated upon a lot that permits water and sewer connections, unless the portion of the lot used as a stable or housing has running water and an impervious floor constructed so as to drain into the public sewer.

(b) It shall be the duty of every person in charge of any stable, pen, coop, runway, or other place where animals or fowls are kept, to maintain the same in a clean condition, free from any accumulation of filth, garbage, rubbish, or other waste.

(c) No person shall keep any horse, mule, or donkey in any stable or other structure situated nearer than twenty-five (25) feet to any place of human habitation or to any food establishment or food service operation.

(d) No person shall keep any bovine, sheep, or goat upon any premises not directly connected with a stock yard or with a slaughtering establishment, unless such premises are at least one hundred (100) feet from any place of human habitation or from any food establishment or food service operation.

(e) No person shall keep any swine upon any premises not directly connected with a stock yard or with a slaughtering establishment.

(f) No person shall own, keep, brood, raise, or harbor any live fowl or poultry within the City of Hamilton except in a district which is zoned for agricultural use.

(g) The prohibition in subsection (f) herein is not intended to prevent the ownership and enjoyment of pet fowl which are caged such as, but not limited to, canaries, parakeets, parrots and the like, provided such pet is confined within the residence of the owner, person in control, or person responsible for it.

(h) The provisions of subsection (f) herein are not intended to prevent the brooding of chicks and other fowl or poultry by a school for educational or scientific purposes, provided the activity is conducted in a safe and sanitary manner in an enclosed structure on school property.

(i) The provisions of subsection (h) above are not intended to permit the private keeping of such live fowl or poultry after the educational or scientific program is concluded.

1771.19: Harvest of Wildlife.

(a) Whenever the Commissioner of Health determines that the presence of wildlife upon public property:

- (1) Creates a health hazard;
- (2) Poses a potential physical danger or health hazard to members of the public; or
- (3) Creates conditions which may destroy public property

such wildlife may be harvested by City of Hamilton personnel upon application to and approval by the Ohio Division of Wildlife.

(b) The Commissioner of Health shall make such application to the Ohio Division of Wildlife, and all harvesting shall be done pursuant to the requirements and mandates of the Ohio Division of Wildlife.

1771.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

1771.99: Penalty.

(a) Where no other penalty is provided, whoever violates any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150.00).

(b) Whoever violates section 1771.08 is guilty of a minor misdemeanor.

(c) The penalty for each subsequent offense of section 1771.11 shall be a fine of not more than two hundred dollars (\$200.00).

(d) Whoever violates section 1771.17 hereof shall be fined not more than three hundred dollars (\$300.00) for a first offense. The penalty for each subsequent offense shall be:

- (1) A fine of not more than five hundred dollars (\$500.00); or
- (2) Imprisonment for not more than six (6) months; or
- (3) Both a fine of not more than five hundred dollars (\$500.00) and imprisonment for not more than six (6) months.

**CHAPTER 1775 – MISCELLANEOUS SANITARY REQUIREMENTS
[NO CHANGES]**

**CHAPTER 1776 – HOUSEHOLD SEWAGE TREATMENT SYSTEMS
[NO CHANGES]**

CHAPTER 1779 - NON-RESIDENTIAL PROPERTY MAINTENANCE CODE

Sec. 1779.01: Purpose.

(a) This chapter establishes minimum uniform maintenance standards applicable to non-residential property, including all buildings, structures, and grounds.

(b) Enforcing the provisions of this chapter is designed to achieve the following goals:

- (1) Protect the public peace, health, safety, and welfare;
- (2) Maintain property values;
- (3) Encourage the preservation of aesthetic values in accordance with standards of the community; and

(4) Establish the responsibility of owners, operators, and occupants regarding the maintenance of buildings and grounds in accordance with the provisions of this chapter.

Sec. 1779.02: General Scope.

(a) The provisions of this chapter shall supplement all other provisions of the City of Hamilton's ordinances relating to the maintenance of non-residential property.

(b) Incorporated herein by reference are the standards referenced in the applicable Building Code, including, but not limited to, those standards applicable to electrical, plumbing and building materials, equipment, installation, and repair.

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(c) Where terms are not defined in this chapter and are defined by the applicable Building Code, such terms shall have the meaning described to them in the applicable Building Code.

(d) In the event that the provisions of this chapter impose a higher or more restrictive standard than appears in any other ordinances of the City of Hamilton or under the laws of the State of Ohio or Federal law, then the standards set forth herein shall prevail.

(e) If any provision of this chapter imposes a lower or less restrictive standard than any other City of Hamilton ordinance or under the laws of the State of Ohio or Federal law, then the higher or more restrictive standard contained in such other ordinance or law shall prevail.

Sec. 1779.03: Responsibilities of Owner, Operator, and Occupant.

(a) The owner, operator, and occupants shall have all duties and responsibilities prescribed in this chapter, individually, and jointly and severally.

(b) The owner, operator, and occupants shall monitor the frequency and adequacy of maintenance to assure on-going compliance with the provisions of this chapter.

(c) If the owner of any non-residential improved real estate is not a resident of Butler County, Ohio, and is not responsive to notices, such owner shall be required to designate and file with the Commissioner of Health the name, address, and telephone number of an accessible agent for the purpose of receiving all notices of inspection, orders or otherwise from the City relative to such improved real estate.

(d) Service of notice upon such agent, as described in subsection (c) herein, shall be deemed to be notice upon the owner.

(e) Any such notice upon such agent, as described in subsection (c) herein, shall also be sent by United States certified mail or commercial carrier service to the last known address of the owner.

(f) Notice may also be posted in a conspicuous place on the property to which it relates.

(g) No person shall remove or deface such posted notice without the written permission of the Commissioner of Health.

Sec. 1779.04: Non-Residential Property to be Free of Nuisances.

All non-residential property shall be kept free of public nuisances.

Sec. 1779.05: General Maintenance Requirements.

(a) All non-residential buildings and structures, and all parts thereof, shall be structurally sound, maintained in good repair and in a sanitary condition, and shall be capable of performing the function for which such building, structure, or part thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a non-residential building or structure shall be structurally sound, maintained in a good and safe working order, and be in a sanitary condition.

(c) No non-residential structures may be structurally altered without first obtaining a building permit.

(d) Where required under the Zoning Code, any alteration, construction, reconstruction, erection, removal, or exterior work to any non-residential structure located within the Historic District, shall be approved in advance by the Architectural Design Review Board.

Sec. 1779.06: Specific Maintenance Requirements.

(a) Exterior Building Maintenance.

(1) Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All street numbers shall be in Arabic numerals at least four (4) inches high and one-half (0.5) inch stroke.

(2) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(3) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

(4) Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration.

A. The exterior of every building and structure shall be free of obsolete hardware and fixtures.

B. Any exterior painted surfaces which are altered by repairs or structural alterations shall be repainted.

(5) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

(6) Overhang Extensions. All canopies, marquees, signs, metal awnings, stairways, fire escapes, sandpiper exhaust ducts, and similar overhang extensions shall be maintained in good repair and be

Ordinance No. _____ (cont'd)

properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or a similar surface treatment.

(7) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a structurally safe and sound manner and be kept in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or a similar surface treatment.

(8) Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Windows and Doors. Exterior windows and doors, whether transparent, translucent, or opaque, shall be kept in good repair, clean and free of marks, cracks, breaks, soap, wax, and other foreign substances.

A. Windows and doors shall be secured in a tight-fitting and weather proof manner, shall be easily operable, and all windows shall be capable of being held in position by window hardware.

B. No exterior windows shall be permanently removed or enclosed, covered or boarded up, unless treated as an integral component of the facade using materials and detailing compatible with the building facade and style in general.

(10) Insect Screens. During the period from May 1 to October 1, every door, window, and other outside opening utilized or required for ventilation purposes, serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch, and every swinging door shall have a self-closing device in good, working condition. Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans, are employed.

(11) Basement hatchways. Every basement hatchway shall be maintained so as to prevent the entrance of rats, rain, and surface drainage water.

(12) Guards for basement windows. Every basement window that is openable shall be supplied with rat-proof shields, storm windows, or other approved protection against the entry of rats.

(13) Posters and Graffiti. The exterior of all buildings and structures shall be free from all posters, handbills and graffiti.

(14) Scaffolds. Exterior painting scaffolds or other temporary equipment used for construction, repair, or maintenance, shall be maintained in good repair and shall be removed when the project is suspended for fourteen (14) days or more and immediately upon completion of the project.

(b) Roofs and Drainage.

(1) Roofs shall be maintained in good repair and free of trash, debris, and any other materials that are not a permanent part of the building or a functional element.

(2) Any false roof, mansard, like-roof element, or other auxiliary structure on the roof, shall be maintained in good repair and finished in a manner compatible with the exterior of the building.

(3) The roof and flashing shall be sound, tight and not have defects that admit rain.

(4) Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.

(5) Roof water shall not be discharged in a manner that creates a public nuisance.

(c) Interior of Buildings.

(1) The interior of a structure and all equipment therein shall be maintained in good repair, shall be structurally sound, and shall be kept in a sanitary condition.

(2) Structural members. The supporting structural members of every structure shall be maintained in a structurally sound manner and be capable of supporting the imposed loads.

(3) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition.

(4) Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(5) Lead-based paint. Interior and exterior painted surfaces of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding lead-based paint.

A. Should any lead-based paint on the property be removed or covered, it must be done in an approved manner.

B. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

Ordinance No. _____ (cont'd)

(6) Asbestos. Both the interior and exterior of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding asbestos.

A. Should any asbestos on the property be removed or covered, it must be done in an approved manner.

(7) Stairs and railings. All interior stairs and railings shall be maintained in a structurally sound condition and in good repair, with proper anchorage, and capable of supporting the imposed loads.

(8) Handrails and guards. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Storage and display. All window displays and screening of interiors as backdrops shall be maintained in good repair and in a clean and attractive manner.

(10) Infestation. The interior of every structure shall be free from insect, rodent, and/or vermin infestation.

Sec. 1779.07: Grounds.

(a) Accessory Structures. All accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

(1) In good repair and be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration; and

A. As pertaining to fences and fence-like structures:

(i) No section(s) of the fence or fence-like structure shall be missing; and

(ii) No section(s) of the fence or fence-like structure shall be broken; and

(iii) If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.

(2) Free from health, fire, and accident hazards; and

(3) Free from vermin, insect, and rodent harborage.

(b) Exterior Property Areas.

(1) All exterior property shall be maintained in a clean, safe, and sanitary condition.

(2) Exterior property areas shall be free of excessive vegetation, weeds, trash, and debris.

(3) Grading and drainage. All exterior property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water, including accumulation within structures, with the exception of water retention areas and reservoirs approved by the City Engineer.

(4) Exhaust vents. Pipes, ducts, conductors, fans, and/or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particular wastes directly upon abutting or adjacent public or private property.

(5) Structures and equipment, including curbs, guardrails, signs, light fixtures and poles, garages, fences, and walls, shall be maintained in good repair.

A. Structures and equipment which are deteriorated or obsolete shall be removed or replaced.

(6) Paved grounds and parking areas. Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation.

A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands.

B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles.

(7) Stairs. All stairs and handrails shall be structurally sound and capable of supporting normally imposed loads.

(8) Rat harborage. All structures and exterior property areas shall be kept free from rat infestation.

A. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health.

B. After extermination, proper precautions shall be taken to prevent re-infestation.

(9) Motor vehicles. No motor vehicle or trailer that does not bear current, valid, state license plates, and that is not owned or leased by the owner or operator of the subject non-residential property, nor any boat, aircraft, or camper, shall, at any time, be kept or stored on non-residential property for more than thirty (30) days, without being kept or stored in a structure with at least three (3) sides. Neither a carport nor a fence meets the above requirement that motor vehicles, boats, aircraft, campers, or trailers be kept or stored in a structure with at least three (3) sides.

Ordinance No. _____ (cont'd)

A. Exception: A vehicle of any type, boat, aircraft, camper, or trailer, is permitted to undergo mechanical repair and body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

B. Exception: Motor vehicles, boats, aircraft, campers, and trailers are permitted in impound lots:

- (i) Operated by the City, or
- (ii) Used in connection with the operation of the Police Department, and/or
- (iii) Otherwise approved by the City.

C. Notice of Violation and Order to Remove. Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice of the violation to the person responsible therefore and order that the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) be removed to a place of lawful storage or into a structure with at least three (3) sides within five (5) days of receipt of the notice of violation. The Commissioner of Health shall also give, or cause to be given, written notice of the violation and order to remove to the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s). Written notice shall be by United States certified mail return receipt requested, commercial carrier service, or by personal service.

D. Removal by City.

(i) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the person responsible for the violation of this section, or the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s), fails, neglects, or refuses to remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in accordance with the notice given by the Commissioner of Health pursuant to the provisions of this section, the Commissioner may remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in any manner authorized by state law. In addition to any other penalty authorized by law, the person responsible for the violation of this section shall be assessed any costs incurred by the City in removing the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) from the property.

(ii) Right of Entry.

(a) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter upon the subject property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose.

(b) Any person to whom notice of violation was given pursuant to subsection (C) hereof shall have the right to remove or house such motor vehicle, boat, aircraft, camper, or trailer in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives for the purpose of removal.

(10) Graffiti. All surfaces, including but not limited to, walls, fences, parking lots, sidewalks, curbs, furniture and equipment, signs, and dumpsters shall be maintained free of graffiti.

(c) Landscaping.

(1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, rocks, or other appropriate, approved material as determined by municipal ordinance.

(2) Trees, shrubs, ground cover, grasses, and other landscape materials shall be maintained.

(3) Landscape materials which die or are damaged shall be replaced with similar vegetation, and shall comply with the approved site plan, if any.

(4) No landscaping shall impede vehicular or pedestrian traffic.

(d) Sidewalks and Tree Lawns.

(1) Sidewalk and tree lawns shall be maintained in good repair and free from hazardous conditions.

A. Sidewalks shall be kept clean.

B. Sidewalks and tree lawns shall be free of excessive vegetation, trash, and debris.

(2) Free standing objects, including but not limited to, trash receptacles, vending machines, and benches, shall be maintained in good repair and free of trash, debris, and excessive vegetation.

(e) Rubbish and Garbage.

(1) All exterior property, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, such that causes a health hazard or public nuisance.

(2) The outside storage of any equipment, materials, and/or merchandise shall be in accordance with the requirements of the Zoning Code and all other applicable City ordinances, including the Fire and Health Codes.

(3) Dumpsters shall be maintained in good repair and free from rust and damaged components.

Ordinance No. _____ (cont'd)

- A. Areas surrounding dumpsters shall be free from trash, debris, and excessive vegetation.
 - B. Dumpsters shall be of adequate size to hold all garbage and rubbish with a closed cover.
 - C. Covers shall remain closed at all times except when filling and emptying.
 - D. Dumpsters shall be located in an appropriate place so as not to impede pedestrian or vehicular traffic.
 - E. Dumpsters shall be located on a solid, non-earth surface that is capable of being cleaned.
- (4) Rubbish or garbage kept or disposed of in violation of the City Health Code shall be deemed to be a public nuisance.

Sec. 1779.08: Light and Ventilation.

- (a) Light.
 - (1) All spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and utilization of the appliances, equipment, and fixtures.
- (b) Ventilation.
 - (1) Where injurious, toxic, irritating, or noxious fumes, gases, dusts, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source.
 - A. Air shall be exhausted to the exterior and not be recirculated to any space.
 - (2) Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

Sec. 1779.09: Plumbing Facilities and Future Requirements.

- (a) The requirements listed herein for plumbing facilities represent minimum requirements; where applicable, the requirements of the applicable Building Code shall govern.
 - (1) A minimum of one (1) water closet, one (1) lavatory, and one (1) drinking facility shall be available to employees.
 - (2) Toilet facilities shall be located not more than one (1) story above or below the employees' regular working area and the path of travel to such facilities shall not exceed five hundred (500) feet.
 - (3) Toilet rooms and bathrooms shall provide privacy.
 - (4) Drinking facilities shall be at least one of the following:
 - A. Drinking fountain, or
 - B. Water cooler, or
 - C. Bottled water cooler, or
 - D. Disposable cups next to a sink or water dispenser.
 - (5) Drinking facilities shall not be located in toilet rooms or bathrooms.
- (b) Plumbing Fixtures.
 - (1) All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects.
 - (2) All plumbing fixtures shall be capable of performing the function for which such plumbing fixtures are designed.
 - (3) All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.
 - (4) Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) Water System.
 - (1) Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to a public water system.
 - (2) All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water.
 - (3) The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.
 - (4) Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved, permanently attached hose connection vacuum breaker.
 - (5) The water supply system shall be installed and maintained so as to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

Ordinance No. _____ (cont'd)

(6) Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than one hundred and ten (110) degrees F. (forty-three (43) degrees C.).

(7) A gas-burning water heater shall not be located in any bathroom, toilet room, or other occupied room normally kept closed, unless adequate combustion air is provided.

(8) An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(7) Water heating facilities used in conjunction with the preparation of food shall also comply with the applicable provisions of the City Health Code and State Law, including Ohio Revised Code Chapter 3732.

(d) Sanitary Drainage System.

(1) All plumbing fixtures shall be properly connected to a public sewer system or to an approved, private septic system as determined by the Commissioner of Health.

(2) Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

(e) Drainage of roofs and paved areas, yards and courts, and other open areas on the property shall not be discharged in a manner that creates a public nuisance.

Sec. 1779.10: Mechanical and Electrical Requirements.

(a) Heating Facilities.

(1) Heating facilities shall be provided in structures as required by this section.

(2) Every enclosed occupied work space shall be supplied with sufficient heat to maintain an inside ambient temperature of not less than sixty-five (65) degrees F. (eighteen [18] degrees Celsius) during all working hours.

A. Exception: Processing, storage, and operating areas that require cooling or special temperature conditions.

B. Exception: Areas in which persons are primarily engaged in vigorous physical activities.

(3) The required room temperatures shall be measured at a point three (3) feet (nine hundred and fourteen (914) mm) above the floor and three (3) feet (nine hundred and fourteen (914) mm) from the exterior walls.

(b) Mechanical Equipment.

(1) All mechanical equipment, fireplaces, and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing their intended function.

(2) All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from leaks and obstructions.

(3) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except where such fuel burning equipment and appliances are labeled for unvented operation and tested by a testing laboratory approved by the applicable Building Code.

(4) All required clearances to combustible materials shall be maintained.

(5) All safety controls for fuel-burning equipment shall be maintained in effective operation.

(6) A supply of air for complete combustion of fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(7) Devices purporting to reduce fuel consumption by attachment to:

A. A fuel-burning appliance, or

B. To the fuel supply line thereto, or

C. To the vent outlet or vent piping therefrom, shall not be installed unless labeled

for such purpose and the installation is specifically approved.

(c) Electrical Facilities and Equipment.

(1) Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(2) The size and usage of appliances and equipment shall serve as a basis for determining the need for additional or upgraded electrical services and/or equipment, in accordance with the applicable Building Code.

(3) All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

(4) Every public hall, interior stairway, water closet compartment, bathroom, laundry room, and furnace room shall contain at least one (1) electric lighting fixture.

(d) Elevators, Escalators, and Dumbwaiters.

(1) Elevators, escalators, and dumbwaiters shall be maintained to:

A. Sustain safely all imposed loads, and

Ordinance No. _____ (cont'd)

- B. Operate properly, and
 - C. Be free from physical and fire hazards.
- (2) In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.
- A. Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 1779.11: Signs.

- (a) All signs are required to be in compliance with the City of Hamilton Zoning Code and the applicable Building Code.
- (b) Signs shall be maintained in good repair.

Sec. 1779.12: Inspection.

- (a) The Commissioner of Health shall annually make, or cause to be made, inspections of the exterior of all non-residential properties, and shall conduct such additional inspections as may be deemed necessary. Such additional inspections may include, but not be limited to, the exterior or interior of non-residential structures upon complaint.
- (b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any non-residential properties upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his duties under the Non-Residential Property Maintenance Code.
- (c) The provisions of this chapter shall apply to all such inspections of non-residential property.

Sec. 1779.13: Access to Property in Emergency.

The owner, operator, or occupant of every non-residential property shall give personnel authorized in section 1779.12 access to such non-residential property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1779.14: Identification of Authorized Personnel.

Authorized personnel of the Department of Community Development - Health Division shall be supplied with official identification and shall exhibit such identification when entering any non-residential property.

Sec. 1779.15: Notice of Violation.

- (a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the owner, operator, or occupant of the non-residential property and order compliance, as herein provided.
- (b) The notice and order shall:
 - (1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;
 - (2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;
 - (3) Specify the time within which to comply; and
 - (4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.
- (c) The Commissioner of Health may re-inspect a non-residential property from time to time, so as to determine the status of any violation.
 - (1) Upon the written request of the noticed person stating that a violation has been corrected, the Commissioner of Health or his or her designee shall re-inspect the property and shall notify the owner, operator or occupant of the result of the re-inspection.

Sec. 1779.16: Final Order.

Any order contained in a notice of violation provided for in section 1779.15 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Ordinance No. _____ (cont'd)

Sec. 1779.17: Hearing.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Non-Residential Property Maintenance Code may request and shall be granted a hearing as provided for in Chapter 1705.26.

Sec. 1779.18: Severability and conflict.

(a) The regulations, rights, and remedies set forth herein are not exclusive and do not restrict the right of the City to pursue other remedies which are set forth in the Codified Ordinances of the City or which are within the authority of the City under Ohio law.

(b) In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1779.99: Penalty.

(a) Any owner, operator, or occupant who violates any provision of this chapter is guilty of a misdemeanor of the first degree.

(b) Each day a violation continues constitutes a separate offense.

(c) Any owner, operator, or occupant who violates the provisions of this chapter shall be subject to a civil action in any court of competent jurisdiction to be brought by the City for any appropriate relief, including but not limited to injunction, declaratory judgment, and damages.

(d) Damages may include all actual costs incurred by the City in the enforcement of this chapter, including but not limited to, reasonable attorney fees, administrative costs, court costs, and costs incurred in abating a public nuisance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS PORTIONS OF PART SEVENTEEN – HEALTH CODE OF THE CITY OF HAMILTON’S CODIFIED ORDINANCES

WHEREAS, periodic review of the City’s Health Code, including both residential and non-residential sections of the code, has revealed that changes could be made to improve the timeliness and clarify definitions; and

WHEREAS, the Ordinance Review Committee has reviewed the proposed amendments and received public input; and

WHEREAS, the Ordinance Review Committee at their meeting of January 6, 2016 recommended approval of the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following chapters of Part Seventeen of the Codified Ordinances of the City of Hamilton, Ohio, specifically

Title One – Housing Code

- Chapter 1705 Administration and Enforcement
- Chapter 1709 Definitions
- Chapter 1713 Environmental Requirements
- Chapter 1717 Space and Occupancy Requirements
- Chapter 1721 Responsibilities of Persons

Title Three – General Standards

- Chapter 1735 Littering
- Chapter 1759 Offensive Objects and Substances
- Chapter 1763 Weeds
- Chapter 1767 Nuisances Generally
- Chapter 1771 Animals
- Chapter 1779 Non-Residential Property Maintenance Code

be and are hereby amended to be and read as set forth in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: That the remainder of Part Seventeen of the Codified Ordinances of the City of Hamilton, Ohio, specifically

Title One – Housing Code

- Chapter 1701 General Provisions

Title Three – General Standards

- Chapter 1731 Administration
- Chapter 1733 Fees and Charges
- Chapter 1751 Mass Gatherings
- Chapter 1755 Swimming Pools
- Chapter 1775 Miscellaneous Sanitary Requirements
- Chapter 1776 Household Sewage Treatment Systems

as they existed before the enactment of this Ordinance, shall remain in full force and effect.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinance of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for period of ten days. POSTED: _____.

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

Exhibit No. 1

TITLE ONE - HOUSING CODE

**CHAPTER 1701 – GENERAL PROVISIONS
[NO CHANGES]**

CHAPTER 1705 - ADMINISTRATION AND ENFORCEMENT

Sec. 1705.01: Rules and Regulations.

(a) The Commissioner of Health is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of the Housing and Non-Residential Property Maintenance Codes to secure the intent thereof.

(b) Such rules and regulations described in subsection (a) above shall not be in conflict with the provisions of the Housing and Non-Residential Property Maintenance Codes or any other ordinance of the City of Hamilton, nor shall they have the effect of waiving any provisions of the Housing Code, Non-Residential Property Maintenance Code, or any other ordinance.

(c) Such rules and regulations described in subsection (a) above shall have the same force and effect as the provisions of the Housing and Non-Residential Property Maintenance Codes, and the penalty for violation thereof shall be the same penalty for violation of the provisions of the Housing Code or Non-Residential Property Maintenance Code.

(d) Such rules and regulations described in subsection (a) above shall be on file and available as a matter of public record.

Sec. 1705.02: Inspection of Dwellings.

(a) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, and other property in order to safeguard the health, safety, morals, and welfare of the public.

(b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under this Housing Code.

Sec. 1705.03: Access to Dwellings in Emergency.

The owner, operator, or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or other property shall give personnel authorized pursuant to section 1705.02 access to such dwelling, dwelling unit, rooming house, rooming unit, or other property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1705.04: Identification of Authorized Personnel.

Personnel authorized pursuant to section 1705.02 to conduct inspections shall be supplied with official identification and shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, or other property.

Sec. 1705.05: Notice of Violation.

(a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the person responsible therefore and order compliance, as herein provided.

(b) The notice and order shall:

(1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;

(2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;

- (3) Specify a the time within which to comply; and
- (4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.

Sec. 1705.06: Final Order.

Any order contained in a notice of violation provided for in section 1705.05 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Sec. 1705.07: Power to Act in Emergency.

(a) Whenever the Commissioner of Health, at any stage of the proceedings instituted under the provisions of this Housing Code, finds that a violation of the Housing or Non-Residential Property Maintenance Codes exists which requires immediate action to abate a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or of the public, he or she may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger.

(b) Such order described in subsection (a) above may include an order to vacate as provided in section 1705.15.

(c) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.07.

Sec. 1705.08: Agency to Abate Hazards in Emergency.

Whenever any violation of the Housing or Non-Residential Property Maintenance Codes which, in the opinion of the Commissioner of Health, causes a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or the public, has not been corrected in the time specified by the order issued under section 1705.07, the Commissioner of Health may take such direct action as is necessary to abate the hazard or danger.

Sec. 1705.09: Demolition as Compliance.

(a) Any owner of a building, receiving notice of a violation stating that such building does not comply with the provisions of the Housing or Non-Residential Property Maintenance Codes, may demolish such building.

(b) Demolishing such building as outlined in subsection (a) above shall be deemed compliance with the order contained in the notice of violation.

Sec. 1705.10: Re-Inspection.

At the end of the period specified in a notice of violation, or any extension thereof, it shall be the duty of the Commissioner of Health to make, or cause to be made, a re-inspection of the building, structure, dwelling, dwelling unit, rooming house, rooming unit or property.

Sec. 1705.11: Extension of Compliance Time.

The Commissioner of Health may extend the compliance time specified in any order contained in a notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Code where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

Sec. 1705.12: Transfer of Ownership.

(a) No owner of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, upon whom any notice of violation issued pursuant to the Housing or Non-Residential Property Maintenance Codes has been served, shall sell, transfer, grant, mortgage, lease, or otherwise

dispose thereof, such property to another until compliance of the provisions of such order contained in the notice of violation has been achieved; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee, or lessee, prior to such sale, transfer, grant, mortgage, or lease, a true copy of such notice of violation and order and, at the same time, give adequate notification to the Commissioner of Health of his intent to sell, transfer, grant, mortgage, or lease, and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage or lease is proposed.

(b) A purchaser, transferee, grantee, mortgagee, or lessee, who has been informed of the existence of any notice of violation and order issued pursuant to the Housing or Non-Residential Property Maintenance Codes shall be bound thereby.

Sec. 1705.13: Unfit Buildings.

Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, shall be designated as unfit for human habitation if any of the following defects or conditions are found, and when, in the judgment of the Health Administrator, such defects create a hazard to the health, safety, or welfare of the occupants or of the public:

- (a) It is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, and/or contains hazardous levels of lead-based paint, asbestos or other substances; or
- (b) It lacks illumination, ventilation and/or required sanitation facilities; or
- (c) The general condition of the property is unsanitary, unsafe and/or unhealthful; or
- (d) It lacks any basic facility, including, but not limited to, water, waste-water disposal facilities, electricity and heat.

Sec. 1705.14: Notice.

Whenever any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may place a notice on the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, indicating that it is unfit for human habitation.

Sec. 1705.15: Order to Vacate.

(a) Whenever a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may order the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property to be vacated.

(b) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.15.

Sec. 1705.16: Vacation of Unfit Building.

(a) Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13 and ordered vacated as provided in section 1705.15, shall be vacated within such reasonable time as the Commissioner of Health may specify in the order.

(b) Any such building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall neither be used for human habitation, nor the notice removed, until written approval is secured from the Commissioner of Health.

Sec. 1705.17: Removal of Notice.

No person shall deface or remove the notice placed as provided in section 1705.14, except as provided in section 1705.16(b).

Sec. 1705.18: Vacated Building Made Secure.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which has been vacated shall make the same safe and secure in whatever manner the Commissioner of Health deems necessary.

(b) Any vacant building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a public nuisance.

(c) The Commissioner of Health shall be authorized, when necessary, to enter any vacant, open, and unguarded property to board it or otherwise secure it in order to lessen the severity of the danger.

(d) In securing or boarding the property, the Commissioner of Health may call upon any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such property.

(e) Such securing or boarding shall be deemed to constitute effective boarding, but does not abate the nuisance condition(s) previously identified, unless so declared in writing by the Commissioner of Health.

Sec. 1705.19: Effective Boarding.

(a) Pending the correction of violations of the Housing or Non-residential Property Maintenance Codes to the minimum standards provided therein, as well as the standards specified in the Ohio Revised Code and the Ohio Administrative Code, the owner or operator of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall secure the same through effective boarding.

(1) The Commissioner of Health, or his or her designee, shall review the condition of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, and set forth special requirements, if any, necessary for compliance with the minimum standards for effective boarding.

(2) If a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property cannot be effectively boarded due to its condition, its rehabilitation shall be undertaken immediately or it shall be demolished by the owner or operator as provided in Chapter 1767.

(3) The owner or operator shall effectively board the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property and post a sign on the front of the building containing the owner's or operator's name and phone number to be contacted in case of emergency using at least two-inch (2") lettering within two (2) days from the receipt of the notice of violation, or within such other time limit that the Commissioner of Health shall permit.

(b) Materials. The effective boarding of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall include, but not be limited to doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such opening(s) shall be secured by plywood not less than one-half (.5) inch thick, wire mesh or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight (48) inches wide shall be framed with two-inch (2") by four-inch (4") lumber, plywood, wire mesh, or equivalent material fastened twenty-four (24) inches on center onto the frame. The plywood or equivalent material shall be fastened into the openings by screw type nails, lag screws, or equivalent fasteners.

(c) Monitoring and Maintenance. Upon effectively boarding a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, the owner or operator shall monitor and maintain the building or structure and its surrounding property in a safe, sanitary, and secure condition.

(1) Any portion of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which is deemed to be potentially hazardous, due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such manner so as to eliminate the hazard.

(2) Failure of the owner or operator to properly maintain the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property in the above condition will result in the structure being deemed a public nuisance.

Sec. 1705.20: Insurance or Bond Requirements for Vacant Buildings.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13, and ordered vacated, as provided in section 1705.15, shall acquire insurance or post a bond in the amounts set forth below to cover liability for damages that may be proximately caused as a result of the condition of that property:

(1) Not less than three hundred thousand dollars (\$300,000.00) for buildings designated primarily for use as residential units, including buildings containing no more than four (4) dwelling units; and

(2) Not less than one million dollars (\$1,000,000.00) for any other building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property.

(b) The owner or operator shall provide proof of such insurance or bond to the Commissioner of Health within thirty (30) days of any determination that the property is unfit for human habitation pursuant to section 1705.13 and ordered vacated.

(c) The owner or operator shall provide written notice to the Commissioner of Health within thirty (30) days of any lapse, cancellation, or change in coverage and shall, upon request, provide evidence of said insurance or bond to the Commissioner of Health.

Sec. 1705.21: Expenses Recoverable.

(a) Any expenses incurred by the City as a result of violations of the Housing or Non-Residential Property Maintenance Code shall be paid by the owner or operator of the affected property, or by the person who caused or maintained the subject violations, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The Commissioner of Health shall file among the records of the Department of Community Development - Health Division an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of the actions authorized by sections of the Housing or Non-Residential Property Maintenance Code.

(c) The Commissioner of Health may:

(1) issue a complaint to the Director of Law pursuant to section 1705.27 for collection of the expenses and costs incurred as a result of violations of the Housing or Non-Residential Property Maintenance Code; or

(2) make a written return to the county auditor of the action taken as a result of violations of the Housing or Non-Residential Property Maintenance Code, with a statement of the expenses incurred by the City and the administrative costs, and a proper description of the property. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such property from the date of the entry, and shall be collected as other taxes and returned to the City with the general fund.

(d) Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

Sec. 1705.25: Appeals Board.

(a) There is hereby created a Nuisance Appeals Board of seven (7) members to conduct hearings authorized by the Housing and Non-Residential Property Maintenance Codes. Four (4) members of the Nuisance Appeals Board in attendance at any meeting shall constitute a quorum.

(b) Such Nuisance Appeals Board shall:

(1) Consist of: the Public Safety Director, who shall be the Chairperson of the Board; the Community Development Director, who shall be the Secretary of the Board; the Fire Chief; the Police Chief; and three (3) additional members as follows: one (1) appointed by the Greater Hamilton Chamber of Commerce; one (1) appointed by the Investment Property Owners Association of Butler County, Ohio, Inc.; and one (1) appointed by Neighborhood Housing Services of Hamilton, Inc. The additional members shall not be City employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. The term of membership for the additional members shall be two years, except that upon adoption of this section the member appointed by the Greater Hamilton Chamber of Commerce shall be appointed for a one year term. If an appointment is vacated by one of the additional members, the replacement for that appointment shall be selected by the organization that appointed the vacating member, and the new appointee shall complete the unexpired term of the previous member. There is no limit on the number of terms that may be served should a member be reappointed by the appointing organization. The additional members must be residents of the City. No person may be appointed as an additional member, or can continue to serve as an additional member, if such person is the owner or operator of a property to which two (2) or more notices of violation have been issued pursuant to section 1705.05 or 1779.15 within any two (2) year period, relative to the same property, and final orders relative to such notices are, or were, not complied with within the time provided.

(2) Adopt rules of procedure not inconsistent with the Housing and Non-Residential Property Maintenance Codes.

(c) No member of the Nuisance Appeals Board shall take part in any hearing or determination in which he has a personal or financial interest.

Sec. 1705.26: Hearing.

(a) Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Housing or Non-Residential Property Maintenance Codes may request and shall be granted a hearing on the matter before the Nuisance Appeals Board, provided that such person files in the office of the Department of Community Development - Health Division a written petition requesting such hearing and setting forth:

(1) The complete name, address, and telephone number of the petitioner;
(2) The date and description of the alleged violation; and
(3) A brief statement of the grounds for such hearing or for the mitigation of any item appearing on any notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Codes.

(b) The petition shall be filed within five (5) days after the day a notice of violation is received.

(c) Upon receipt of such a petition, the Commissioner of Health shall schedule a hearing to take place before the Nuisance Appeals Board no later than thirty (30) days after receipt of the petition, and shall give the petitioner written notice thereof.

(d) At such hearing, the petitioner shall be given an opportunity to be heard and show cause why any item appearing on such notice of violation should be modified or withdrawn.

(e) The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition had been filed.

(f) After a hearing, the Nuisance Appeals Board shall, by majority vote, sustain, modify, or withdraw any item appearing on the notice of violation. The Nuisance Appeals Board shall issue its findings and decision, in writing, within ten (10) business days to petitioner and the Commissioner of Health. With respect to all items appearing on the notice of violation that are not withdrawn pursuant to the vote of the Nuisance Appeals Board, the findings and decision of the Nuisance Appeals Board shall constitute a final order to petitioner as to such items to take the remedial action ordered in the notice of violation which will effect compliance with the provisions of the Housing or Non-Residential Property Maintenance Codes.

(g) The proceedings at such hearings shall be summarized and reduced to writing and entered as a matter of public record in the Department of Community Development - Health Division, along with the findings and decision of the Nuisance Appeals Board.

(h) Such record shall also include a copy of every notice and/or order issued in connection with the matter.

Sec. 1705.27: Legal Remedies.

(a) The Director of Law shall, upon complaint of the Commissioner of Health or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and take such other legal action as is necessary to carry out the terms and provisions of the Housing and Non-Residential Property Maintenance Codes.

(b) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(c) Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

Sec. 1705.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1705.99: Penalty.

(a) Criminal Penalties. Any person, owner, operator, or occupant who violates or fails to comply with any of the provisions of the Housing Code or any chapter contained therein shall be guilty of an unclassified misdemeanor and, in addition to the imposition of court costs pursuant to Ohio Revised Code section 2947.23, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one hundred eighty (180) days, or both, and shall, in addition to any other penalties within these maximum amounts, be subject to imposition of the following minimum mandatory penalties, which shall not be suspended or held in abeyance:

(1) If, within two (2) years of the offense, a person, owner, operator, or occupant has not previously been convicted of or plead guilty to any violation of a section of the Housing Code, shall be fined not less than one hundred and fifty dollars (\$150.00).

(2) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to one violation of a section of the Housing Code, shall be fined not less than five hundred dollars (\$500.00).

(3) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to two (2) violations of a section of the Housing Code, shall be fined not less than seven hundred and fifty dollars (\$750.00).

(4) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to three (3) or more violations of a section of the Housing Code, shall be fined not less than one thousand dollars (\$1,000).

(b) Application of Prior Convictions. A conviction or convictions obtained on or after the effective date of this section shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the Housing Code.

(c) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(d) Strict Liability. The provisions of this chapter are specifically intended to impose strict liability.

CHAPTER 1709 - DEFINITIONS

As used in Chapters 1701, 1705, 1709, 1713, 1717, 1721, 1767, and 1779 of Part 17 – Health Code of the Codified Ordinances of the City of Hamilton, Ohio:

Sec. 1709.01: Accessory Structure.

"Accessory Structure" means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same property.

Sec. 1709.02: Approved.

"Approved" means approved by:

(a) The Commissioner of Health under the provisions of the Housing or Non-Residential Property Maintenance Codes or under the rules and regulations adopted pursuant thereto; or

(b) An authority designated by law or by the Housing or Non-Residential Property Maintenance Codes.

Sec. 1709.03: Basement.

"Basement" means the portion of the building that is partly underground which has more than one-half (1/2) its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining the building.

Sec. 1709.04: Bathroom.

"Bathroom" means an enclosed space containing one or more bathtub(s), shower(s), or both, and which may also include toilet(s), lavatories, or fixture(s) serving similar purposes.

Sec. 1709.05: Boarding House.

"Boarding House" means a rooming house where, for compensation and by prearrangement for definite periods, meals are provided for five (5) or more persons.

Sec. 1709.06: Building.

(a) *"Building"* means a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property.

(b) The word *"Building"* shall be construed, when used herein, as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

Sec. 1709.07: Building Code.

"Building Code" means the Ohio Building Code or the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings.

Sec. 1709.08: Cellar.

"Cellar" means the lowermost portion of the building partly or totally underground having half (1/2) or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

Sec. 1709.09: Chief of Police.

"Chief of Police" means the police authority of the City of Hamilton, and his or her authorized representative.

Sec. 1709.10: City.

“City” means the City of Hamilton, Ohio.

Sec. 1709.11: Commissioner of Health.

“Commissioner of Health” means the health authority of the City of Hamilton, and his or her authorized representative or designee

Sec. 1709.12: Council.

“Council” means the City Council of the City of Hamilton, Ohio.

Sec. 1709.13: Deteriorate.

“Deteriorate” means to fall below the conditions of good repair.

Sec. 1709.14: Dwelling.

“Dwelling” means a building containing enclosed space which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Sec. 1709.15: Dwelling Unit.

“Dwelling Unit” means one or more rooms with living, cooking, sanitary, and sleeping facilities therein, arranged for one family with whom may reside not more than four (4) lodgers or boarders.

Sec. 1709.16: Engineer.

“Engineer” means the City Engineer for the City of Hamilton, or his or her designee.

Sec. 1709.17: Excessive Vegetation.

“Excessive Vegetation” means all vegetation, dead or alive, other than the following:

- (a) Ground cover;
- (b) Shrubbery;
- (c) Flowers; and
- (d) Trees which are planted and maintained.

Sec. 1709.18: Exterior Property or Exterior Property Area.

“Exterior Property” or “Exterior Property Area” means the open space on the property and on adjoining property under the control of the owners, operators, or occupants of such property.

Sec. 1709.19: Extermination.

“Extermination” means the control and elimination of insects, rodents, and vermin:

- (a) By eliminating their harborage places,
- (b) By removing or making inaccessible materials that may serve as their food;
- (c) By poisoning, spraying, fumigating, or trapping them; or
- (d) By any other approved means of pest elimination.

Sec. 1709.20: Garbage.

“Garbage” means the animal, vegetable, and mineral waste resulting from the handling, preparation, cooking, and consumption of food.

Sec. 1709.21: Grade.

“Grade” means:

- (a) The natural surface of the ground, or
- (b) The surface of the ground after completion of any change in contour.

Sec. 1709.22: Graffiti.

“Graffiti” means unauthorized drawings or markings on an exterior surface, without regard to the content of the drawing or marking.

Sec. 1709.23: Gross Floor Area.

“Gross Floor Area” means the total net area of all habitable space.

Sec. 1709.24: Grounds.

"Grounds" means that portion of real property which does not support a building or structure.

Sec. 1709.25: Habitable Space.

- (a) "Habitable Space" means space occupied by one or more persons for living, sleeping, eating, or cooking.
- (b) Kitchenettes shall not be deemed to be "habitable space."

Sec. 1709.26: Hot Water.

"Hot Water" means water heated to a temperature of not less than one hundred and twenty degrees Fahrenheit (120° F.) at the outlet.

Sec. 1709.27: Housing Code.

"Housing Code", as used in Title One of Part Seventeen - Health Code, means Ordinance 7714, passed March 28, 1973, as amended.

Sec. 1709.28: Infestation.

"Infestation" means the presence, within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, or property, of insects, rodents, vermin, or other pests.

Sec. 1709.29: Kitchen.

- (a) "Kitchen" means space sixty (60) square feet or more in floor area, with a minimum width of five (5) feet, used for cooking or preparation of food.
- (b) A "Kitchen" shall be deemed habitable space.

Sec. 1709.30: Kitchenette.

- (a) "Kitchenette" means space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.
- (b) A "Kitchenette" shall not be deemed to be habitable space.

Sec. 1709.31: Mobile Home.

"Mobile Home" means a movable living unit equipped with a chassis and provided with the following mechanical equipment:

- (a) Plumbing, and
- (b) Heating, and
- (c) Electrical, and
- (d) Cooking, and
- (e) Refrigeration.

Sec. 1709.32: Multiple Dwelling.

"Multiple Dwelling" means a building containing two (2) or more dwelling units and/or rooming units.

Sec. 1709.33: Non-habitable Space.

"Non-habitable Space" means space used as:

- (a) Kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets, and other spaces for service and maintenance of the building; and
- (b) Those spaces used for access and vertical travel between stories.

Sec. 1709.34: Non-Residential Property.

"Non-Residential Property" means:

- (a) (1) A lot or tract of land;
- (2) A building or other structure; or
- (3) Grounds

which is/are:

- (b) (1) Used;
- (2) Intended to be used; or
- (3) Last actively used

primarily for non-residential purposes.

Sec. 1709.35: Nuisance.

“Nuisance” or “Public Nuisance” means any underground container or storage tank, fence, wall, garage, shed, house, lot, building, structure, tree, pole, smoke stack, excavation, basement, cellar, well, cistern, sidewalk subspace, walks, driveways, terrace steps or parts thereof, which has any or all of the conditions or defects hereinafter described:

(a) The following conditions or defects shall constitute a public nuisance when they endanger the life, health, property, safety, or welfare of the public, or of any current or prospective occupants:

(1) Whenever the property is a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

(2) Whenever the property is vacant and is not secured in the manner required pursuant to section 1705.19.

(3) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(4) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

(5) Whenever any building or structure is determined to be a fire hazard.

(6) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(7) Whenever any building or structure, whether or not erected in accordance with all applicable laws and ordinances, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is determined to be unsafe for occupation due to the lack of:

A. Structural strength;

B. Fire-resisting qualities or characteristics; or

C. Weather-resisting qualities or characteristics required by law.

(8) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the applicable Building Code or the Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.

(9) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

A. An attractive nuisance to children;

B. A harbor for vagrants, criminals or immoral persons; or as to

C. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(10) Whenever the building or structure, exclusive of the foundation, because of inadequate maintenance, dilapidation, decay, faulty construction or arrangement, suffers damage or deterioration of its supporting member or members, or damage or deterioration of its non-supporting members, enclosing or outside walls or coverings, such that said condition endangers the life, health, property, safety, or welfare of the public, or of any current or prospective occupants.

(11) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(12) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(13) Whenever the building or structure, or any portion thereof, because of:

A. Dilapidation, deterioration or decay;

B. Faulty construction;

C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

D. The deterioration, decay or inadequacy of its foundation; or

E. Any other cause;

is likely to partially or completely collapse.

(14) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is reasonably safe.

(15) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the applicable Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the applicable Building Code for such buildings.

(16) Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(17) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the applicable Building Code for new buildings of similar structure, purpose or location.

(18) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the applicable Building Code for new buildings of similar structure, purpose or location.

(19) Whenever the walking surface of any aisle, passageway, stairway or other element of a means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(20) Whenever any door, aisle, passageway, stairway or other element of a means of egress is not of sufficient width or size or is not so arranged as to provide safe and adequate means of egress and creates a serious hazard.

(b) The following conditions shall constitute a public nuisance:

(1) That which is defined as a nuisance in Ohio Revised Code section 3767.01(c), which is incorporated herein by reference and made a part hereof.

(2) That which is defined as a nuisance in Ohio Revised Code section 4301.73, which is incorporated herein by reference and made a part hereof.

(3) Property, including vacant land, on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 occurs, regardless of whether there has been a conviction for said violation.

Sec. 1709.36: Obsolete.

"Obsolete" means no longer serving any current purpose, either aesthetic or functional.

Sec. 1709.37: Occupancy.

"Occupancy" means the purpose for which a building, or portion thereof, is used.

Sec. 1709.38: Occupant.

"Occupant" means any person over one year of age, living, sleeping, cooking, or eating in, or who has actual or constructive possession of, property, including, without limitation, a lessee, sub-lessee, assignee, licensee, or permittee.

Sec. 1709.39: Openable Area.

"Openable Area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Sec. 1709.40: Operator.

"Operator" means any person who has charge, care, or control of property.

Sec. 1709.41: Outside Design Temperature.

"Outside Design Temperature" means temperature based on the average of the low annual temperature recorded in the area, either during the last twenty-five (25) years or as long as temperature records have been kept, if less than twenty-five (25) years.

Sec. 1709.42: Owner.

(a) *"Owner"* means:

- (1) The owner or owners of record of property in fee, or lesser estate therein;
- (2) A mortgagee in possession;
- (3) Vendee of record;
- (4) Assignee of the rents,

(5) Receiver, executor, administrator, trustee, lessee, or other person, firm, corporation or business entity or organization in control of a building, or their duly authorized agents.

(b) Any person or entity representing the owner shall be held to comply with the provisions of this Part 17 to the same extent as if he or it were the owner.

(c) The usual place of residence of the owner shall be the last known address of the owner, or that address used by the Treasurer of Butler County for tax purposes.

Sec. 1709.43: Person.

"Person" means any entity, either natural or created by law, including, but not limited to, a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian, or other fiduciary.

Sec. 1709.44: Plumbing.

"Plumbing" means the practice, materials, and fixtures utilized in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances.

Sec. 1709.45: Plumbing Fixture.

"Plumbing Fixture" means a receptacle or device which:

(a) Is either permanently or temporarily connected to the water distribution system of the property, and demands a supply of water therefrom; or

(b) Discharges waste water, liquid-borne waste materials, or sewage, either directly or indirectly, to the drainage system of the property; or

(c) Which requires both a water supply connection and a discharge to the drainage system of the property.

Sec. 1709.46: Plumbing System.

"Plumbing System" means the pipes, fixtures, and other apparatus for:

(a) Supplying water for consumption; or

(b) The conveyance of waste and drainage.

Sec. 1709.47: Potable Water.

"Potable Water" means water duly approved as satisfactory and safe for drinking.

Sec. 1709.48: Property.

"Property" means a lot, plot, or parcel of land, including any buildings or structures thereon.

Sec. 1709.49: Public Sewer.

"Public Sewer" means the sewer operating by a public authority or public utility, and available for public use.

Sec. 1709.50: Rooming House.

"Rooming House" means a building, or part thereof, which contains one or more rooming units, and in which space is occupied, or intended to be occupied, by five (5) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Sec. 1709.51: Rooming Unit.

"Rooming Unit" means any room or group of rooms forming a single habitable unit used, or intended to be used, for living or sleeping, but not for cooking or eating purposes.

Sec. 1709.52: Rubbish.

"Rubbish" means all combustible and noncombustible waste, except garbage. The term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Sec. 1709.53: Sewage.

"Sewage" means liquid-carried waste from a flushed toilet, bath, sink, lavatory, dishwashing or laundry machine, or from any other fixture, equipment or machine, containing animal or vegetable matter and which may include industrial or commercial wastes, and liquids containing chemicals.

Sec. 1709.54: Structure.

(a) "Structure" means a combination of any materials, whether fixed or portable, forming a construction, including any building, dwelling, dwelling unit, rooming house, or rooming unit.

(b) "Structure" shall be construed, when used herein, as though followed by the words "or part or parts thereof".

Sec. 1709.55: Supplied Facilities.

"Supplied Facilities" means facilities paid for, furnished, provided by, or under the control of the owner or operator.

Sec. 1709.56: Temporary Housing.

(a) "Temporary Housing" means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not secured to the ground, to another structure, or is not connected to any utility system for more than thirty (30) consecutive days.

(b) Any tent, trailer, or other structure occupied for more than thirty (30) consecutive days shall meet all requirements of this Housing Code.

Sec. 1709.57: Toilet Room or Compartment.

"Toilet Room or Compartment" means an enclosed space containing one or more toilet(s), which may also contain one or more lavatories, urinal(s), and other plumbing fixtures.

Sec. 1709.58: Trailer.

"Trailer" means a movable living unit equipped with a chassis, but lacking any of the following mechanical systems and equipment:

- (a) Plumbing; or
- (b) Heating; or
- (c) Electrical; or
- (d) Cooking; or
- (e) Refrigeration.

Sec. 1709.59: Ventilation.

"Ventilation" means the supply and removal of conditioned or unconditioned air to and from any space by mechanical or natural means.

Sec. 1709.60: Ventilation, mechanical.

"Mechanical Ventilation" means ventilation by power-driven devices.

Sec. 1709.61: Ventilation, natural.

"Natural Ventilation" means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

Sec. 1709.62: Yard.

"Yard" means an open space on the same lot with a structure.

Sec. 1709.63: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1713 – ENVIRONMENTAL REQUIREMENTS

Sec. 1713.01: Hazards.

Exterior property areas shall be free from conditions that might create a nuisance or become a health, accident, or fire hazard.

Sec. 1713.02: Rubbish and Garbage Outside.

Exterior property areas shall be kept free from organic and inorganic material that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.03: Discharge of Sewage.

(a) Sewage must be discharged into a public sewer system, except as provided in section 1717.05.

(b) Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into any natural or artificial surface drainage ways or into any drains intended for storm drainage only.

Sec. 1713.04: Storm Water Drainage.

(a) Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar.

(b) Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.

Sec. 1713.05: Noxious Weeds.

Exterior property areas shall be kept free from noxious weeds, as defined in section 1763.01(f), and any species of weeds or plant growth which are physically harmful or destructive to living human beings.

Sec. 1713.06: Insect and Rodent Harborage Outside.

Exterior property areas shall be kept free from sources of insect, vermin, and/or rodent breeding, harborage, and infestation.

Sec. 1713.07: Number of Animals Restricted.

(a) No person shall maintain upon any property such number of household pets or other animals as will create a nuisance.

(b) No person shall keep or maintain upon any one property in the City more than five (5) total adult dogs and/or cats, nor any combination of adult dogs and cats exceeding five (5).

(1) This provision shall not apply to property which is properly zoned and licensed as a kennel.

(c) Whoever violates or fails to comply with any of the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined or incarcerated as follows:

(1) For the first conviction of an offender for violating this section, the court shall impose a fine of one hundred and fifty dollars (\$150.00).

(2) For a second conviction of the same offender within a period of two (2) years, the offender shall be fined not less than five hundred dollars (\$500.00).

(3) For a third or any subsequent conviction of an offender for the violation of this section within a period of two (2) years, the offender shall be fined not more than seven hundred and fifty dollars (\$750.00) or imprisoned not more than ninety (90) days, or both.

Sec. 1713.08: Accessory Structures.

Accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

(a) In good repair; and

(1) As pertaining to fences and fence-like structures:

A. No section(s) of the fence or fence-like structure shall be missing; and

B. No section(s) of the fence or fence-like structure shall be broken; and

C. If the fence or fence-like structure is painted, the paint shall be

maintained free of peeling or chipping paint.

(b) Free from health, fire, and accident hazards; and

(c) Free from vermin, insect, and rodent harborage.

Sec. 1713.09: Foundation Walls.

The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound.

Sec. 1713.10: Stairs, Sidewalks, Driveways, Porches, and Railings Outside.

(a) The stairs, sidewalks, driveways, porches, and railings, affixed to the exterior of, or servicing, any structure used for human habitation, shall be kept in good repair and structurally sound.

(b) Railings shall be provided for stairs and balconies and, where necessary, for porches and accessible roofs.

Sec. 1713.11: Weather and Watertight.

Every structure used for human habitation shall be so maintained that it will be weather and watertight.

Sec. 1713.12: Protective Coating.

(a) The exterior surfaces of all structures shall be kept painted or protected with an approved coating or material, where necessary, for the purposes of preservation and avoiding a blighting influence on adjoining property.

(b) Exterior wood, composition, or metal surfaces shall be protected from the elements by paint or another protective covering, applied in an approved manner according to manufacturer's suggestion, and of a color and appearance to match or complement other structural surfaces on the property.

(c) Surfaces shall be maintained in a manner where they are kept clean and free of flaking, loose, or peeling paint or covering.

(d) Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

Sec. 1713.13: Overhanging Objects.

Every structure used for human habitation shall be free of insecure overhanging objects.

Sec. 1713.14: Vermin and Rodents.

The exterior of every structure used for human habitation shall be so maintained as to be vermin and rodent free.

Sec. 1713.15: Screens.

(a) During that portion of the year when there is a need for protection against flies and other flying insects, every door opening directly from a dwelling unit to outside space that is used for ventilation shall be supplied with properly fitting screens having at least sixteen (16) mesh and a self-closing device.

(b) Every window or other device with openings to outdoor space used, or intended to be used, for ventilation shall be supplied with screens having at least sixteen (16) mesh.

Sec. 1713.16: Dampness.

Cellars, basements, and crawl spaces in every structure used for human habitation shall be reasonably free from dampness.

Sec. 1713.17: Structural Members.

Supporting structural members of every structure used for human habitation shall be structurally sound.

Sec. 1713.18: Chimneys, Flues and Vents.

Chimneys and all flue and vent attachments thereto, and all other flues and vents, of every structure used for human habitation, shall be structurally sound, free from defects, and able to perform the function for which they were designed and are used.

Sec. 1713.19: Stairs and Railings Inside.

(a) Interior stairs of every structure used for human habitation shall be structurally sound and free from defects and shall be so designed as to minimize accident hazards.

(b) Railings shall be provided for stairs, balconies, landings, and stairwells in every structure used for human habitation.

Sec. 1713.20: Floors, Walls, and Ceilings.

Floors, walls, and ceilings of every structure used for human habitation shall be structurally sound, free from irregularities that may be a cause of accidents, and maintained in a clean and sanitary condition.

Sec. 1713.21: Bathroom Floors.

Bathroom, shower room, and toilet room or compartment floors of every structure used for human habitation shall be water resistant.

Sec. 1713.22: Rubbish and Garbage Inside.

The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.23: Insect and Rodent Harborage Inside.

The interior of every structure used for human habitation shall be free from insect, rodent, and/or vermin infestation.

Sec. 1713.24: Outdoor Use of Furniture Susceptible to Weather and/or Rodents.

(a) No person, being the owner, operator, or occupant of any building, room, or property shall store, use, or permit to remain on the property under his or her control, in any outdoor area susceptible to moisture from inclement weather (including rain, snow, or hail), or infestation by insect, rodent, or other pest, any furniture designed for indoor use, including but not limited to cushions, pillows, mattresses, couches, and/or chairs.

(b) Subsection (a) above shall not apply to furniture specifically designed and/or intended for outdoor use.

(c) No person, being the owner, operator, or occupant of any building, room, or property, shall store, use, or permit to remain on property under his control, in any outdoor area, furniture which was originally designed for outdoor use which is now dilapidated or deteriorated.

(d) This section shall not apply to otherwise prohibited furniture properly deposited on or near the curb for litter or refuse collection.

Sec. 1713.25: Gutters and Downspouts.

All gutters and downspouts shall be properly installed in accordance with the applicable Building Code and kept in sound working condition and in good repair.

Sec. 1713.26: Graffiti Prohibited.

(a) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on such building, fence, gate, or accessory structure thereof

(b) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on any rock, structure, tree, wall, or other structure on the property located on the parcel.

(c) Whoever violates or fails to comply with this section shall be notified of the violation pursuant to section 1705.05 of the City of Hamilton Codified Ordinances, Title 1, Housing Code.

(d) In addition to any penalties provided by law or ordinance, a violation of subsections (a) or (b) above shall cause the Commissioner of Health to remove the graffiti and the Commissioner shall charge the cost of such removal, together with the administrative costs incurred with regard to such removal, to the owner, operator, or occupant of the property.

(1) If such cost is not paid by the owner, operator, or occupant of the property within thirty (30) days after having been billed for the same, the sum may be certified by the proper City official to the Auditor of Butler County, Ohio and placed upon the tax duplicate for collection, to be collected as other taxes are collected, and shall be a lien against such property until paid.

(2) The City may also collect such costs through a civil action in the appropriate court of law having jurisdiction thereof.

Sec. 1713.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1717 – SPACE AND OCCUPANCY REQUIREMENTS

Sec. 1717.01: Potable Water Supply.

(a) Every dwelling, dwelling unit, and rooming house shall be supplied with a potable water supply.

(b) There shall be adequate water supply and pressure at all installed hot and cold water outlets.

(c) During interruption of potable water supply, every dwelling, dwelling unit, and rooming house shall be supplied with one gallon per person per day of potable water.

Sec. 1717.02: Hot Water.

Every dwelling, dwelling unit, and rooming house shall have an adequate supply of hot water that is properly connected to plumbing fixtures requiring hot water.

Sec. 1717.03: Plumbing Fixtures.

- (a) Within every dwelling unit there shall be the following plumbing fixtures:
 - (1) Kitchen sink, and
 - (2) Toilet, and
 - (3) Bathtub or shower, and
 - (4) Lavatory.
- (b) Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.

Sec. 1717.04: Plumbing Fixtures in Rooming Houses.

- (a) In every rooming house the following minimum plumbing fixtures are required for each multiple of ten (10) males, or fraction thereof, and for each multiple of ten (10) females or fraction thereof:
 - (1) Toilet, and
 - (2) Bathtub or shower, and
 - (3) Lavatory.
- (b) Bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.
- (c) All fixtures shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.
- (d) Where sleeping accommodations are arranged as a dormitory, the same plumbing fixtures are required as in the ratios stated in subsection (a) above.
- (e) Where toilet rooms are provided for the exclusive use of males, urinals may be substituted for not more than one-third (1/3) of the required number of toilets.

Sec. 1717.05: Plumbing Fixture Connections to Sewer Lines.

All plumbing fixtures, installed within a structure used for human habitation, shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal.

Sec. 1717.06: Privies Not Permitted.

No privy shall be constructed or continued in operation without the written approval of the City of Hamilton Health Department.

Sec. 1717.07: Heating Facilities.

Every dwelling, dwelling unit, rooming house, and rooming unit, occupied during normal heating periods, shall have heating facilities capable of maintaining a minimum inside temperature of seventy degrees Fahrenheit (70°F), based on inside ambient temperature in all habitable rooms, bathrooms, and toilet and/or shower rooms and/or compartments.

Sec. 1717.08: Electrical Service.

Every dwelling, dwelling unit, rooming house, and rooming unit shall be provided with approved electrical service.

Sec. 1717.09: Cooking Facilities.

Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities.

Sec. 1717.10: Communal Cooking and Dining Facilities.

- (a) Every communal kitchen and dining room located in a boarding house shall have adequate floor space and facilities and shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.
- (b) The preparation and eating of meals in rooming units is prohibited.
- (c) All boarding houses shall meet the applicable requirements of the applicable Building Code, and shall possess a valid food service operation license.
- (d) Communal kitchens and dining rooms shall comply with the following requirements:

(1) Communal kitchens shall have a minimum gross floor area of sixty (60) square feet and a minimum width of five (5) feet where cooking is permitted.

(2) Communal kitchens used for combined cooking and eating purposes shall have a minimum gross floor area of one hundred (100) square feet, and a minimum width of seven (7) feet. Dining space and eating facilities shall comply with requirements for communal dining rooms.

(3) Required facilities are:

A. At least one kitchen sink; and

B. At least one kitchen gas or electric stove containing at least two (2) top burners and an oven; and

C. At least one electric, gas, or other mechanical or suitably constructed ice refrigerator with adequate food storage capacity and adequate lineal feet of shelf storage space.

(4) Communal dining rooms shall have a minimum gross floor area of seventy (70) square feet.

(e) Required facilities for communal dining rooms include:

(1) At least one dining chair, and

(2) At least two (2) lineal feet of dining space for each occupant permitted in dining room at any particular time.

Sec. 1717.11: Refrigerated Space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage, or appropriate utility connections, shall be provided.

Sec. 1717.12: Means of Egress.

Every dwelling unit and rooming unit shall have safe and unobstructed means of egress from the structure.

Sec. 1717.13: Maintenance of Plumbing Fixtures.

Every water line, plumbing fixture, and drain, located in a structure used for human habitation, shall be properly installed, connected, maintained, and capable of performing the function for which it was designed.

Sec. 1717.14: Maintenance of Plumbing Systems.

Every stack, waste, and sewer line, located in a structure used for human habitation, and every connecting sewer line, shall be so installed and maintained as to function properly and not be a source of structural deterioration or a health hazard.

Sec. 1717.15: Installation of Heating Equipment.

Every heating, cooking, and water-heating device, located in a structure used for human habitation, shall be properly installed, connected, and capable of performing the function for which it was designed.

Sec. 1717.16: Venting of Heating Equipment.

All heating, cooking, and water-heating equipment which burns solid fuels shall be properly connected to a chimney or flue, and such heating equipment which burns liquid or gaseous fuels shall be properly connected to a supply line and, where required, to a chimney, flue, or vent.

Sec. 1717.17: Maintenance and Operation of Heating Equipment.

Every heating, cooking, and water-heating device located in a structure used for human habitation shall be so maintained and operated as to be free from fire, health, and accident hazards.

Sec. 1717.18: Storage of Fuels.

All fuels stored on property for the operation of heat-producing equipment shall be stored in a safe manner.

Sec. 1717.19: Maintenance of Electrical Wiring and Devices.

(a) Electrical wiring and devices located in a structure used for human habitation shall be so designed, installed, and maintained so as not to be a potential source of ignition of combustible material or an electrical hazard.

(b) The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor.

Sec. 1717.20: Dwelling Unit Space.

- (a) Every dwelling unit shall contain a minimum gross floor area of:
 - (1) At least one hundred and fifty (150) square feet for the first occupant, and
 - (2) At least one hundred (100) square feet for each occupant thereafter.
- (b) The maximum occupancy of any dwelling unit shall not exceed a total number of persons equal to two (2) times the number of its habitable rooms.

Sec. 1717.21: Ceiling Height.

Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area, and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

Sec. 1717.22: Sleeping Room Space.

- (a) In every dwelling or rooming unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least seventy (70) square feet.
- (b) Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of fifty (50) square feet per occupant thereof.
- (c) Kitchens shall not be used for sleeping purposes.

Sec. 1717.23: Rooming Unit Space.

Rooming units let to one or more persons shall contain a minimum gross floor area of ninety (90) square feet for a single occupant, and every such rooming unit occupied by more than one occupant shall contain a minimum gross floor area of seventy (70) square feet per occupant thereof.

Sec. 1717.24: Basement Dwelling Unit.

Dwelling units and rooming units located in a basement shall meet all the requirements of this Housing Code and the floors and outside walls shall be damp-proof.

Sec. 1717.25: Sleeping Space in Cellars.

No space in any cellar shall be used for sleeping purposes.

Sec. 1717.26: Natural Light in Habitable Room.

- (a) Every habitable room shall have at least one window or skylight facing directly to the outdoors.
- (b) The minimum aggregate area available for unobstructed light shall be not less than ten percent (10%) of the floor area of such rooms.

Sec. 1717.27: Light in Non-habitable Space.

- (a) Every stair, hall, cellar, and basement located in a structure used for human habitation shall have either adequate natural or artificial light available at all times.
- (b) Every laundry, furnace room, and all similar non-habitable work space located in a structure used for human habitation shall have either adequate natural or artificial lighting available at all times.

Sec. 1717.28: Light in Public Halls and Stairways.

- (a) Every public hall and common stairway located in a structure used for human habitation, and which is used primarily for ingress and egress in connection with two (2) or more dwelling units or rooming units, shall be supplied with a proper amount of natural light or lighting facilities, controllable by the occupants of the structure, and be available at all times.
- (b) The natural or artificial lighting provided shall not be less than three (3) foot candles (three lumens) measured in the darkest portions of normally traveled stairs and passageways during the darkest hours of the day.
- (c) Structures containing three (3) or more dwelling units, or where rooms are let to five (5) or more persons, shall meet the requirements of the applicable Building Code.

Sec. 1717.29: Electric Outlets.

- (a) Every habitable room shall have electric outlets and/or fixtures properly connected to a source of electric power as required in section 1717.08.

- (b) Every habitable room shall have a minimum of:
 - (1) One outlet and one fixture; or
 - (2) Two (2) outlets.

Sec. 1717.30: Electric Fixtures in Bathroom.

- (a) Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall have permanently installed artificial lighting fixtures.
- (b) The switches for the permanently installed artificial lighting fixtures shall be so located as to avoid danger of electrical hazards.

Sec. 1717.31: Ventilation in Habitable Rooms.

Every habitable room shall be ventilated by either openable areas equal to fifty percent (50%) of the required window area or by equivalent mechanical ventilation.

Sec. 1717.32: Ventilation in Bathrooms.

Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall be adequately ventilated.

Sec. 1717.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1721 – RESPONSIBILITIES OF PERSONS

Sec. 1721.01: Maintenance of Private Space.

Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the structure, dwelling, dwelling unit, or property thereof that he occupies or controls.

Sec. 1721.02: Maintenance of Plumbing Equipment.

Every occupant of a dwelling or dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

Sec. 1721.03: Waste Disposal.

- (a) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter, so as to be in compliance with sections 1713.02 and 1713.22.
- (b) Every owner or operator shall maintain the containers for solid waste and recyclable material collection issued pursuant to section 973.07 for the exclusive use on such property at such property for the occupant's use in compliance with section 1721.03(a).

Sec. 1721.04: Extermination.

- (a) Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the property.
- (b) Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner or operator to carry out the provisions of this Housing Code, as cited in sections 1713.06, 1713.14, and 1713.23, extermination shall be the responsibility of the owner or operator.
- (c) When two (2) or more dwelling units within a building are so infested, it shall be the responsibility of the owner or operator to carry out the provisions of this Housing Code within such building, as cited above, with respect to extermination.
- (d) When the owner or operator is applying pesticides for the purpose of extermination in a dwelling unit that is occupied by others, all laws and procedures in the Ohio Revised Code Chapter 921 (Pesticides) apply and are to be followed.

Sec. 1721.05: Maintenance of Public Space.

Every owner or operator of a building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, sanitary, and safe condition the shared or public areas of the property.

Sec. 1721.06: Supplied Facilities.

Every owner or operator of a dwelling, dwelling unit, rooming house, and rooming unit shall be responsible for keeping supplied facilities in proper operating condition, except or as otherwise provided by this Housing Code.

Sec. 1721.07: Supplied Heat.

(a) Every owner or operator of a building, who permits to be occupied any dwelling unit or rooming unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature of seventy degrees Fahrenheit (70°F) based on inside ambient temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments.

(b) The provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, negligent or malicious act(s) of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner, operator, or occupant.

Sec. 1721.08: Discontinuance of Utilities.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied by the provisions of this Housing Code, to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

Sec. 1721.09: Occupancy of Vacant Units.

(a) No person shall occupy as owner-occupant or permit to be occupied by another, any vacant dwelling or dwelling unit, unless it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of the Housing Code.

(b) Every owner of property that is residential rental property must register said property per state law.

Sec. 1721.10: Owner Access.

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, or rooming unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code, or with an order issued pursuant to the provisions of this Housing Code.

Sec. 1721.11: Screens.

(a) Every owner or operator of a dwelling, dwelling unit, rooming house, or rooming unit shall be responsible for providing and hanging all screens whenever required by this Housing Code.

(b) Every occupant of a single dwelling unit or rooming unit shall be responsible for the maintenance or replacement of screens once installed in any one season.

Sec. 1721.12: Responsibility of Owner.

Every owner or operator of a dwelling, dwelling unit, rooming house, and/or rooming unit shall be responsible for all environmental requirements contained in chapter 1713 and all space and occupancy requirements contained in chapter 1717, except as otherwise provided in the Housing Code.

Sec. 1721.13: Rental Unit Mandatory Inspection Required.

(a) Every owner of property that is residential rental property must register said property according to state law.

(b) Every owner or operator of property that is residential rental property shall have the interior and exterior of such property inspected by the Department of Community Development - Health Division to determine compliance with the Housing Code, the Fire Code, and the Zoning Code, under the following circumstances:

(1) If two (2) or more notices of violation have been issued to the owner or operator pursuant to section 1705.05 of the Health Code within any two (2) year period, relative to the same property, and the orders contained in such notices are not complied with within the time provided, the

property shall be subject to semi-annual mandatory inspections until such property is brought into compliance with the orders, and for a period of two (2) years thereafter; or

(2) If the owner or operator has been found to have maintained a nuisance by a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 3767, as may be amended from time to time, the property that was the subject of the finding shall be subject to semi-annual mandatory inspections for a period of two (2) years.

(c) No owner or operator of residential rental property shall fail to obtain a rental unit mandatory inspection from the Department of Community Development - Health Division when the provisions of this section require a rental unit mandatory inspection.

(d) A rental unit-semi-annual mandatory inspection fee, per rental unit, which shall include the first two (2) inspections, shall be imposed as follows:

(1) A fee of one hundred and twenty-five dollars (\$125.00) for property with one rental unit;

(2) A fee of one hundred and seventy-five dollars (\$175.00) for property with two (2) rental units;

(3) A fee of two hundred and twenty-five dollars (\$225.00) for property with three (3) rental units;

(4) A fee of two hundred and fifty dollars (\$250.00) for property with four (4) rental units; and

(5) A fee of two hundred and sixty-five dollars (\$265.00) for the first rental unit on property with five (5) or more rental units, and a fee of fifteen dollars (\$15.00) per rental unit for each additional rental unit on the property.

(e) A re-inspection fee in the amount of fifty dollars (\$50.00), per rental unit, shall be imposed for each semi-annual inspection subsequent to the first two (2) inspections.

(f) Penalty. Notwithstanding any other provision of this chapter, an owner or operator who fails to schedule an inspection within thirty (30) days as required in subsection (b) of this section shall be fined one thousand dollars (\$1,000).

(g) Fees and fines collected pursuant to this section shall be used exclusively to help defray the costs to the City for rental unit mandatory inspections.

Sec. 1721.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

**CHAPTER 1731 - ADMINISTRATION
[NO CHANGES]**

**CHAPTER 1733 – FEES AND CHARGES
[NO CHANGES]**

CHAPTER 1735 - LITTERING

Sec. 1735.01: Short Title.

The provisions of this chapter shall be known and may be cited as the "Hamilton Anti-Litter Ordinance."

Sec. 1735.02: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "*Aircraft*" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The term shall include helicopters and lighter-than-air dirigibles and balloons.

(b) "*Alley*" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the City.

(c) "*Authorized Private Container*" means a litter storage and collection receptacle as required and authorized in chapter 973 of the Streets, Utilities and Public Services Code.

(d) "*City*" is the City of Hamilton, Ohio.

(e) "*Commercial Handbill*" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing; or

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. But, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. However, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(f) "*Commissioner of Health*" means the health authority of the City of Hamilton, and his or her authorized representative or designee.

(g) "*Enclosed Structure*" means a building with at least three (3) sides.

(h) "*Garbage*" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

A. "*Litter*" means "garbage", "refuse", and "rubbish", as defined herein, including peelings of vegetables or fruits, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger or nuisance to public health, safety and welfare.

(j) "*Newspaper*" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law. In addition "newspaper" means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(k) "*Noncommercial Handbill*" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a "commercial handbill" or "newspaper" in this section.

(l) "*Nonresidential Property*" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for non-residential purposes.

(m) "*Park*" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

(n) "*Person*" means any individual, firm, partnership, association, corporation, company, or organization of any kind.

(o) "*Public Container*" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(p) "*Public Place*" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(q) "*Refuse*" means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or inoperative automobiles, appliances and equipment, and solid market and industrial wastes.

(r) "*Residential Property*" means any dwelling, house, building, multi-family structure, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited

or temporarily or continuously uninhabited or vacant, and includes, but is not limited to, any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house building, or other structure.

(s) “*Rubbish*” means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(t) “*Vehicle*” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 1735.03: Power to Enforce.

The Commissioner of Health, and his or her designee, shall have the power and authority to enforce any section(s) of this chapter.

Sec. 1735.04: Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, including freshwater streams, lakes, and ponds, except in public containers, in authorized private containers for collection, or in official City refuse disposal sites.

Sec. 1735.05: Use of Containers so as to Prevent Scattering.

Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and ponds, or upon private property.

Sec. 1735.06: Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their property free of litter.

Sec. 1735.07: Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the territorial limits of the City shall keep the sidewalk and parkway in front of their business property free of litter.

Sec. 1735.08: Litter in Parks.

(a) No person shall throw or deposit litter in any park within the City except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place, including freshwater streams, lakes, and ponds.

(b) Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 1735.09: Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, freshwater streams, lakes, ponds, or any other body of water in a park or elsewhere within the City.

Sec. 1735.10: Distributing Commercial and/or Noncommercial Handbills in Public Places.

(a) No person shall hand out, distribute, sell or cause another to hand out, distribute, or sell any commercial handbill in any public place.

(b) However, it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(c) No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any sidewalk, street or other public place, including freshwater streams, lakes, or ponds within the City.

Sec. 1735.11: Placing Commercial and/or Noncommercial Handbills on Vehicles.

(a) No person shall throw or deposit, or cause another to throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

(b) However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Sec. 1735.12: Depositing Commercial and/or Noncommercial Handbills on Uninhabited or Vacant Property.

No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any private property that is temporarily or continuously uninhabited or vacant.

Sec. 1735.13: Prohibiting Distribution of Handbills where Properly Posted.

No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill upon any property, if requested by anyone thereon not to do so, or if there is placed on the property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice indicating in any manner that the occupants of the property do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon the property.

Sec. 1735.14: Distributing Commercial and Noncommercial Handbills at Inhabited Private Property.

(a) No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill in or upon private property which are inhabited, except by handing or transmitting any such handbill directly to the owner, operator, occupant or other person then present in or upon such private property which are not posted as provided in section 1735.13.

(b) A person may, unless requested by anyone upon such property not to do so, place or deposit any such handbill in or upon such uninhabited private property, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such property or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(c) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

Sec. 1735.15: Posting Notices.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public place, structure, or building, except as may be authorized or required by law, or upon any private property, unless it is done with the consent or by the direction of the owner or operator of such property. Any notice, poster, or other paper or device posted or affixed in violation of this section shall be deemed to be rubbish or trash, abandoned by the person posting or affixing such notice, poster, or other paper or device, and may be removed and disposed of by the City or its agents without notice.

Sec. 1735.16: Litter on Vacant Land.

(a) No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

(b) Vacant lots shall be kept free of litter at all times by the person responsible for the vacant lot.

Sec. 1735.17: Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner, operator, or occupant may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and/or ponds, or upon any private property.

Sec. 1735.18: Maintaining Private Property Free of Litter.

(a) The owner, operator, or occupant of any private property shall at all times maintain the property free of litter. All litter shall be stored in authorized private containers for collection.

(b) Unused lumber and abandoned, unused or inoperative automobiles, washers, dryers, refrigerators, and other such appliances, equipment and like items shall be stored in an enclosed structure upon all private property.

(c) The storage of such items listed in this section must comply with any and all health, fire, and building codes, and such other regulations, orders, ordinances, or statutes as may apply.

Sec. 1735.19: Notice of Violation.

(a) The Commissioner of Health shall notify the owner, operator, or occupant of any property to properly dispose of litter located on such property that is dangerous or a nuisance to public health, safety, and welfare.

(b) Notice by the Commissioner of Health shall be in the form of a letter and service of such notice may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing. It shall be deemed sufficient to mail the notice to the owner's, operator's, or occupant's residence, regular place of business, or last known address.

(c) If the property in violation of this chapter is unimproved with no structure upon which to post notification of the violation or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1735.20: Effect of Noncompliance; City may Remove Violation.

(a) Upon receiving a notice of violation of this chapter, the owner, operator, or occupant of the property is required to abate the condition within forty-eight (48) hours from receipt of the notice of violation.

(b) Whenever a notice or order to remove a violation has not been complied with, the Commissioner of Health may proceed to cause the violation to be removed after the Commissioner of Health has documented sufficient proof to support such determination of non-compliance.

(1) The owner, operator, or occupant of the property shall then be notified of such finding by the Commissioner of Health in the manner described in section 1735.19.

(2) The Commissioner of Health shall not commence their abatement until forty-eight (48) hours after the subsequent notification required by section 1735.20(b)(1).

Sec. 1735.21: Expense Recoverable.

(a) All expenses incurred by the City pursuant to section 1735.20 shall be paid by the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The owner or operator shall receive due notice of the amount of such charge and, should he or she fail to pay such amount for a period of thirty (30) days after the date of such notice, such amount shall be certified to the Auditor of Butler County, Ohio, and the same shall be collected as are other taxes and shall be a lien against such property until paid.

(c) In order to so certify the non-payment of such charges, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this section and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the Municipal General Fund.

Sec. 1735.22: Junk Motor Vehicles on Private Property with Permission of Owner; Notice of Removal and Impounding.

(a) It shall be a violation of this chapter to accumulate and store junk motor vehicles, non-operating motor vehicles or vehicle parts, on private property, which motor vehicles are in the nature of refuse and unsightly debris.

(b) Accumulation and storage of the items in this section constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults. Further, these conditions interfere with the comfort and well-being of the public and create, extend, and aggravate urban blight. Accordingly, the public health, safety, and general welfare require that such conditions be regulated, abated and prohibited.

(c) Definitions.

For the purposes of this section:

(1) "*Junk Motor Vehicle*" means any motor vehicle which

A. Is three (3) years old or older;

B. Extensively damaged, with such damage including, but not limited to, any of the following: missing wheels, tires, motor, or transmission;

C. Apparently inoperable;

D. Having a fair market value, as determined by Kelley Blue Book, NADA, or other similar publication, of one thousand five hundred dollars (1,500) or less; and

E. That:

(i) Is left outside of a building, and thus is in the open on private property for more than forty-eight (48) hours; or

(ii) Has been left on private property for more than forty-eight (48) hours without the permission of the person having the right to the possession of the property.

(2) "*Left outside of a building*" means that the motor vehicle has not been placed in an enclosed structure or building with at least three (3) sides. Neither a carport, nor a car cover, nor a fence, qualifies an enclosed structure or building with at least three (3) sides.

(3) "*Non-Operating Motor Vehicle*" means:

A. Any motor vehicle not bearing current, valid, state license plates; or

B. Any motor vehicle partly disassembled, incapable of satisfying state standards of safe operation or incapable of moving under its own power, whether bearing current, valid, state license plates or not. Any motor vehicle not moved within thirty days shall be presumed to be incapable of moving under its own power.

(4) "*Property*" means any real property within the City which is not a street or highway

(5) "*Vehicle Part*" means any portion or part of a motor vehicle.

(d) Storage on Private Property.

(1) No person shall park, store, leave, or permit the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not, for a period in excess of forty-eight (48) hours upon any private property within the City, unless the same is completely enclosed within a building, having three (3) or more sides, or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise, or it is a collector's vehicle pursuant to Ohio Revised Code section 4501.01(F), as may be amended from time to time.

(2) Neither a carport, nor a car cover, nor a fence meets the requirement under subsection (d)(1) of this section 1735.22 of completely enclosed within a building having three (3) or more sides. Therefore, parking, storing, leaving, or permitting the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not attended, in a carport, under a car cover, or behind a fence, for a period in excess of forty-eight (48) hours upon any private property within the City is a violation of this section and this chapter.

(e) Removal Required.

(1) The accumulation and storage of one or more such junk motor vehicles, non-operating motor vehicles, or vehicle parts in violation of the provisions of this section shall constitute refuse and unsightly debris and shall constitute a nuisance, detrimental to the health, safety and general welfare of the inhabitants of the City.

(2) The owner, operator, or occupant of the property upon which such nuisance is located otherwise shall remove the nuisance to a place of lawful storage, or shall have the junk motor vehicle, non-operating motor vehicle, or vehicle part housed within a building where it will not be visible from the street or alley.

(3) Notwithstanding any provisions to the contrary contained in chapter 1767, regulation, enforcement, notice, and abatement shall be pursuant to this section.

(f) Notice to Remove.

(1) Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section.

(2) The Commissioner of Health shall give, or cause to be given, written notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section; or the Commissioner of Health shall give, or cause to be given written notice to the owner, operator, or occupant of the property upon which such junk motor vehicle, non-operating motor vehicle, or vehicle part is located; or the Commissioner of Health shall give, or cause to be given, written notice to both the registered owner of the junk motor vehicle, non-operating motor vehicle, or vehicle part and the owner, operator, or occupant of such property.

(3) Written notice shall be by United States certified mail with return receipt, commercial carrier service, or by personal service, and shall state that such junk motor vehicle, non-operating motor vehicle, or vehicle part violates the provisions of this section and that within forty-eight (48) hours, the junk motor vehicle, non-operating motor vehicle, or vehicle part is to be removed to a place of lawful storage or to be housed in a building where it will not be visible from the street or alley.

(g) Removal by City.

(1) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section, or the owner, operator, or occupant of the private property upon which the same is located, fails, neglects, or refuses to remove or house such junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the notice given pursuant to the provisions of subsection (f) hereof, the Commissioner of Health may remove and dispose of such junk motor vehicle, non-operating motor vehicle, or vehicle part in any manner authorized by state law.

(h) Right of Entry.

(1) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose and to remove any junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the provisions of this section.

(2) Any person to whom notice was given pursuant to subsection (f) hereof shall have the right to remove or house such motor vehicle in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives as listed above in (h)(1), for the purpose of removal.

(i) Penalty for Junk Motor Vehicle Offense.

(1) Whoever violates any prohibition contained in this section is guilty of a minor misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, non-operating motor vehicle or vehicle part, plus administrative costs in the amount of twenty-five (25%) percent of the total costs incurred, and less any money accruing to the City from such disposal.

(2) Each day such violation exists or is permitted to continue shall constitute a separate offense.

Sec. 1735.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1735.99: Penalty for Littering Offense.

(a) Notwithstanding the provisions of section 1735.22, whoever violates any other provision of this chapter shall be deemed guilty of an unclassified misdemeanor.

(b) Whoever violates any prohibition contained in section 1735.22 is guilty of an unclassified misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, less any money accruing to the City from such disposal.

(c) A separate offense may be deemed committed each day during or on which a violation occurs or continues.

(d) The provisions of this chapter are specifically intended to impose strict liability.

**CHAPTER 1737 – ADULTERATION AND MISBRANDING OF FOOD AND DRUGS
[REPEALED PREVIOUSLY]**

**CHAPTER 1739 – RETAIL FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS
[REPEALED PREVIOUSLY]**

**CHAPTER 1743 – FROZEN DESSERTS
[REPEALED PREVIOUSLY]**

CHAPTER 1745 – MEAT SALES
[REPEALED PREVIOUSLY]

CHAPTER 1747 – DISPOSAL OF THE DEAD
[REPEALED PREVIOUSLY]

CHAPTER 1751 – MASS GATHERINGS
[NO CHANGES]

CHAPTER 1755 – SWIMMING POOLS
[NO CHANGES]

CHAPTER 1757 – SKIN TANNING FACILITIES
[REPEALED PREVIOUSLY]

CHAPTER 1759 – OFFENSIVE OBJECTS AND SUBSTANCES

Sec. 1759.01: Destruction of rats.

No owner, operator, or occupant of any property shall harbor, or fail to destroy so far as possible any rats, mice or vermin thereat. The foregoing provisions of this section shall not be construed to prohibit the keeping in proper confinement of animals or insects for scientific or commercial purposes. The infestation of any property by rats, mice or vermin is hereby declared to be a nuisance detrimental to the public health, and may be abated as such.

Sec. 1759.02: Disposal of dead animals.

No person being the owner or person in charge of any animal which dies or is killed otherwise than by slaughter for meat, shall permit the carcass of such animal to lie or remain within the limits of the City for more than five hours after he or any member of his household or any employee has knowledge thereof.

Sec. 1759.03: Throwing rubbish, animal carcass into street, river, etc.

No person shall place, cast, throw or abandon any filth, dung or rubbish or any other putrid, noxious, poisonous, offensive or unsound substance or material of any kind whatever into or upon any thoroughfare, park, public place, river, pond, basin, watercourse or private property. No person shall place, cast or throw into any street or other thoroughfare, or into any basin, pond, river or watercourse, the carcass of any animal, or any putrid, noxious, poisonous or unsound substance or material whatever, or any filth, dung, rubbish or offensive liquid.

Sec. 1759.04: Brining animal carcass into City, prohibited.

No person shall bring into the City the carcass of any animal of any kind or description; but this section shall not apply to the bringing into the City of the carcass of any animal lawfully slaughtered for meat, under all conditions of inspection and otherwise conforming to any requirements of the United States Department of Agriculture, the laws of the State, or ordinances of the City.

Sec. 1759.05: Disposition of liquid waste.

No person shall throw or cast any household or industrial liquid waste, slop, swill, oil, brine or water other than clean water, upon or into any thoroughfare, gutter, park or parkway, sidewalks, property, basin, pond, river or watercourse. If any such liquid wastes are produced upon any property not so situated as to permit of water and sewer connections, it shall be the duty of the owner, operator, or occupant of the property to provide some sanitary means of disposing thereof, so as not to cause any nuisance or any condition detrimental to the public health.

Sec. 1759.06: Stagnant water.

It shall be the duty of the owner, operator, or occupant of any property on which water stands or accumulates, either on the surface or in any excavation or cellar, to cause the same to be drained if any sewer or drain is accessible for such purpose, and otherwise to be filled; but the foregoing provision shall not be construed to prohibit the construction of any pool or fountain provided with proper drainage, the water of which does not become stagnant.

Sec. 1759.07: Notice to Fill Lots, Remove Putrid Substances.

No person shall fail to comply with the requirement to:

- (a) Fill or drain any lot or land; or
- (b) Remove all putrid substances therefrom; or
- (c) Remove all obstructions from culverts, covered drains, or natural watercourses within

the lawful time after service, publication of the notice, or resolution is made, as required by law

Sec. 1759.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1759.99: Penalty

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 1763 – WEEDS

Sec. 1763.01: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) *"Building"* means any structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.

(b) *"City"* means the City of Hamilton, Ohio.

(c) *"Grass"* means any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.

(d) *"Lot"* means a single parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the City of Hamilton's Zoning Ordinance.

(e) *"Noxious"* means physically harmful or destructive to living human beings.

(f) *"Noxious Weeds"* means any plant designated a noxious weed by the State of Ohio or the federal government, and also turf grasses or weeds exceeding seven (7) inches in height. This term also includes grass, weeds, vegetation, and shrubs that are growing into or onto any portion of a public sidewalk or road.

(g) *"Parcel"* means a plot or tract, undivided acreage or group of lots in common ownership or control.

(h) *"Property"* means any land, lot, parcel of lands, or part thereof.

(i) *"Structure"* means anything constructed, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

(j) *"Weeds"* means any and all vegetation that is not managed or maintained by the owner, operator, or occupant of the property on which such vegetation is located, but excludes trees, shrubs and/or cultivated flowers and gardens.

(k) *"Undeveloped"* means that the entire lot and/or parcel that is free from any building or structure, as those words are defined above.

Sec. 1763.02: Owner To Control.

No owner, operator, or occupant of property situated within the City limits shall permit the same to become overgrown with noxious weeds, grass or other vegetation.

Sec. 1763.03: Removal of Noxious Weeds; Weed Control Responsibility of Adjacent Owner.

(a) Any and all noxious weeds growing or being upon any property within the City limits are hereby declared a public nuisance.

(b) Every owner, operator, or occupant of any property within the City limits shall cause the same to be kept free from such noxious weeds by cutting them or by destroying them by spraying with a chemical compound, and then removing said cut or destroyed noxious weeds from such property.

(c) An owner, operator, or occupant of property, adjacent to a partition fence, shall keep all brush, briars, thistles, or other noxious weeds cut in the fence corners and a strip four feet wide on the owner's, operator's, or occupant's side along the line of a partition fence, except this does not apply to the planting of vines or trees for use.

(d) The owner, operator, or occupant of each property adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

Sec. 1763.04: Notice to Owner to Cut; Failure of Owner to Comply; City Action.

(a) When the City ascertains that noxious weeds are growing on any property within the City limits, notice shall be given to the owner, operator, or occupant, of such property that noxious weeds are growing thereon and must be destroyed by any of the methods set forth in section 1763.03, and that such destruction must be completed within forty-eight (48) hours after receipt of such written notice. The written notice shall state the City's intent to cut the noxious weeds if the owner, operator or occupant of such property fails to comply with the notice within forty-eight (48) hours after receipt. The written notice shall also advise the property's owner, operator, or occupant that such person shall be liable for all expenses incurred by the City for cutting such noxious weeds, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred,

(b) If the owner, operator, or occupant neglects or refuses to cut brush, briars, thistles, or other noxious weeds as described in section 1763.03(c), an owner, operator, or occupant of land abutting on the partition fence, may cut any portion of said brush, briars, thistles, or other noxious weeds as is encroaching on his or her property.

(c) If the owner, operator, or occupant of property fails to comply with the notice issued pursuant to subsection (a) of this section 1763.04 within forty-eight (48) hours after receipt, the Commissioner of Health or designee is hereby authorized to proceed to cut the noxious weeds.

(d) For any notice herein required, service may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing. It shall be deemed sufficient service to mail the notice to the last known address of such owner, operator, or occupant, of the property. If notice is sent by regular mail, it shall be deemed received three (3) business days from the date of mailing.

(e) If the property in violation of this Chapter is unimproved or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1763.05: Limitation of Written Notice; Derelict Property List.

(a) An owner or operator of any property situated within the City limits is limited to two (2) written notices for any violation of this Chapter per property per calendar year. If, after two (2) notices have been served in accordance with this Chapter, the Commissioner of Health or designee determines that a subsequent violation has occurred within the same calendar year, the City may proceed with the remedy set forth in 1763.04 without further notice.

(b) Once the City has sent written notification to the owner or operator of any property for two separate violations of this Chapter, the property shall be added to the City's Derelict Property List.

(c) Once any property is put on the City's Derelict Property List, the City is authorized to cut such weeds, grass, or other vegetation on the property that exceeds seven (7) inches in height, without any prior notice given to the owner or operator of such property. The owner or operator of such property shall be liable for all expenses incurred by the City for cutting such weeds, grass, or other vegetation.

(d) The City's Derelict Property List shall be maintained and published on the City's Health Department website or may be obtained from the Department of Community Development - Health Division at 345 High Street, Suite 330, by completing a Public Records Request Form.

(e) To be removed from the Derelict Property List, and thus to have the City cease cutting such weeds, grass, or other vegetation on the property without prior notification, the owner or operator of said property must send a letter to the Health Department, 345 High Street, Suite 330, Hamilton, Ohio 45011 via certified mail, return receipt requested. The letter must include a proper description of the

property (physical address or description of the property as recorded in the Real Property Records of Butler County) and the property owner's or operator's request that the property be taken off the Derelict Property List.

(f) If a property that is on the City's Derelict Property List has a change in recorded owner, the new owner must notify the Commissioner of Health so that the property can be taken off the City's Derelict Property List.

Sec. 1763.06: Payment of Costs; Failure of Owner to Pay Costs.

(a) If the City cuts such weeds, grass, or other vegetation because the owner or operator of the property fails to comply with this Chapter, the City's expenses for cutting such weeds, grass, or other vegetation shall be charged to the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) Notice of such assessment shall be given to the owner or operator of such property either in person or left at the usual place of residence of the owner or operator, or sent by mail.

(c) Upon the owner's or operator's failure to pay such amounts for a period of thirty (30) days after the receipt of notice, such amounts shall be certified to the Auditor of Butler County and the same shall be collected as other taxes are collected and shall be a lien against such property until paid.

(d) In order to so certify, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this Chapter and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the general fund.

Sec. 1763.07: Certain Lands Exempted.

(a) Sections 1763.01 through 1763.06, inclusive, shall not apply to undeveloped lots or parcels of land, which consist of five acres or more, regardless of zoning district classification.

(b) However, if land excluded from this Chapter by this section is located adjacent to private residences, businesses, or public rights-of-way, the exemption in this section shall not apply to a strip of land twenty (20) feet in width closest to such private residences, businesses, or public rights-of-way.

Sec. 1763.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this Chapter shall remain in full force and effect.

Sec. 1763.99: Penalty.

Any person, owner, operator, or occupant violating any provision of this Chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense that occurs within the same calendar year.

CHAPTER 1767 – NUISANCES GENERALLY

Sec. 1767.01: Nuisances.

(a) No person shall cause, maintain, or permit to exist, any thing or condition that amounts to or is declared by law or ordinance to be a nuisance.

(b) No owner, operator, or occupant of any property shall cause or permit any condition to exist thereon that amounts to a nuisance, or to fail or neglect to abate or remove the same, upon being required to do by the Commissioner of Health.

(c) No person, being the owner, operator, or occupant of any property, shall permit any stagnant water, noisome liquid, or filthy or offensive substance, which might tend to pollute the atmosphere, to injure the health of persons in the vicinity or attract or breed flies or other noxious insects or vermin, to be or remain on such property or in or about any building or structure on or in connection with the property.

1767.02: Investigation of Nuisance.

(a) It shall be the duty of the Commissioner of Health, whenever he or she receives any complaint or information as to the existence of any condition or thing which amounts to a nuisance, to investigate as may be necessary, and to take such measures as may be necessary to cause the abatement of any nuisance found to exist.

(b) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the existence of any condition or thing which amounts to a nuisance.

(c) The Commissioner of Health or his designated representatives, shall be authorized to enter any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under Part 17 – Health Code of the City of Hamilton’s Codified Ordinances.

(d) Abating a nuisance shall be by or at the expense of the person in charge of or responsible for such nuisance, or otherwise if circumstances so require.

Sec. 1767.03: Notice of Public Nuisance

(a) The provisions of any other section of these Codified Ordinances notwithstanding, when the Commissioner of Health suspects the existence of a public nuisance, as defined in section 1709.35, in the City, the Commissioner shall promptly cause to be inspected the property on which the public nuisance is suspected to exist. Should the Commissioner of Health find that a public nuisance does exist, it shall be the duty of the Commissioner to cause photographs of such public nuisance to be made, and to file in his or her office the photographs and the written report of the findings of the inspector. The Commissioner of Health shall cause a written notice to be served on the owner of such property, and on the holders of legal or equitable liens of record upon the property, stating the findings with respect to the existence of a public nuisance and stating that unless the owner, or any lienholder, thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the same will be abated by the City at the expense of the owner. Service shall be made personally, or by United States certified mail or commercial carrier service to the person’s residence, regular place of business, last known address, or to the address of the statutory agent on file with the Ohio Secretary of State. If the certified mail is returned undelivered or the commercial carrier reports failure of delivery, a copy shall be served by regular mail to the person’s residence, regular place of business, or last known address, and posted in a conspicuous place in or on the property. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing, provided that the regular mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. If service of the notice cannot be made on any person or entity to be provided with notice pursuant to this section because the residence or other address of said person or entity cannot be ascertained with reasonable diligence, said person or entity shall be served with notice of the existence of the public nuisance and notice that the City shall cause the abatement of the public nuisance by rehabilitation or removal if not otherwise abated, by publication. Such publication shall be in a newspaper of general circulation in Butler County, Ohio, at least once a week for six consecutive weeks. Service shall be deemed complete at the date of the last publication. If the owner, or any lienholder, fails or refuses to cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the City may cause either the abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance.

(b) The City may, at its option, elect to not utilize the procedure provided in this Chapter 1767 and proceed instead with the filing of an action in common pleas court.

Sec. 1767.04: Order to Vacate.

(a) In case any nuisance is not abated in compliance with the orders of the Commissioner of Health, or in case the Commissioner is of the opinion that it is impracticable to abate a nuisance, the Commissioner shall have the power to require such place to be vacated, pending the abatement of such nuisance.

(b) Such order to vacate shall be posted on the property, specifying a time not less than twenty-four (24) hours or more than twenty (20) days after posting, within which the property shall be vacated. A copy of such order shall be forwarded to the owner or operator by regular mail to said person’s residence, regular place of business, or last known address, but the time specified shall remain as provided in the order as posted pursuant to this section 1767.04.

Sec. 1767.05: Enforcement of Vacation Order by Fire or Police Chief

When the order to vacate has not been complied with, and the Commissioner of Health certifies that fact to the Fire Chief or Police Chief, together with a copy of the order, it shall be the duty of the Fire Chief or Police chief to enforce such order to vacate and to cause the property to be vacated in accordance with the terms of the order.

Sec. 1767.06: Court Order to Vacate.

(a) If the occupant of any property required by the Commissioner of Health to be vacated:

(1) Does not vacate such property within the time allowed as provided in section 1767.04, or

(2) If such property having been vacated as required is again occupied before the nuisance therein has been abated and reoccupation of such property is authorized by the Commissioner, the Commissioner shall lay such facts before the judge of the Municipal Court and the court shall immediately issue an order requiring the vacation of such property.

(b) The court order requiring vacation of such property shall be enforced by the Chief of Police or by police officers acting under his authority.

Sec. 1767.07: Rehabilitation or Removal.

(a) Notice to Elect Whether to Rehabilitate or Remove.

(1) Together with the notice of public nuisance served pursuant to section 1767.03, the owner of a public nuisance shall be served by the Commissioner with a "Notice to Elect Whether to Rehabilitate or Remove" the public nuisance.

(2) Within thirty (30) days of the receipt of the Notice to Elect, the owner of the public nuisance shall submit a proposal to either rehabilitate or remove the public nuisance and a timetable for completing such proposal.

(b) Owner's Proposal to Rehabilitate.

(1) The Commissioner of Health shall examine an owner's proposal to rehabilitate to determine whether it contains a reasonable timetable in light of:

A. The present condition of the structure;

B. Whether the rehabilitation to be performed will:

(i) in the case of a non-residential structure, bring the structure into compliance with the Non-Residential Property Maintenance Code within twelve (12) months from the owners receipt of an approval of the proposal to rehabilitate; or

(ii) in the case of a residential structure, bring the structure into compliance with the Housing Code within six (6) months from the owner's receipt of an approval of the proposal to rehabilitate.

(2) If the Commissioner of Health determines that the timetable for rehabilitation is reasonable and will correct all the structure's Housing or Non-Residential Property Maintenance Code violations, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner starts the rehabilitation within thirty (30) days of the Commissioner of Health's approval, subject to the City's building permit and Zoning Code requirements, and complies with the approved proposal to rehabilitate.

(c) Rehabilitation.

(1) Before beginning rehabilitation following the approval of the proposal to rehabilitate, the owner of the structure shall secure any necessary building permits from the Construction Services Division.

(2) If the property is located within one of the City's Historic Preservation Districts, a Certificate of Appropriateness shall be required before commencing any exterior work.

(3) Final inspection and approval of the owner's rehabilitation efforts shall be required from the Construction Services Division and the Department of Community Development - Health Division before the structure may be reoccupied.

(d) Owner's Election to Remove.

(1) If the owner's election is for removal, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner commences demolition within fifteen (15) days of such approval and complies with the approved proposal to demolish as provided in subsection (d)(3) hereof.

(2) No proposal for demolition received from an owner will be approved if it does not contain the written authorization and consent of the owner authorizing the Commissioner of Health to arrange for the structure's demolition at the owner's expense if demolition is not completed as proposed by the owner.

(3) Demolition. Demolition shall be completed by the owner of a structure in compliance with the proposal approved by the Commissioner of Health.

A. Before demolishing any structure or part thereof, the owner shall obtain all required demolition permits from the Construction Services Division.

B. Orders to demolish shall be reviewed by City Council or, if the property is of Historic Significance, the Architectural Design Review Board. A property is deemed to be Historically Significant if it is included on the Ohio Historic Inventory or if it is located within an area designated as a Historic Preservation District, as defined in the Zoning Ordinance, section 1126.50.

C. No demolition permit shall be issued unless the following requirements are adhered to:

(i) For structures located within a Historic Preservation District, a Certificate of Appropriateness shall be required for the demolition.

(ii) The Architectural Design Review Board shall adhere to its normal and regular procedure in determining the appropriateness of the demolition as defined in the Zoning Ordinance, section 1126.60 and the ADRB's Guidelines and Policies.

(iii) If the Architectural Design Review Board finds that the application does not meet the criteria of said sections, a Certificate of Appropriateness shall not be issued.

D. For the proposed demolition of structures on the Ohio Historic Inventory (OHI), but not located within a Historic Preservation District, the City's normal and regular policy and procedure for insuring demolition permits for structures on the OHI shall be followed.

E. Where Federal and/or State funds are proposed to be utilized for a demolition, a demolition permit will not be issued until any required environmental assessment(s) have been reviewed and approved by the appropriate officials and the funds are cleared for expenditure.

(e) Rejection of Owner's Proposal.

(1) If the Commissioner of Health determines the timetable for demolition or rehabilitation is unreasonable in light of the structure's current condition, or if the Commissioner of Health finds the proposal to rehabilitate will not bring the structure into compliance with the Housing or Non-Residential Property Maintenance Code, the Commissioner of Health shall disapprove the owner's proposal, state the reasons therefor, and continue enforcement action.

(2) The Commissioner of Health shall have the authority to assist the owner in correcting the proposal to achieve compliance with the Housing or Non-Residential Property Maintenance Code.

(f) Extension of Time.

(1) Upon the owner's written request, and for good cause shown, the Commissioner of Health may grant an extension of time for the owner to decide whether to demolish or rehabilitate the structure, or provide an amended proposal to demolish or rehabilitate.

(2) Failure of the owner to obtain additional time to present an original or amended proposal to demolish or rehabilitate shall result in the City's abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance as provided in section 1767.09.

Sec. 1767.08: Appeal hearing of public nuisance structures

(a) The owner, lienholder, or other responsible person named on a notice of public nuisance may within thirty (30) days after receipt of notice or within thirty (30) days after any other determination has been made by the Commissioner of Health pursuant to this chapter, make a demand in writing to the Director of Community Development (Director), for a hearing on any legal or factual issue relating to the notice of public nuisance, or on any determination made by the Commissioner of Health pursuant to the authority granted by this chapter 1767. The demand shall include the correct mailing address of the owner, lienholder, or person representing the owner or lienholder, and shall be accompanied by an appeal fee in the amount of \$100.00. If the owner or other responsible person cannot afford to pay the fee, the demand for a hearing can be submitted if it is submitted along with a notarized affidavit of indigence. The hearing shall be scheduled within a reasonable time, not to exceed thirty (30) days following receipt of the written demand.

(b) The hearing shall be conducted by the Nuisance Appeals Board. After the hearing, the Nuisance Appeals Board may vote to:

(1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof by repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or

(2) Continue the matter for a period not to exceed 45 days for further investigation and disposition; or

(3) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter; or

(4) Reverse the finding that a public nuisance exists on the property and dismiss the case.

(c) A copy of the decision of the Nuisance Appeals Board shall be mailed, with certificate of mailing, to the owner or other person or entity that demanded the hearing, at the address provided pursuant to 1767.07(A). It shall be the responsibility of the owner, lienholder, or person representing the owner or lienholder, to keep the secretary of the Nuisance Appeals Board apprised of his or her current

mailing address. For the purpose of appeal pursuant to Ohio Revised Code Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

Sec. 1767.09: Abatement of Nuisance by City.

(a) Should a public nuisance not be abated within thirty (30) days of receipt of the notice of public nuisance, or at the expiration of the time stated in the approved election to rehabilitate or remove, or any extensions granted by the Commissioner of Health or such additional time as the Nuisance Appeals Board may grant, the Commissioner shall be authorized at any time thereafter to enter on the property and the owner shall permit him/her entry to abate the public nuisance by demolition and removal, or by taking such other action as is deemed appropriate to abate the public nuisance. If the public nuisance is located within an Architectural Conservation/Historic District, abatement of the public nuisance shall be coordinated with the Planning Department and Architectural Design Review Board as required by section 1126.00, et seq., of the Zoning Ordinance of the City of Hamilton, Ohio. In abating a public nuisance, the Commissioner of Health may call on any department, division, or bureau of the city for whatever assistance may be necessary to abate such public nuisance as aforesaid, or may, by private contract, abate or lessen the severity of such public nuisance or take such other action as may be deemed appropriate. In the event that a fire occurs on the property of a nuisance structure between the time it is declared a public nuisance and the time such nuisance is fully abated, the reasonable expenses incurred by the City as a result of the services provided by the Fire Department shall be included in the cost of abating or lessening the severity of the public nuisance. The cost of abating or lessening the severity of such public nuisance shall be recovered in the manner provided in subsection (b) of this section.

(b) The cost of abating or lessening the severity of such public nuisance, or of such other action taken by the City pursuant to this chapter, shall be recovered in the following manner:

(1) The owner shall be billed directly by United States certified mail or commercial carrier service for the cost of abating or lessening the severity of such public nuisance. The bill for the cost thereof shall be paid within 60 days after receipt of the bill.

(2) If the costs are not so recovered, the City may collect the costs by any of the following methods:

A. The City may cause the costs of abating or lessening the severity of such public nuisance to be levied as an assessment and recovered in accordance with Ohio Revised Code section 715.261.

B. The City may commence a civil action to recover the costs from the owner, as provided in Ohio Revised Code section 715.261.

Sec. 1767.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1771 – ANIMALS

Sec. 1771.01: Abandoning Animals.

[Repealed Previously]

Sec. 1771.02: Killing or Injuring Animals.

[Repealed Previously]

Sec. 1771.03: Poisoning Animals.

[Repealed Previously]

Sec. 1771.04: Cruelty to Animals Generally.

[Repealed Previously]

Sec. 1771.05: Cruelty to Companion Animals.

[Repealed Previously]

Sec. 1771.06: Barking or Howling Dogs.

[Repealed Previously]

Sec. 1771.07: Enticing Away Dogs.

[Repealed Previously]

Sec. 1771.08: Hunting of Animals in City Prohibited.

(a) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle, or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(c) Under this section, privilege to engage in the acts otherwise prohibited by subsection (a) hereof may be granted exclusively by the City Manager and/or his or her designee.

Sec. 1771.09: Running At Large.

[Repealed Previously]

Sec. 1771.10: Impounding.

[Repealed Previously]

Sec. 1771.11: Odors.

No owner, operator, or occupant of any property shall keep in any pen or otherwise confine any animal or any fowl so that such animal or fowl, or such pen or other confinement, shall become noisome or offensive to persons residing by or being in the vicinity thereof.

Sec. 1771.12: Feces Removal.

(a) The owner or harbinger of every dog, except guide dogs for blind individuals, shall be responsible for the immediate removal of any feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or person in charge of such dog or dogs.

(b) No person, being the owner or harbinger of any dog, except guide dogs for blind individuals, shall fail to immediately remove feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or harbinger of such dog.

Sec. 1771.13: Restraint of Vicious Animals, Vicious Dogs and Dangerous Dogs.

[Repealed Previously]

Sec. 1771.14: Wild or Exotic Animals.

[Repealed Previously]

Sec. 1771.15: Rabies Vaccination.

(a) For the purpose of these regulations, pertaining to the inoculation of dogs and cats with anti-rabic vaccine, the following meanings shall be given to the following terms, words, and/or phrases:

(1) "Dog" includes dogs of either sex more than six months of age.

(2) "Cat" includes cats of either sex more than six months of age.

(3) "Inoculated" means the administration of an anti-rabic vaccine, the material, method, and administration of which has been approved by the City of Hamilton Health Department.

(4) "Veterinarian" means any person licensed to practice the profession of veterinary medicine in the State of Ohio.

(5) "Harbinger" means a person who permits any dog or cat to remain and be lodged and fed within his or her home or enclosure.

(b) It shall be the duty of every person who owns or harbors a dog or cat in the City of Hamilton to have such dog or cat inoculated with anti-rabic vaccine by a veterinarian:

(1) Before the dog or cat reaches its sixth month of age; or

(2) Within one month after acquiring possession of such dog or cat

and to maintain the immunity of such dog or cat by having such dog or cat re-inoculated before the validity of such vaccination expires.

(c) It shall be the duty of each veterinarian when inoculating a dog or cat with anti-rabic vaccine to insert on a certificate:

(1) The name and address of the owner or harbinger of the dog or cat;

(2) The date of vaccination;

(3) The year of expiration of vaccination;

(4) The tag number given to the dog or cat after inoculation;

(5) The breed, age, color, and sex of dog or cat; and

(6) The veterinarian shall immediately present one copy of the certificate to the owner or harborer of the dog or cat and one copy shall be retained by the veterinarian for his file.

(d) At the time of the inoculation of any dog or cat the veterinarian shall also deliver to the owner or harborer of the dog or cat a tag that contains:

- (1) The tag number;
- (2) The year of expiration of the vaccination; and
- (3) The identity of the veterinarian

as evidence of such inoculation with anti-rabic vaccine.

(e) Every owner or harborer of a dog or cat, upon obtaining the tag from a veterinarian, shall immediately attach the tag to the collar or harness of the dog or cat to be worn by the dog or cat at all times.

(f) The certificates obtained from the veterinarian shall be retained by the owner or harborer of such dog or cat for inspection by the officials of the Health and Police Departments of the City of Hamilton at all times.

(g) The requirement imposed by subsection (b) hereof shall not apply to:

(1) Dogs or cats kept by regularly chartered medical colleges or other education or scientific institutions to be used for scientific purposes;

(2) To dogs or cats kept in licensed breeding kennels and confined to the premises at all times; or

(3) To dogs brought to the City of Hamilton for exhibition purposes at any dog show, provided a permit for the holding of such show is obtained from the Department of Health of the City of Hamilton.

(h) Failure to have a valid re-inoculation for the dog or cat shall subject such person to the penalty hereinafter provided.

1771.16: Animal bites; reports and quarantine.

(a) Whenever any person is bitten by a dog, cat, or other animal, report of such bite shall be made to the Commissioner of Health within twenty-four (24) hours.

(b) Whenever it is reported that any dog or cat has bitten a person, that dog or cat shall be quarantined, under an order issued by the Commissioner of Health, for isolation and observation.

(c) The dog or cat shall be quarantined:

- (1) By its owner or harborer; or
- (2) In a pound or kennel.

(d) In all cases of quarantine as required by subsection (b) herein, such quarantine shall be under the supervision of a veterinarian and shall be at the expense of the owner or harborer.

(e) Quarantine shall continue until the Commissioner of Health determines that the dog or cat is not afflicted with rabies.

(f) In no case shall the quarantine period be for less than ten (10) days from the date on which the person was bitten.

(g) During the quarantine, a veterinarian shall observe the dog or cat twice, once at the beginning and again at the end of the quarantine, for symptoms of rabies.

(h) The veterinarian shall report to the Commissioner of Health the conclusions reached as a result of these observations.

(i) No dog or cat shall be released from the required quarantine unless and until it has been properly immunized against rabies.

(j) If the owner or harborer of the dog or cat is unknown, and the dog or cat is exhibiting signs of illness, as determined by a veterinarian, the dog or cat shall be destroyed, as directed by the Commissioner of Health, and the head of the dog or cat shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(k) Whenever it is reported to the Commissioner of Health that any other animal that is commonly known to transmit rabies has bitten a person, the animal shall be destroyed, as directed by the Commissioner of Health, and the head of the animal shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(l) No person shall fail to comply with the requirements of this section or with any order of the Commissioner of Health made pursuant thereto, nor fail to immediately report to the Commissioner of Health any symptoms or behavior suggestive of rabies.

1771.17: Notice of Disease; Sale of Animal Prohibited.

(a) If any person has reason to suspect the existence of a dangerously contagious or infectious disease in any animal, he or she shall give notice of such fact immediately to the Commissioner of Health or to a licensed veterinarian.

(b) If a veterinarian receives notice of the existence or suspected existence of a dangerously contagious or infectious disease as provided in subsection (a) hereof, the veterinarian shall immediately communicate that notice to the Commissioner of Health.

(c) No person shall:

- (1) Sell;
- (2) Attempt to sell;
- (3) Keep with the intent to sell;
- (4) Bring into the City of Hamilton; or
- (5) Otherwise transfer to another person

any animal which he or she knows, or has reason to know, is infected with or exposed to any dangerously contagious or infectious disease, except as otherwise provided in Ohio Revised Code Chapter 941, or regulations promulgated thereunder.

(d) The Commissioner of Health, upon obtaining information regarding the case of any animal having any communicable disease, shall cause the destruction, removal, or isolation, as may be required of such animal. .

1771.18: Sanitary Maintenance of Horses and Farm Animals.

(a) No person shall use any structure as a stable or housing for any horse, mule, donkey, bovine, sheep, or goat, that is situated upon a lot that permits water and sewer connections, unless the portion of the lot used as a stable or housing has running water and an impervious floor constructed so as to drain into the public sewer.

(b) It shall be the duty of every person in charge of any stable, pen, coop, runway, or other place where animals or fowls are kept, to maintain the same in a clean condition, free from any accumulation of filth, garbage, rubbish, or other waste.

(c) No person shall keep any horse, mule, or donkey in any stable or other structure situated nearer than twenty-five (25) feet to any place of human habitation or to any food establishment or food service operation.

(d) No person shall keep any bovine, sheep, or goat upon any premises not directly connected with a stock yard or with a slaughtering establishment, unless such premises are at least one hundred (100) feet from any place of human habitation or from any food establishment or food service operation.

(e) No person shall keep any swine upon any premises not directly connected with a stock yard or with a slaughtering establishment.

(f) No person shall own, keep, brood, raise, or harbor any live fowl or poultry within the City of Hamilton except in a district which is zoned for agricultural use.

(g) The prohibition in subsection (f) herein is not intended to prevent the ownership and enjoyment of pet fowl which are caged such as, but not limited to, canaries, parakeets, parrots and the like, provided such pet is confined within the residence of the owner, person in control, or person responsible for it.

(h) The provisions of subsection (f) herein are not intended to prevent the brooding of chicks and other fowl or poultry by a school for educational or scientific purposes, provided the activity is conducted in a safe and sanitary manner in an enclosed structure on school property.

(i) The provisions of subsection (h) above are not intended to permit the private keeping of such live fowl or poultry after the educational or scientific program is concluded.

1771.19: Harvest of Wildlife.

(a) Whenever the Commissioner of Health determines that the presence of wildlife upon public property:

- (1) Creates a health hazard;
- (2) Poses a potential physical danger or health hazard to members of the public; or
- (3) Creates conditions which may destroy public property

such wildlife may be harvested by City of Hamilton personnel upon application to and approval by the Ohio Division of Wildlife.

(b) The Commissioner of Health shall make such application to the Ohio Division of Wildlife, and all harvesting shall be done pursuant to the requirements and mandates of the Ohio Division of Wildlife.

1771.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

1771.99: Penalty.

(a) Where no other penalty is provided, whoever violates any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150.00).

(b) Whoever violates section 1771.08 is guilty of a minor misdemeanor.

(c) The penalty for each subsequent offense of section 1771.11 shall be a fine of not more than two hundred dollars (\$200.00).

(d) Whoever violates section 1771.17 hereof shall be fined not more than three hundred dollars (\$300.00) for a first offense. The penalty for each subsequent offense shall be:

(1) A fine of not more than five hundred dollars (\$500.00); or

(2) Imprisonment for not more than six (6) months; or

(3) Both a fine of not more than five hundred dollars (\$500.00) and imprisonment for not more than six (6) months.

**CHAPTER 1775 – MISCELLANEOUS SANITARY REQUIREMENTS
[NO CHANGES]**

**CHAPTER 1776 – HOUSEHOLD SEWAGE TREATMENT SYSTEMS
[NO CHANGES]**

CHAPTER 1779 - NON-RESIDENTIAL PROPERTY MAINTENANCE CODE

Sec. 1779.01: Purpose.

(a) This chapter establishes minimum uniform maintenance standards applicable to non-residential property, including all buildings, structures, and grounds.

(b) Enforcing the provisions of this chapter is designed to achieve the following goals:

(1) Protect the public peace, health, safety, and welfare;

(2) Maintain property values;

(3) Encourage the preservation of aesthetic values in accordance with standards of the community; and

(4) Establish the responsibility of owners, operators, and occupants regarding the maintenance of buildings and grounds in accordance with the provisions of this chapter.

Sec. 1779.02: General Scope.

(a) The provisions of this chapter shall supplement all other provisions of the City of Hamilton's ordinances relating to the maintenance of non-residential property.

(b) Incorporated herein by reference are the standards referenced in the applicable Building Code, including, but not limited to, those standards applicable to electrical, plumbing and building materials, equipment, installation, and repair.

(c) Where terms are not defined in this chapter and are defined by the applicable Building Code, such terms shall have the meaning described to them in the applicable Building Code.

(d) In the event that the provisions of this chapter impose a higher or more restrictive standard than appears in any other ordinances of the City of Hamilton or under the laws of the State of Ohio or Federal law, then the standards set forth herein shall prevail.

(e) If any provision of this chapter imposes a lower or less restrictive standard than any other City of Hamilton ordinance or under the laws of the State of Ohio or Federal law, then the higher or more restrictive standard contained in such other ordinance or law shall prevail.

Sec. 1779.03: Responsibilities of Owner, Operator, and Occupant.

(a) The owner, operator, and occupants shall have all duties and responsibilities prescribed in this chapter, individually, and jointly and severally.

(b) The owner, operator, and occupants shall monitor the frequency and adequacy of maintenance to assure on-going compliance with the provisions of this chapter.

(c) If the owner of any non-residential improved real estate is not a resident of Butler County, Ohio, and is not responsive to notices, such owner shall be required to designate and file with the Commissioner of Health the name, address, and telephone number of an accessible agent for the purpose of receiving all notices of inspection, orders or otherwise from the City relative to such improved real estate.

(d) Service of notice upon such agent, as described in subsection (c) herein, shall be deemed to be notice upon the owner.

(e) Any such notice upon such agent, as described in subsection (c) herein, shall also be sent by United States certified mail or commercial carrier service to the last known address of the owner.

(f) Notice may also be posted in a conspicuous place on the property to which it relates.

(g) No person shall remove or deface such posted notice without the written permission of the Commissioner of Health.

Sec. 1779.04: Non-Residential Property to be Free of Nuisances.

All non-residential property shall be kept free of public nuisances.

Sec. 1779.05: General Maintenance Requirements.

(a) All non-residential buildings and structures, and all parts thereof, shall be structurally sound, maintained in good repair and in a sanitary condition, and shall be capable of performing the function for which such building, structure, or part thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a non-residential building or structure shall be structurally sound, maintained in a good and safe working order, and be in a sanitary condition.

(c) No non-residential structures may be structurally altered without first obtaining a building permit.

(d) Where required under the Zoning Code, any alteration, construction, reconstruction, erection, removal, or exterior work to any non-residential structure located within the Historic District, shall be approved in advance by the Architectural Design Review Board.

Sec. 1779.06: Specific Maintenance Requirements.

(a) Exterior Building Maintenance.

(1) Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All street numbers shall be in Arabic numerals at least four (4) inches high and one-half (0.5) inch stroke.

(2) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(3) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

(4) Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration.

A. The exterior of every building and structure shall be free of obsolete hardware and fixtures.

B. Any exterior painted surfaces which are altered by repairs or structural alterations shall be repainted.

(5) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair, with proper anchorage, and in a safe condition.

(6) Overhang Extensions. All canopies, marquees, signs, metal awnings, stairways, fire escapes, sandpiper exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or a similar surface treatment.

(7) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a structurally safe and sound manner and be kept in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or a similar surface treatment.

(8) Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Windows and Doors. Exterior windows and doors, whether transparent, translucent, or opaque, shall be kept in good repair, clean and free of marks, cracks, breaks, soap, wax, and other foreign substances.

A. Windows and doors shall be secured in a tight-fitting and weather proof manner, shall be easily operable, and all windows shall be capable of being held in position by window hardware.

B. No exterior windows shall be permanently removed or enclosed, covered or boarded up, unless treated as an integral component of the facade using materials and detailing compatible with the building facade and style in general.

(10) Insect Screens. During the period from May 1 to October 1, every door, window, and other outside opening utilized or required for ventilation purposes, serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch, and every swinging door shall have a self-closing device in good, working condition. Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans, are employed.

(11) Basement hatchways. Every basement hatchway shall be maintained so as to prevent the entrance of rats, rain, and surface drainage water.

(12) Guards for basement windows. Every basement window that is openable shall be supplied with rat-proof shields, storm windows, or other approved protection against the entry of rats.

(13) Posters and Graffiti. The exterior of all buildings and structures shall be free from all posters, handbills and graffiti.

(14) Scaffolds. Exterior painting scaffolds or other temporary equipment used for construction, repair, or maintenance, shall be maintained in good repair and shall be removed when the project is suspended for fourteen (14) days or more and immediately upon completion of the project.

(b) Roofs and Drainage.

(1) Roofs shall be maintained in good repair and free of trash, debris, and any other materials that are not a permanent part of the building or a functional element.

(2) Any false roof, mansard, like-roof element, or other auxiliary structure on the roof, shall be maintained in good repair and finished in a manner compatible with the exterior of the building.

(3) The roof and flashing shall be sound, tight and not have defects that admit rain.

(4) Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.

(5) Roof water shall not be discharged in a manner that creates a public nuisance.

(c) Interior of Buildings.

(1) The interior of a structure and all equipment therein shall be maintained in good repair, shall be structurally sound, and shall be kept in a sanitary condition.

(2) Structural members. The supporting structural members of every structure shall be maintained in a structurally sound manner and be capable of supporting the imposed loads.

(3) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition.

(4) Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(5) Lead-based paint. Interior and exterior painted surfaces of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding lead-based paint.

A. Should any lead-based paint on the property be removed or covered, it must be done in an approved manner.

B. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

(6) Asbestos. Both the interior and exterior of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding asbestos.

A. Should any asbestos on the property be removed or covered, it must be done in an approved manner.

(7) Stairs and railings. All interior stairs and railings shall be maintained in a structurally sound condition and in good repair, with proper anchorage, and capable of supporting the imposed loads.

(8) Handrails and guards. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Storage and display. All window displays and screening of interiors as backdrops shall be maintained in good repair and in a clean and attractive manner.

(10) Infestation. The interior of every structure shall be free from insect, rodent, and/or vermin infestation.

Sec. 1779.07: Grounds.

(a) Accessory Structures. All accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

(1) In good repair and be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration; and

A. As pertaining to fences and fence-like structures:

(i) No section(s) of the fence or fence-like structure shall be missing; and

(ii) No section(s) of the fence or fence-like structure shall be broken; and

(iii) If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.

(2) Free from health, fire, and accident hazards; and

(3) Free from vermin, insect, and rodent harborage.

(b) Exterior Property Areas.

(1) All exterior property shall be maintained in a clean, safe, and sanitary condition.

(2) Exterior property areas shall be free of excessive vegetation, weeds, trash, and debris.

(3) Grading and drainage. All exterior property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water, including accumulation within structures, with the exception of water retention areas and reservoirs approved by the City Engineer.

(4) Exhaust vents. Pipes, ducts, conductors, fans, and/or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particular wastes directly upon abutting or adjacent public or private property.

(5) Structures and equipment, including curbs, guardrails, signs, light fixtures and poles, garages, fences, and walls, shall be maintained in good repair.

A. Structures and equipment which are deteriorated or obsolete shall be removed or replaced.

(6) Paved grounds and parking areas. Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation.

A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands.

B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles.

(7) Stairs. All stairs and handrails shall be structurally sound and capable of supporting normally imposed loads.

(8) Rat harborage. All structures and exterior property areas shall be kept free from rat infestation.

A. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health.

B. After extermination, proper precautions shall be taken to prevent re-infestation.

(9) Motor vehicles. No motor vehicle or trailer that does not bear current, valid, state license plates, and that is not owned or leased by the owner or operator of the subject non-residential property, nor any boat, aircraft, or camper, shall, at any time, be kept or stored on non-residential property for more than thirty (30) days, without being kept or stored in a structure with at least three (3) sides. Neither a carport nor a fence meets the above requirement that motor vehicles, boats, aircraft, campers, or trailers be kept or stored in a structure with at least three (3) sides.

A. Exception: A vehicle of any type, boat, aircraft, camper, or trailer, is permitted to undergo mechanical repair and body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

B. Exception: Motor vehicles, boats, aircraft, campers, and trailers are permitted in impound lots:

- (i) Operated by the City, or
- (ii) Used in connection with the operation of the Police Department, and/or
- (iii) Otherwise approved by the City.

C. Notice of Violation and Order to Remove. Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice of the violation to the person responsible therefore and order that the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) be removed to a place of lawful storage or into a structure with at least three (3) sides within five (5) days of receipt of the notice of violation. The Commissioner of Health shall also give, or cause to be given, written notice of the violation and order to remove to the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s). Written notice shall be by United States certified mail return receipt requested, commercial carrier service, or by personal service.

D. Removal by City.

(i) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the person responsible for the violation of this section, or the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s), fails, neglects, or refuses to remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in accordance with the notice given by the Commissioner of Health pursuant to the provisions of this section, the Commissioner may remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in any manner authorized by state law. In addition to any other penalty authorized by law, the person responsible for the violation of this section shall be assessed any costs incurred by the City in removing the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) from the property.

(ii) Right of Entry.

(a) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter upon the subject property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose.

(b) Any person to whom notice of violation was given pursuant to subsection (C) hereof shall have the right to remove or house such motor vehicle, boat, aircraft, camper, or trailer in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives for the purpose of removal.

(10) Graffiti. All surfaces, including but not limited to, walls, fences, parking lots, sidewalks, curbs, furniture and equipment, signs, and dumpsters shall be maintained free of graffiti.

(c) Landscaping.

(1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, rocks, or other appropriate, approved material as determined by municipal ordinance.

(2) Trees, shrubs, ground cover, grasses, and other landscape materials shall be maintained.

(3) Landscape materials which die or are damaged shall be replaced with similar vegetation, and shall comply with the approved site plan, if any.

(4) No landscaping shall impede vehicular or pedestrian traffic.

(d) Sidewalks and Tree Lawns.

(1) Sidewalk and tree lawns shall be maintained in good repair and free from hazardous conditions.

A. Sidewalks shall be kept clean.

B. Sidewalks and tree lawns shall be free of excessive vegetation, trash, and debris.

(2) Free standing objects, including but not limited to, trash receptacles, vending machines, and benches, shall be maintained in good repair and free of trash, debris, and excessive vegetation.

(e) Rubbish and Garbage.

(1) All exterior property, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, such that causes a health hazard or public nuisance.

(2) The outside storage of any equipment, materials, and/or merchandise shall be in accordance with the requirements of the Zoning Code and all other applicable City ordinances, including the Fire and Health Codes.

(3) Dumpsters shall be maintained in good repair and free from rust and damaged components.

A. Areas surrounding dumpsters shall be free from trash, debris, and excessive vegetation.

B. Dumpsters shall be of adequate size to hold all garbage and rubbish with a closed cover.

C. Covers shall remain closed at all times except when filling and emptying.

D. Dumpsters shall be located in an appropriate place so as not to impede pedestrian or vehicular traffic.

E. Dumpsters shall be located on a solid, non-earth surface that is capable of being cleaned.

(4) Rubbish or garbage kept or disposed of in violation of the City Health Code shall be deemed to be a public nuisance.

Sec. 1779.08: Light and Ventilation.

(a) Light.

(1) All spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and utilization of the appliances, equipment, and fixtures.

(b) Ventilation.

(1) Where injurious, toxic, irritating, or noxious fumes, gases, dusts, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source.

A. Air shall be exhausted to the exterior and not be recirculated to any space.

(2) Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

Sec. 1779.09: Plumbing Facilities and Future Requirements.

(a) The requirements listed herein for plumbing facilities represent minimum requirements; where applicable, the requirements of the applicable Building Code shall govern.

(1) A minimum of one (1) water closet, one (1) lavatory, and one (1) drinking facility shall be available to employees.

(2) Toilet facilities shall be located not more than one (1) story above or below the employees' regular working area and the path of travel to such facilities shall not exceed five hundred (500) feet.

(3) Toilet rooms and bathrooms shall provide privacy.

(4) Drinking facilities shall be at least one of the following:

A. Drinking fountain, or

B. Water cooler, or

C. Bottled water cooler, or

D. Disposable cups next to a sink or water dispenser.

(5) Drinking facilities shall not be located in toilet rooms or bathrooms.

(b) Plumbing Fixtures.

(1) All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects.

(2) All plumbing fixtures shall be capable of performing the function for which such plumbing fixtures are designed.

(3) All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.

(4) Plumbing fixtures shall have adequate clearances for usage and cleaning.

(c) Water System.

(1) Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to a public water system.

(2) All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water.

(3) The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.

(4) Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved, permanently attached hose connection vacuum breaker.

(5) The water supply system shall be installed and maintained so as to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

(6) Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than one hundred and ten (110) degrees F. (forty-three (43) degrees C.).

(7) A gas-burning water heater shall not be located in any bathroom, toilet room, or other occupied room normally kept closed, unless adequate combustion air is provided.

(8) An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(7) Water heating facilities used in conjunction with the preparation of food shall also comply with the applicable provisions of the City Health Code and State Law, including Ohio Revised Code Chapter 3732.

(d) Sanitary Drainage System.

(1) All plumbing fixtures shall be properly connected to a public sewer system or to an approved, private septic system as determined by the Commissioner of Health.

(2) Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

(e) Drainage of roofs and paved areas, yards and courts, and other open areas on the property shall not be discharged in a manner that creates a public nuisance.

Sec. 1779.10: Mechanical and Electrical Requirements.

(a) Heating Facilities.

(1) Heating facilities shall be provided in structures as required by this section.

(2) Every enclosed occupied work space shall be supplied with sufficient heat to maintain an inside ambient temperature of not less than sixty-five (65) degrees F. (eighteen [18] degrees Celsius) during all working hours.

A. Exception: Processing, storage, and operating areas that require cooling or special temperature conditions.

B. Exception: Areas in which persons are primarily engaged in vigorous physical activities.

(3) The required room temperatures shall be measured at a point three (3) feet (nine hundred and fourteen (914) mm) above the floor and three (3) feet (nine hundred and fourteen (914) mm) from the exterior walls.

(b) Mechanical Equipment.

(1) All mechanical equipment, fireplaces, and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing their intended function.

(2) All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from leaks and obstructions.

(3) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except where such fuel burning equipment and appliances are labeled for unvented operation and tested by a testing laboratory approved by the applicable Building Code.

(4) All required clearances to combustible materials shall be maintained.

(5) All safety controls for fuel-burning equipment shall be maintained in effective operation.

(6) A supply of air for complete combustion of fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(7) Devices purporting to reduce fuel consumption by attachment to:

A. A fuel-burning appliance, or

B. To the fuel supply line thereto, or

C. To the vent outlet or vent piping therefrom, shall not be installed

unless labeled for such purpose and the installation is specifically approved.

(c) Electrical Facilities and Equipment.

(1) Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(2) The size and usage of appliances and equipment shall serve as a basis for determining the need for additional or upgraded electrical services and/or equipment, in accordance with the applicable Building Code.

(3) All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

(4) Every public hall, interior stairway, water closet compartment, bathroom, laundry room, and furnace room shall contain at least one (1) electric lighting fixture.

(d) Elevators, Escalators, and Dumbwaiters.

(1) Elevators, escalators, and dumbwaiters shall be maintained to:

A. Sustain safely all imposed loads, and

B. Operate properly, and

C. Be free from physical and fire hazards.

(2) In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

A. Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 1779.11: Signs.

(a) All signs are required to be in compliance with the City of Hamilton Zoning Code and the applicable Building Code.

(b) Signs shall be maintained in good repair.

Sec. 1779.12: Inspection.

(a) The Commissioner of Health shall annually make, or cause to be made, inspections of the exterior of all non-residential properties, and shall conduct such additional inspections as may be deemed necessary. Such additional inspections may include, but not be limited to, the exterior or interior of non-residential structures upon complaint.

(b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any non-residential properties upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his duties under the Non-Residential Property Maintenance Code.

(c) The provisions of this chapter shall apply to all such inspections of non-residential property.

Sec. 1779.13: Access to Property in Emergency.

The owner, operator, or occupant of every non-residential property shall give personnel authorized in section 1779.12 access to such non-residential property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1779.14: Identification of Authorized Personnel.

Authorized personnel of the Department of Community Development - Health Division shall be supplied with official identification and shall exhibit such identification when entering any non-residential property.

Sec. 1779.15: Notice of Violation.

(a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the owner, operator, or occupant of the non-residential property and order compliance, as herein provided.

(b) The notice and order shall:

(1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;

(2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;

(3) Specify the time within which to comply; and

(4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of

business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.

(c) The Commissioner of Health may re-inspect a non-residential property from time to time, so as to determine the status of any violation.

(1) Upon the written request of the noticed person stating that a violation has been corrected, the Commissioner of Health or his or her designee shall re-inspect the property and shall notify the owner, operator or occupant of the result of the re-inspection.

Sec. 1779.16: Final Order.

Any order contained in a notice of violation provided for in section 1779.15 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Sec. 1779.17: Hearing.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Non-Residential Property Maintenance Code may request and shall be granted a hearing as provided for in Chapter 1705.26.

Sec. 1779.18: Severability and conflict.

(a) The regulations, rights, and remedies set forth herein are not exclusive and do not restrict the right of the City to pursue other remedies which are set forth in the Codified Ordinances of the City or which are within the authority of the City under Ohio law.

(b) In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1779.99: Penalty.

(a) Any owner, operator, or occupant who violates any provision of this chapter is guilty of a misdemeanor of the first degree.

(b) Each day a violation continues constitutes a separate offense.

(c) Any owner, operator, or occupant who violates the provisions of this chapter shall be subject to a civil action in any court of competent jurisdiction to be brought by the City for any appropriate relief, including but not limited to injunction, declaratory judgment, and damages.

(d) Damages may include all actual costs incurred by the City in the enforcement of this chapter, including but not limited to, reasonable attorney fees, administrative costs, court costs, and costs incurred in abating a public nuisance.

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Meredith Murphy, Associate Planner

Agenda Item: Request to Approve the Annual Action Plan Update 2016-2017

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Increase property values <input checked="" type="checkbox"/> D Decrease vacant structures <input checked="" type="checkbox"/> A Add new jobs <input checked="" type="checkbox"/> R Realize new investments <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution Ordinance</p>	<input checked="" type="checkbox"/> 1 st Reading Date: 01/27/2016 <input type="checkbox"/> 2 nd Reading Date: 02/10/2016 <input checked="" type="checkbox"/> Public Hearing Date: 01/27/2016	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): City Council Caucus: Planning Commission: 01/19/2016</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact CDBG</p>	<p>Budgeted: Yes Expenditure: \$20,000 Source Funds: CDBG</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to approve the Annual Action Plan Update 2016-2017?

Policy Alternative(s)

Council may choose not to adopt such legislation to approve the Annual Action Plan Update 2016-2017.

Staff Recommendation

It is the recommendation of this office that Council receives this report, concurs in the Recommendation of the Planning Commission, and adopts the necessary legislation to approve the Annual Action Plan Update 2016-2017.

Statutory/Policy Authority

Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton

Fiscal Impact Summary

The City's current fiscal impact includes staff time allotted to preparation of the Annual Action Plan Update, public meetings, survey preparation and mailing, and tabulation of results. Preparation of the



Annual Action Plan is estimated at approximately \$20,000 and will be expensed out the City's CDBG Funds.

Background Information

The Department of Community Development has completed an update to the Annual Action Plan for FY 2016-2017 as required by the US Department of Housing and Urban Development (HUD) for the City of Hamilton's Community Development Block Grant (CDBG) and HOME programs.

The City of Hamilton is an entitlement community under the CDBG and HOME programs and annually receives federal funds under the US Housing and Community Development Act of 1974, as amended. These federal program funds are allocated nation-wide to units of general local government on the basis of a formula that considers the relative inadequacy of each jurisdiction's housing supply, poverty levels, fiscal distress, and other factors. The Department estimates that the City will receive \$1,232,500 in CDBG funds and HOME funding in the amount of \$300,000. These totals are estimates at this time and are subject to change.

The preparation and adoption of an Annual Action Plan is a HUD requirement and necessary in order to receive the funds. The Annual Action Plan is used by the local unit of government to gather information, identify issues/priorities, and assist in making funding decisions for CDBG and HOME dollars.

In light of funding reductions in both CDBG and HOME programs, the Department of Community Development continues to take a more focused approach on funding to opportunities to meet the greatest needs such as housing, economic development, vacant/dilapidated housing demolition, street resurfacing and repair, and homeless support services. In addition, the Department continues to focus on implementing portions of the City's Strategic Plan to foster renewed investment and economic development/job creation in the community – which include Economic Development Revolving Loan Fund, Design Assistance for new and/or expanding businesses.

The Department of Community Development continues to broaden and strengthen relationships with appropriate agencies and other City of Hamilton departments to implement physical improvements, special code enforcement and public services that benefit very low and low to moderate income city residents. Through these relationships, the City will work to provide emergency/minor home repairs to eligible low-income homeowners as well as remove and clear dangerous, dilapidated and vacant buildings.

The objectives of the CDBG and HOME programs include the revitalization, preservation, conservation and redevelopment of neighborhoods; stimulating economic development; and providing public improvements, which principally benefit persons of low and low-moderate income.

Annual Action Plan Update Process

As part of the Annual Action Plan Update, the City created and distributed a survey that was mailed to approximately 1,840 randomly selected Hamilton households coded by census tract. Approximately 14.5 percent of all the mailed surveys were returned.

The City also hosted four (4) public input meetings as part of the preparation of the Annual Action Plan Update. These meetings were designed with a three (3) fold purpose that included survey result tabulation and presentation feedback about community needs during the meetings. Survey results on topics of Housing, Public Facilities/Infrastructure, Economic Development, Clearance/Demolition and Public Service needs were presented. Secondly, information concerning the use and general guidelines from the US Department of Housing and Urban Development regarding CDBG and HOME funds for



community development purposes were discussed. Lastly, a review of what has been accomplished with previous year's funding was presented during these meetings. Three (3) of the four (4) public input meetings were held after work hours in different quadrants of the city within public or semi-public facilities to maximize outreach purposes.

The City also received a total of 18 applications for CDBG and HOME funding for FY 2016-2017 from local non-profit agencies and City of Hamilton Departments. The recommended allocations are found in the attached Annual Action Plan Update.

Recommendation

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of the necessary legislation to approve the Annual Action Plan Update 2016-2017.

Attached Information

Exhibit A – Annual Action Plan Update 2016-2017

Copies Provided to:

N/A



**CITY OF HAMILTON, OHIO
ANNUAL ACTION PLAN
2016-2017**



Prepared by the City of Hamilton, Department of Community
Development
January 19, 2016

City of Hamilton, Ohio
Annual Action Plan Update FY2016-2017
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Executive Summary

The City of Hamilton is submitting the Annual Action Plan for Fiscal Year 2016-2017 in accordance with 24 CFR 91.222. The Annual Action Plan identifies the activities to be funded with Community Development Block Grant (CDBG) resources received during the program year. The City of Hamilton will be receiving \$1,144,288 in CDBG funds and \$300,000 in HOME funds. The City will continue to concentrate its Community Development efforts in four (4) principal areas: Housing, Economic Development, Public Services, and Public Facility Improvements.

Housing

The development and maintenance of the City's affordable housing stock is imperative to community development and quality of life. The City will continue with emergency/minor home repair, housing rehabilitation and other housing stabilization and production programs. The City will continue to work with partner agencies to develop affordable housing including units targeting very low and low to moderate income residents. The City will continue to clear vacate, unsafe and blighted residential nuisance properties that adversely impact the health, safety and welfare of residents.

Economic Development

Expanding economic development opportunities to encourage investments, retain and create jobs, revitalize business districts and increase employment-training opportunities are a priority for the City. In addition, the City will continue to provide the access to the Revolving Loan Fund (RLF) to key business and start-up investments.

Public Service

The City of Hamilton focuses its efforts in Public Service in order to address the unique needs of the LMI resident population. The City will continue to concentrate on fair housing, homeless services, affordable public transportation, youth recreation, and crime victim advocacy.

Public Facility Improvements

Improvements to public facilities and infrastructure located in the City that serves LMI residents is critical to community development and quality of life efforts. The City will make public improvements that enhance and complement neighborhood and community economic development activities.

These overall objectives will continue to be assessed to ensure consistency with citizen input and survey results and feedback. As indicated in the Citizen Participation section of the Consolidated Plan, the City not only conducts the required public input meetings and makes draft documents available for review and comment but also solicits input from service providers and conducts an annual needs survey of City residents.

The Annual Action Plan covers both CDBG and HOME program funded projects for the 2016-2017 Program Year for the period of May 1, 2016 through April 30, 2017.

Summary of Outcomes & Evaluation of Past Performance

The City of Hamilton has identified the below listed outcomes through the Annual Action Plan Update process:

- Healthy, safe, viable, affordable housing stock;
- Continuum of Care that easily transitions the homeless population to permanent housing;
- Stable, growing permanent employment opportunities for all city residents;
- Public Services that provide assistance to employer city residents to become more self-sufficient; and
- Public Facility and Infrastructure that addresses and meets the needs of city residents.

As indicated in Section III: Management Process, the City feels strongly that an appropriate and efficient delivery system is in place to carry out the activities identified in the Annual Action Plan.

The City has maintained the necessary and required Community Development Block Grant (CDBG) timeliness ratios; HOME rules on reserved, committed and expended funds have been met. The City continues to “desk monitor” on a monthly basis and “site-visit” on an annual basis all sub recipients. New subrecipients receive two “site-visit” monitoring sessions during the program year. Subrecipients that have not performed for any reason are evaluated in writing. If non-performing subrecipients cannot or will not meet its agreement obligations, the City terminates its agreement. The City does not allow these subrecipients to apply for future funding until it demonstrates its ability to accomplish obligations. Very rarely has the city had subrecipients who have not complied.

The vast majority of quantifiable evaluation numbers in Integrated Disbursement and Information System (IDIS) have been met. If numbers (goals) are not met, in all cases, justified reasons have been given and accepted by HUD. The City periodically reviews IDIS measures, program goals and overall performance. These reviews are done to ensure that goals, objectives and priorities are being met.

I. Citizen Participation

SUMMARY OF THE CITIZEN PARTICIPATION PROCESS

The City of Hamilton has worked to create an effective Citizen Participation Process to ensure appropriate, effective and comprehensive use of Community Development Block Grant (CDBG) and HOME funds. The City uses a four (4) point approach to engage active citizen participation in the Consolidated Planning process which includes a needs assessment survey, public input meetings, draft Consolidated and/or Annual Action Plan comment period, and finally two (2) public hearings.

Public Participation and Public Hearings

Needs Assessment Survey

The City of Hamilton undertakes an annual Needs Assessment Survey. This assessment is done to ensure the City's plans and activities accurately reflect community needs by residents of the City of Hamilton. This Needs Assessment also provides a tool to address the priority of the community needs. In July 2015, the City created and distributed a survey that was mailed to 1,840 randomly selected Hamilton households coded by census tract. The surveys included a self-addressed stamped return envelope. The percentage of surveys that were completed and returned was approximately 14.5 percent. The results of the mail survey are attached.

The City also mails a Needs Assessment Surveys to local Service Providers and former CDBG and HOME subrecipients because of their in-depth knowledge of needs of local special populations.

Public Input Meetings

The City also hosted four (4) public input meetings as part of the preparation of the current Annual Action Plan. These meetings are designed with a three (3) fold purpose as explained below.

1. Survey results were tabulated and presented to create an active dialogue about community needs during these meetings. Survey results on topics of Housing, Public Facilities/Infrastructure, Economic Development, Clearance/Demolition and Public Service needs were discussed.
2. Information regarding the use and general guidelines of CDBG and HOME funds for community development purposes was discussed.

3. Finally, a review of accomplishments with previous year's funding was presented during these meetings.

Four (4) of the public input meetings were held, with three meetings taking place after work hours and in different areas in the core of the city within public or semi-public facilities. A public input meeting was held at city hall during the weekday afternoon after which, a CDBG and HOME technical assistance seminar was held.

The meetings held were as follows:

1. Monday, August 3, 2015, 6:00 p.m. – 7:00 p.m.
Booker T. Washington Community Center
1140 South Front Street, Hamilton, OH 45011
2. Tuesday, August 24, 2015, 6:00 p.m. – 7:00 p.m.
Partners in Prime
140 Ross Avenue, Hamilton, OH 45013
3. Wednesday, August 5, 2014, 2:00 p.m. – 3:00 p.m.
City of Hamilton, City Council Chamber
345 High Street, Hamilton, OH 45011
4. Wednesday, August 5, 2014, 6:00 p.m. – 7:00 p.m.
City of Hamilton, City Council Chamber
345 High Street, Hamilton, OH 45011

30 Day Public Comment Period

After the draft Annual Action Plan was prepared, there is a 30-Day Public Comment Period. A Legal Notice was published and the city website was updated to inform residents and interested parties where the draft 2016-2017 Annual Action Plan was available for public review, including a list of places the draft was available for viewing. The Legal Notice indicating where the draft Annual Action Plan would be available within the community was published on November 22, 2015 in the Hamilton Journal News. Any public comments received during this period would be responded to in writing within fifteen (15) working days. The draft Annual Action Plan Update was also available for viewing or download from the City of Hamilton website.

Public Hearing 1: The first Public Hearing occurred on January 19, 2016. This Public Hearing is used to receive comments on the draft Annual Action Plan from the Planning Commission and the public.

Public Hearing 2: The second Public Hearing occurred on January 27, 2016 at the Hamilton City Council. The City Council public hearing is used to receive public comment on the Annual Action Plan prior to submission to HUD.

The Annual Action Plan Update, including Community Development Block Grant Project Use of Funds, the HOME Program Description and City's Displacement Policy is to be submitted to HUD by March 15, 2016 (at least 45 days prior to our City's Community Development Program Year, which begins May 1, 2016).

These meetings and public hearings are held at handicapped accessible locations throughout the City. The City estimates that approximately 5% of its population does not use English as its primary language. Spanish is the most prevalent second language used in Hamilton. Fliers and notices were translated into Spanish and Spanish translation services were available at the August public input meetings.

SUMMARY OF EFFORTS TO BROADEN CITIZEN PARTICIPATION

The City of Hamilton continues to make efforts to ensure that all citizens, regardless of language barriers and physical ability, are provided an opportunity to participate in the formulation of both the Consolidated Plan and Annual Action Plan. These efforts include the following:

- a. Public Meeting Notification flyers printed in English and Spanish;
- b. Spanish and American Sign Language (ASL) translation available upon request at all public meetings/hearings and;
- c. Extensive consultation with Butler County Homeless Coalition in quarterly meetings;
- d. Coordination and posting of Public Meeting Notification Flyers in English and Spanish with local service agencies.

Additionally, all facilities, offices and public and semi-public spaces used for citizen participation are fully accessible for those with physical limitation.

OTHER CITIZEN PARTICIPATION PROCESSES

Amendment Procedures

All subrecipients, including agencies, organizations, and departments are required to notify the City's Neighborhood Development Division, in writing, if any changes are made in the agreed upon scope of service, project or budget. However, the City may find it necessary to amend stated activities and uses of CDBG and HOME funds. The following are the threshold criteria for a required amendment:

1. Changes to the scope of services, project or budget exceeding 50% of any approved line item and;
2. New activities deemed not directly related to items in the approved agreement.

The City not only follows HUD requirements but also the locally adopted amendment procedure. The following is the City of Hamilton's adopted amendment procedure.

1. The City will receive an amendment in writing from either a sub-recipient or appropriate staff member. The written amendment will clearly state the reason for

the change, the amount of the change, the beneficiary impact as well as any other pertinent information.

2. The City will determine whether the amendment request is consistent with the stated and approved local Annual Action and Consolidated Plans.
3. The City will make a determination whether to proceed with the proposed amendment.
4. The City will publish in the Hamilton Journal News, the local newspaper of general circulation, that an amendment is being considered and where a copy of the written request is available for public review.
5. The City will allow a thirty (30) day public comment period; this period commences upon the date of publication.

Performance Evaluation Comment

The City of Hamilton provides a period of fifteen (15) days to accept comment of the Comprehensive Annual Performance Evaluation Report (CAPER) before submitting to HUD. Reasonable notice of CAPER availability is given through the Hamilton Journal News, the local newspaper of general circulation. The City of Hamilton accepts any comments in the preparation of the CAPER.

Acquisition and Relocation

In the event of acquisition and/or relocation, the City of Hamilton will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR part 24.

Complaint Response Procedures

The City of Hamilton will provide a timely and substantive response to all written complaints. Upon receipt of a written comment, the City will prepare and forward a written response (including clarification and/or corrective action as needed) and any other related documents will remain on file in the Community Development Department. All written complaints/comments should be addressed to the following address.

Department of Community Development
Neighborhood Development Division
City of Hamilton
345 High Street, 3rd Floor
Hamilton, OH 45011

There were no written comments received during the thirty (30) days Public Comment Period in relation to the 2016-2017 Annual Action Plan Update.

II. Housing and Homeless Needs Assessment

GENERAL

Hamilton's estimated housing and supportive services needs for the years 2012 through 2017 are based on the 2000 and 2010 Census data for the city, 2009-2013 American Community Survey 5-Year Estimates, as well as consultation with the service providers and community residents. The 2010 Census reports the City of Hamilton's population is 62,477 out of which 55.9% or 34,924 are reported to be low- and moderate-income (LMI) residents. The LMI population is described as population with income at or below 80% of the Median Family (MFI) Income. According to the 2009-2013 American Community Survey 5-Year Estimate, Hamilton's MFI is \$48,382; 80% of MFI is \$38,705.

The population of Hamilton may be generally described as having the following characteristics.

Shrinking Household Size

Over the last five decades, Hamilton has continued to experience a steady increase in the number of households. This is largely due to a shrinking household size. Census data show that the average number of persons per household in the City of Hamilton decreased from 3.3 in 1960 to 2.47 in 2010. Consequently, the number of large family household (5+ members) has decreased significantly during the past 40 year period; according to the 2010 Census, only 2,443 (20%) of all households had 5 or more members. However, this is an increase compared to the 2000 Census, where 2,108 (8.7%) of households had 5 or more members. It is thought that this may be the result of "doubling up" of family members because of the recession. Additionally, Hamilton had slight growth in population, increasing from 60,690 in 2000 to 62,477 in 2010.

Steadily Changing Racial Composition

For more than thirty (30) years, the race of the City's population has been predominantly White with a significant African-American minority. The 2010 Census reports 84.0% of the population is White, 8.5% is African-American and other racial groups represent 7.5% of the population. The total minority population is 16%. Additionally, 6.4% of the population is Hispanic, up from 2.6% in 2000. There are several areas within the City, which are concentrations of minority population (an area with a minority population exceeding 20% is a concentrated minority population).

Shift Toward an Older Age Distribution

Similar to national demographics, the City's age structure reflects an aging population base. The greatest proportion of the population – 59.5% falls into the "working age" (20-64 years) category. The proportion of the City's population that is elderly (65+ years) has been steady in the last 10 years; in 2010, it represented 13.2% of the total population (8,219 persons). There is a greater concentration of elderly persons living in the City than County proportionately; the 2010 Census reports that 11.5% of the County population was elderly. Currently, the median age of City inhabitants is 35.3 years old; the median age in 2000 was 34.9 years old.

Growing Number of Single Parent Households

Ten years ago during the 2000 Census, more than 38% of all families with children (2,920 families) had only one parent present in the housing unit. According to the 2010 Census, the percentage of single parent households stands at 46.8% (3,213 families). There is a higher concentration of

single-headed families in Hamilton than in Butler County as a whole (30.6% of families with children in Butler County were single-headed). Additionally, 3,213 children live in single parent households in Hamilton according to the 2010 Census.

Economic Status of the Population

Based on the American Community Survey 3 year estimate, Hamilton's poverty rate for individuals is 20.0% and for families is 15.7%. Comparing the survey to the 2000 Census, the poverty rate has increased for the city, up from 13.1% for individuals and 10.5% for families in 2000. The most important cause of the growth in the number of persons with low and moderate incomes can be attributed to major shifts in the City of Hamilton's economic base. Specifically, there was a loss of higher paying, blue-collar jobs; between 1979 and 1989 nearly 20% of Ohio's, 8% of Butler County's and 15% of Hamilton's manufacturing jobs have disappeared. Instead, the employment bases have been increasingly dominated by non-manufacturing sectors such as services, retail, trade, insurance, finance and real estate. Many of these jobs tend to generate much lower earnings than the traditional blue-collar manufacturing jobs. The City of Hamilton also experienced a decrease in jobs in other sectors resulting from business closures and relocations.

Growing Number of Foreclosures and Abandoned Housing

The City of Hamilton has experienced a sharp increase in the number of residential foreclosures. The figure for foreclosure stands at 8.4% of currently reported and regulated mortgage instruments. Additionally, due primarily to the aging population, the city has experienced an increase in the number of abandoned housing units. This issue has produced a "High" rating for abandoned housing by the U.S. Department of Housing and Urban Development in their evaluation for Neighborhood Stabilization Program funding allocation.

The 2010 Census indicates there was an 87% increase in the number of vacant housing units in the City of Hamilton from a decade earlier. In 2000, there were 1,725 vacant housing units and in 2010 there were 3,220 vacant housing units – 11.6 percent of the housing units in 2010 were vacant.

According to the 2000 Census, 33,943 persons in Hamilton (55.9%) of the total population are considered low or moderate income (LMI); this is defined as incomes at or below 80% of the Median Family Income (MFI); MFI for Hamilton is \$33,549. According to the 2009 American Community Survey, approximately 15.7% of the families in the City have incomes below the poverty level. Additionally, the median household income was reported as \$38,564 and per capita income was reported at \$17,493 in 2000.

Recent data¹ from Realtytrac.com indicate that as of January 2014 one (1) in every 387 housing units received a foreclosure filing in January 2014.

¹<http://www.realtytrac.com/trendcenter/oh/butler-county-trend.html>

TABLE 1: INCOME CHARACTERISTICS IN HAMILTON AND BUTLER COUNTY, 1979-2009

	Butler County		
	1979	1989	2000
Median Family Income	\$22,417	\$38,673	\$57,513
Median Household Income	\$19,584	\$32,440	\$47,885
% of Families below Poverty Level	7.1	7.6	5.4
% of Persons below Poverty Level	9.8	10.6	8.4
% of Persons of Low/Moderate Income	N/A	N/A	N/A
	Hamilton		
	1979	1989	2000
Median Family Income	\$18,502	\$28,117	\$41,936
Median Household Income	\$15,313	\$22,886	\$35,365
% of Families below Poverty Level	10.9	14.0	10.5
% of Persons below Poverty Level	15.3	16.8	13.1
% of Persons of Low/Moderate Income	52.2	52.6	55.9

Sources: 1980, 1990, 2000 Census and the HUD Profiles on Low to Moderate Income

There are several areas in the City, which contain concentrated LMI residents defined as areas having at least 20% or more LMI population as compared to the City as a whole. Based on 2000 Census Information, ten areas have been identified as “Areas of Low to Moderate Income Concentration in Hamilton.”

TABLE 2. AREAS OF LOW-MODERATE INCOME CONCENTRATION IN HAMILTON

AREA/CENSUS TRACT	% LOW-MODERATE INCOME	% LOW-INCOME
Wilson-Symmes Park Rehab Area (part CT 03)	82.7%	62.2%
North Jefferson Rehab Area (part CT 04)	85.6%	53.6%
German Village Rehab Area (part CT 7.01 & 7.02)	71.6%	49.2%
Second Ward Rehab Area (part CT 03)	77.6%	55.0%
North Dayton Lane Rehab Area (part CT 06)	70.8%	46.2%
Hanover-Walnut Rehab Area (part CT 03)	72.5%	47.3%
Jefferson Rehab Area (part CT 04)	85.6%	53.6%
North End Rehab Area (part CT 06)	75.2%	58.0%
Bonnaker-Lincoln Rehab Area (part CT 04)	88.3%	65.0%
Rossville-Main Street (part CT 08 & 11)	94.3%	70.7%

Source: Compilation based on 2000 Census (Block Group Statistics)

An increase in the number of disabled adults – The 2000 Census reports that approximately 21.3% of the City’s workforce – age 16-64 (or 7,976) had some type of disability. This is an increase from 1990 Census information. The City had a higher concentration of those with disabilities than the County (18.1%) in 2000.

A relatively high unemployment rate – For 2011, Hamilton’s unemployment rate has consistently remained higher than Butler County or the State. Listed below are unemployment rates for the City, Butler County and the State respectively.

TABLE 3. UNEMPLOYMENT RATE COMPARISON

	Hamilton	Butler County	State of Ohio
October 2006	5.5%	4.4%	5.1%
October 2007	5.4%	5.0%	5.4%
October 2008	7.1%	6.4%	6.8%
October 2009	10.8%	9.1%	9.7%
October 2010	10.4%	9.2%	9.5%
August 2011	10.0%	9.1%	9.1%
October 2012	7.0%	6.2%	6.4%
December 2013	6.8%	6.0%	7.2%
September 2014	4.9%	4.5%	5.6%
September 2015	4.4%	4.0%	4.3%

Sources: Ohio Department of Job and Family Services, Bureau of Labor Market Information & US Department of Labor

CATEGORIES OF PERSONS AFFECTED

The following is a narrative focusing on the population in the jurisdiction affected by a plan for housing. Hamilton's estimated housing and supportive services needs for the years 2012 through 2017 are based on the 2000 Census, current studies of trends in the community and consultation with the community service providers and residents.

Hamilton's Assistance Needs

As the changing economy continues to impact Hamilton's population, the number of LMI households in the City has increased. Accordingly, there will continue to be an increase in the number of households requiring some form of housing assistance. In particular, housing needs will increase as the housing stock continues to age compounded by the increasing number of low- and moderate-income residents. As the housing stock continues to age, the need for repair is greater. Low- and moderate-income residents, who are often cost burdened, have trouble affording necessary repair work. Excessive cost-burden is, by itself, a problem. Additionally, the U.S. Department of Housing and Urban Development has indicated a residential foreclosure rate of 8.4% over the last eighteen (18) months.

As defined by HUD, a person occupying a substandard/overcrowded structure and/or families experiencing cost-burdens have a "housing need" (or otherwise defined as a "housing problem.") Substandard housing units are defined as any condition that violates applicable housing, building, health or safety codes. However, the Census data upon which the "housing need" evaluation is based provides a limited picture of housing conditions. This information relies on four measurements of substandard conditions (including lack of plumbing, complete kitchen facilities, central heating source and overcrowded conditions); the Census fails to report the existence of other deficiencies, which contribute to substandard conditions (i.e. leaking roofs, crumbling foundations, deteriorated wiring, failing heating systems, inadequate weather proofing, broken plumbing, etc.)

The problem of "cost burden" occurs when a household uses an excessive (30% or more) amount of monthly income to pay for housing costs (rent, mortgage, taxes or utilities). A "severe cost-burden" is defined as a household that spends more than 50% of its total income on shelter. At the heart of cost-burden problem is the discrepancy between available income and housing costs. The dilemma is accentuated as home values and the cost of living continues to rise faster than income. When this occurs, households are usually required to spend an increasing share of income on housing.

TABLE 4. PERCENTAGE OF HOUSEHOLDS EXPERIENCING A HOUSING COST BURDEN

Type of Housing	1990	2000
Homeowner Housing	14.0%	18.5%
Rental Housing	45.1%	35.9%

The CHAS Databook reported that 25.4% (6,067) of households experienced some type of housing challenge in 2000. The data demonstrates low- and moderate-income households have the greatest need for habitable and/or affordable housing. Generally, the lower the income, the greater the housing need.

Renters

Information from the CHAS Databook indicates renter households are more likely to experience housing problems versus owner households. Table 5 “Housing Assistance Needs of Low and Moderate Income Renter Households” illustrates types of renter households and their respective housing needs.

The table also demonstrates housing need related to various income categories. Both extremely low- and very low-income renters have the greatest housing needs. Many of these families are living at a subsistence level and are not able to maintain decent homes. Low-income citizens commented in community meetings they could not afford to make even minor repairs. Of these two income groups, the extremely low-income (0 – 30% MFI) persons tend to be most disadvantaged. 78% of these renters experienced a housing need.

While Table 5 shows (among renters) large-family households have the greatest housing needs by percentages, actual numbers demonstrate the largest needs are among small (1-4 member) households. The second highest need is among elderly renters (993 households). It is likely these groups will continue to experience housing needs in the next five years as the numbers of small and elderly households continue to rise.

TABLE 5. HOUSING ASSISTANCE NEEDS OF LOW AND MODERATE INCOME RENTER HOUSEHOLDS

Household by Type, Income, & Housing Problem	Renters				
	Elderly 1 & 2 member households	Small Related (2 to 4)	Large Related (5 or more)	All Other Households	Total Renters
Very Low-income (Household Income <=50% MFI)	1,144	1,729	439	1,481	4,793
Household Income <=30% MFI	841	990	287	830	2,948
% with any housing problems	60	73.7	86.4	66.3	69
% Cost Burden >50% and other housing problems	0	0.4	24	0	2.5
% Cost Burden >30% to <=50% and other housing problems	0	0	3.5	0	0.3
% Cost Burden <=30% and other housing problems	0.5	1.9	5.2	0.5	1.4
Household Income >30% to <=50% MFI	303	739	152	651	1,845
% with any housing problems	53.1	53	69.7	44.9	51.5
% Cost Burden >50% and other housing problems	0	0	0	0	0
% Cost Burden >30% to <=50% and other housing problems	3.3	3.4	9.9	0.6	2.9
% Cost Burden <=30% and other housing problems	0	2.4	22.4	3.7	4.1
Household Income >50 to <=80% MFI	280	1,025	279	712	2,296
% with any housing problems	14.3	7.3	43.7	11.9	14

% Cost Burden >50% and other housing problems	0	0	0	0	0
% Cost Burden >30% to <=50% and other housing problems	0	0	0	0	0
% Cost Burden <=30% and other housing problems	0	1	35.1	2	5.3
Household Income >80% MFI	143	999	246	864	2,252
% with any housing problems	7	5	24	1.2	5.7
% Cost Burden >50% and other housing problems	0	0	0	0	0
% Cost Burden >30% to <=50% and other housing problems	0	0	0	0	0
% Cost Burden <=30% and other housing problems	7	5	24	1.2	5.7
Total Households	1,567	3,753	964	3,057	9,341
% with any housing problems	45.7	33.2	55.5	30.7	36.8

Source: Comprehensive Housing Affordability Strategy (CHAS) Databook, U.S. Dept. of HUD

Owners

Statistics contained in the CHAS Databook indicate the occurrence of housing needs is less prevalent among owner than renter households. One of the larger problems appears to be cost-burden. However, in comparison to other areas in Butler County, Hamilton had the lowest percentage of owner-households spending a disproportionate amount of their income on housing (owner-households in the City are cost burdened versus 16% owner-households Countywide).

Slightly over eighteen percent (18.2%) of all owner households experience housing problems; this includes households living in substandard housing and/or experiencing a cost burden. As shown in Table 6 “Housing Assistance Needs of Low and Moderate Income Owner Households,” the greatest housing needs are among extremely low and very-low-income owners (both elderly and other owners). There will likely be an increase in the number of households needing assistance, particularly between these two types of owner groups. In addition, the housing needs of the elderly will likely increase between 2005 and 2010, as the elderly population continues to grow as it has in the past 20 years.

TABLE 6: HOUSING ASSISTANCE NEEDS OF LOW AND MODERATE INCOME HOMEOWNER HOUSEHOLDS

Household by Type, Income, & Housing Problem	Elderly 1 & 2 member HH's	Small Related (2 to 4)	Large Related (5<)	All Other HH's	Total Owner	Total HH's
Very Low-income (Household Income <=50% MFI)	1,618	735	148	506	3,007	7,800
Household Income <=30% MFI	727	251	31	213	1,222	4,170
% with any housing problems	38.5	68.5	100	77.9	53.1	64.3
% Cost Burden >50% and other housing problems	0	0	0	0	0	1.8
% Cost Burden >30% to <=50% and other housing problems	0	0	12.9	0	0.3	0.3
% Cost Burden <=30% and other housing problems	0.6	1.6	0	0	0.7	1.2
Household Income >30% to <=50% MFI	891	484	117	293	1,785	3,630
% with any housing problems	26.2	63.6	64.1	78.2	47.3	49.5
% Cost Burden >50% and other housing problems	0.4	0	0	0	0.2	0.1
% Cost Burden >30% to <=50% and other housing problems	0	0	12	0	0.8	1.9
% Cost Burden <=30% and other housing problems	0	0	16.2	0	1.1	2.6
Household Income >50 to <=80% MFI	1,244	1,309	225	415	3,193	5,489
% with any housing problems	13.1	28	34.2	47.5	25.1	20.5
% Cost Burden >50% and other housing problems	0	0	0	0	0	0
% Cost Burden >30% to <=50% and other housing problems	0	0	0	0	0	0
% Cost Burden <=30% and other housing problems	0	0	6.2	0	0.4	2.5
% Cost Burden >50% only	0.8	0.6	6.7	5.8	1.8	1.1
% Cost Burden >30% to <=50% only	12.3	27.3	21.3	41.7	22.9	16.9
Household Income >80% MFI	1,639	4,996	705	1,007	8,347	10,599
% with any housing problems	4.2	3.8	7.9	3	4.1	4.5
% Cost Burden >50% and other housing problems	0	0	0	0	0	0
% Cost Burden >30% to <=50% and other housing problems	0	0	0.6	0	0	0
% Cost Burden <=30% and other housing problems	0	0.7	4	0	0.7	1.8
Total Households	4,501	7,040	1,078	1,928	14,547	23,888
% with any housing problems	16.6	14.7	22.2	32.3	18.2	25.4

Source: Comprehensive Housing Affordability Strategy (CHAS) Databook, U.S. Dept. of HUD

SPECIAL POPULATION NEEDS

Under CPD guidelines, HUD has set forth criteria for evaluating the housing needs of so-called “special populations.” As defined by HUD, these would include households made up of large families, elderly, mentally handicapped, female-headed, disabled, battered families, person with HIV/AIDS and homeless individuals. Homeless needs are assessed separately under the Continuum of Care Section.

The Census does not report on the “special needs population.” Instead, in formulating ideas about the needs of these groups, information from local social service agencies was used. These local records indicate that the City’s “special population” has grown over past years. This indicates there are probably increased housing and support services needed in Hamilton. It should be noted that many social service agencies supplying the information used, serve not only the City but also the local area.

Developmental and Mental Disabilities

While the Census does not supply information regarding the number of persons with mental disabilities or handicaps, the County Board of Developmental Disabilities was helpful. Community agencies have seen an increase in the number of persons with mental health problems. For example, there is an increase in the number of chemically dependent men being referred to local programs; these individuals frequently experience mental health problems. Local social service agencies anticipate continued growth in the number of those special needs population in the next five years. This special population group is often homeless or threatened with homelessness, and thus, experiences housing needs. These same agencies have indicated they feel the increase numbers of mentally handicapped persons will increase the need for more transitional and permanent supportive housing.

Single-Parent Headed Households

According to 2010 Census information, 3,213 families (with children) had only one parent present. More than 4,500 children live in these single-parent households. Whereas one quarter of Hamilton’s children (under the age of 19) live below the poverty level, 50% of all children in single parent families lived below the poverty level. Although the Census does not indicate “housing needs” specifically for this group, it is likely that a substantial number of single-parent households experience housing needs (based on the low-income status of this group).

Elderly Households

According to the 2000 Census, a third of elderly-headed households in Hamilton live in poverty; one-third of all seniors live alone. Twenty-four percent (24%) of elderly households experienced housing problems of some kind.

Disabled

The 2009-2013 American Community Survey Estimates reported that approximately 5,328 adults (age 18-64) were disabled.

Large-Families

The CHAS Databook reported that 55.5% of large (5+ members) renter households experience some kind of housing problem; this represents approximately 535 households. However, it appears that all (100%) of the large rent households with extremely low and very low-incomes have some type of housing needs.

Battered Families

Refer to Continuum of Care section located in the Appendix section.

Drug/Alcohol Abusers

Refer to Continuum of Care section located in the Appendix section.

Ethnic Group Needs

The 2000 Census indicates a larger proportion of minority population in Hamilton is low-income compared to the percentage of low-income families compared to Butler County. Minority owner-households experience a slightly higher percentage of housing problems than non-minority owner households do. However, among renter-households, the incidence of low-income persons with housing problems does not appear to be equal among racial groups.

TABLE 7. HOUSEHOLDS WITH HOUSING PROBLEMS

Ethnic Group	Very Low-income Renters % of Group with Housing Problems	Very Low-income Owners % of Group with Housing Problems
African-Americans	59.9%	51.9%
Hispanics	80.8%	100.0%

Source: 2000 Census

LEAD-BASED PAINT HAZARDS

The results of several studies have indicated that children exposed, even moderately, to lead-based paint may develop permanent learning disabilities. The greatest concern is for young children (under the age of 7). The use of lead-based interior and exterior paints often occurred on structures constructed prior to 1978. Generally, lead use was more prevalent on older (pre-1940) houses. Considering the age of the City's housing stock, and thus, the likelihood of an increased presence of lead based paint hazards, Hamilton will respond to the problem of lead-based paint (LBP) hazards.

Utilizing methodology supplied by HUD, the potential numbers of LBP units occupied by low-income households with children under seven years old are 404 renter units and 450 owner units occupied for a total of 854 units or 3% of the total housing stock of Hamilton.

Additional information on this problem is based on records of the City of Hamilton's Health Department from 1990-1994. The data indicates that lead poisoning cases, which were treated by Health Department, were located in low-income, minority neighborhoods. The neighborhoods with the highest concentration of children suffering from lead poisoning were all low-income target rehabilitation areas in Hamilton. There were ten (10) cases in North Jefferson and eight (8)

children identified in Jefferson. The Second Ward in Hamilton had four (4) reported lead poison cases. There were two cases in Wilson-Symmes Park. The table “Hamilton Lead-Based Paint Analysis” shows the number of owners and rental unit affected by lead paint.

TABLE 8. HAMILTON LEAD-BASED PAINT ANALYSIS

Unit Year of Construction and Unit Type	HUD Formula	LMI HH Units W/Children & W/Lead Paint
Pre-1940 Renter	$2900 \times .90 = 2610 \times .174 = 454 \times .384 = 174 \times .972$	169
Pre-1940 Owner	$4690 \times .90 = 4221 \times .174 = 734 \times .384 = 282 \times .762$	215
1940 – 59 Renter	$1500 \times .80 = 1200 \times .174 = 208 \times .384 = 80 \times .968$	77
1940 – 59 Owner	$2737 \times .80 = 2189 \times .174 = 380 \times .384 = 146 \times .711$	104
1960 – 79 Renter	$4019 \times .62 = 2491 \times .174 = 433 \times .384 = 166 \times .95$	158
1960 – 79 Owner	$6384 \times .62 = 3958 \times .174 = 688 \times .384 = 264 \times .494$	130

Source: Ohio Department of Development, 1993

BARRIERS TO AFFORDABLE HOUSING

Two factors that affect the affordability of housing in a community are local property taxes and utility costs. According to the book, Rates of Taxation in Butler County, Ohio Tax Year 2000, the taxes in the City of Hamilton and the Hamilton City School District were of the lowest in the immediate area and lower than Butler County as a whole. For example, Hamilton’s taxes were 56.36 mills as compared to 64.68 mills for Fairfield City, 67.11 mills in Union Township and 65.07 mills in the City of Oxford.

The City of Hamilton owns and operates its own water, gas and electric utilities. Gas and electric rates are approximately equal to other areas in Butler County that are served by Cincinnati Gas and Electric Company. Hamilton’s water costs are nearly one-third less than the County rates. Neither local taxes nor municipal utility costs are deemed barriers to affordable housing in Hamilton.

The City of Hamilton recently reviewed the building and zoning codes. The following is a summary of those, which many believe, affect housing affordability:

1. Hamilton, like many other Ohio cities, has adopted the BOCCA building code as well as a local code 1, 2 and 3 family structures. These codes are designed to set forth minimum standards for health, safety and welfare. The City is able to answer affirmatively with regard to construction standards on the “Affordable Housing Checklist,” prepared by Joint Venture for Affordable Housing and the Department of Housing and Urban Development (HUD). Hamilton’s codes are not an impediment to affordable housing.

2. Hamilton utilizes a “one-stop” permitting process to expedite permitting and review procedures and to help avoid costly delays.
3. Residential construction permit fees are an average of eighty percent (80%) less than those in Butler County as a whole. Fees for the nearby cities of Fairfield and Middletown (and the average for Butler County) are between 21% and 160% higher than Hamilton.
4. Hamilton’s zoning code is not overly restrictive and there are numerous vacant and in-fill i.e. buildable lots located within the city.
5. The City’s subdivision regulations do require the installation of sidewalks, curbs/gutters and storm water retention methods, which can add to housing costs. However, Hamilton’s regulations are no more restrictive than other cities in Butler County (Middletown and Fairfield). These subdivision improvements are the minimum standard to ensure public health, welfare and safety.
6. Hamilton employs certain incentive practices in negotiating with developers to aid in the reduction of construction costs. The zoning code allows for Planned Unit Developments (PUDs), clustered housing, zero lot line zoning and certain density bonuses. The Community Development Department has made modifications to the current PUD regulations to include the promotion of providing greater mixtures of housing types, styles, and sizes to facilitate housing choice as well as density bonuses to encourage development of affordable LMI housing by the private sector.
7. Hamilton also has a recently adopted Community Reinvestment Area (CRA) program to assist property owners who can apply for tax abatements for home improvements.

The City’s policies and regulations do not significantly affect housing choice or affordability. Thus, the City has not outlined a strategy for modification or amendments. The City will continue to regularly review policies/regulations and propose changes where deemed necessary.

HOUSING MARKET ANALYSIS

The City conducted a Housing Market Analysis in 2004 and it is contained in the appendix.

Public Housing Needs

The City of Hamilton’s Public Housing is provided and managed by the Butler Metropolitan Housing Authority (BMHA). This authority has the ability to operate throughout Butler County. Currently, fifty percent (50%) of all BMHA public Housing Units are in the City of Hamilton. BMHA maintains 1,156 housing units and provides an average of 1,075 Section 8 Vouchers according to its 2010 Annual Plan (per BMHA Administration). BMHA’s units range from studio to four-bedroom apartments. A recent example of this is the Beacon Pointe redevelopment, Phase I of the proposal recently added 60 dwelling units on a vacant site within a significant needs area. Additionally, BMHA not only concentrates on primarily serving families but also seniors and the disabled.

BMHA conducted a market analysis in 2005 to determine the types of units needed for future demand. BMHA’s units in the City of Hamilton range from twenty to over sixty years in age. Additionally, primarily these are large family three- and four-bedroom units. BMHA has concluded based on current demand and demographics smaller units, one and two bedrooms will be needed in the future. Additionally, senior housing units will continue to be in demand.

The City feels strongly that supportive services are needed for residents of public housing. At this time, limited services are provided to residents. Portions of BMHA’s latest Annual Plan needs analysis are attached in the Appendix.

Homeless Needs

The City of Hamilton works cooperatively with the Butler County Housing and Homeless Coalition to ensure priority needs of homeless persons and families. The City has worked to ensure that all aspects of the “Continuum of Care” are being adequately addressed. Therefore, the City has continued to support aspects of the “Continuum”. Funding of supportive services, emergency/temporary shelter assistance, facilities acquisition and transitional units has and will continue to be done to support the needs of the homeless.

The City of Hamilton, as a member of the Butler County Homeless and Housing Coalition, has identified the following objectives to assist the homeless:

1. Create new and permanent beds for chronically homeless persons;
2. Increase the percentage of homeless persons staying in permanent housing;
3. Increase percentage of homeless persons moving from temporary to permanent housing;
4. Increase percentage of homeless persons becoming employed; and
5. Ensure the “Continuum of Care” has a functional HMIS System.

TABLE 9. HOMELESS POPULATION (HUD TABLE 1A)

	Estimated Need	Current Inventory	Unmet Need/Gap
<i>Homeless Individuals</i>	174	140	34
<i>Homeless Persons in Families w/ Children</i>	83	119	(36)
<i>Total</i>	257	259	(2)

Information reflects data collected January 27, 2015

Homeless Inventory

The City of Hamilton bases the extent and nature of homelessness on information from HMIS. Using data from the “Point in Time” count of January 27, 2015, the total number of homeless was 257. Of the 257 reported, 199 were in emergency shelters and 58 were in transitional housing. 26 households with children were represented in the total number. 17 individuals were identified as chronically homeless including 4 veterans. 59 were reported as severely mentally ill. 88 reported having chronic substance abuse issues and 52 were victims of domestic violence.

III. Management Process

MANAGING THE PROCESS

The lead agency for overseeing the development of the Plan, including its management, is the City of Hamilton's Neighborhood Development Division, part of the Department of Community Development. The management of this plan is done in consultation with social service organizations, housing groups and special population advocacy agencies.

The Neighborhood Development Division (NDD) met with organizations, groups and agencies in a formal public hearing format. At these public hearings, there was formal structured discussions on Housing, Economic Development, Public Services, Public Facilities and Acquisition activities that will enhance and create the desired outcomes.

The Neighborhood Development Division consults on a regular basis with organizations that serve children, elderly, persons with disabilities and the homeless. The City serves on the executive committee of the Butler County Housing and Homeless Coalition. In addition, there are also regularly scheduled meetings with the Butler Metropolitan Housing Authority.

INSTITUTIONAL STRUCTURE

General

The delivery system in the City of Hamilton was enhanced by the development of a communications process with public service providers. Representatives from social service agencies and housing providers are part of the system. The formation of this process resulted in the community working together to identify problems, priorities and strategies and action plans to assist Hamilton citizens. The City is working toward closing gaps through consultation with citizens, community service providers and local public institutions, private industry and nonprofit organizations.

Public Institution

The City of Hamilton's Community Development Department will administer both the CDBG and the HOME programs. Funds will be used for a variety of activities which include, but may not be limited to, owner rehabilitation, rental rehabilitation, home buyer assistance, capital improvements, economic development and technical assistance to nonprofits and public services operated by nonprofits. The City may assist other public or nonprofit groups in providing other types of affordable housing assistance. The City may apply for State Low Income Housing Tax Credits (LIHTC) or other forms of State assistance as specific projects develop.

The Butler Metropolitan Housing Authority (BMHA) will continue and is responsible to carry out the Comprehensive Public Housing Grant and Section 8 Voucher programs as well as operate low-income housing units. BMHA operates countywide and Hamilton City Council appoints one board member while the remaining members are selected by the County Commissioners. With the exception of units in Middletown, Ohio, BMHA owns and operates the majority of housing units located in the City of Hamilton. The City of Hamilton encourages all residents to participate in community planning efforts including public housing residents. The City of Hamilton encourages public housing residents to be involved in the management of their units.

Private Industry

Private sector involvement includes financial institutions providing assistance via mortgage loans to assist with private rehabilitation (owner and renter) and first-time homebuyer program operated by Neighborhood Housing Services of Hamilton. Also, there may be private sector involvement in low-income housing tax credit projects for housing rehabilitation or new construction to increase affordable rental and home ownership opportunities.

Nonprofit Organizations

The nonprofit groups which the City is involved with will provide various kinds of housing assistance, rehabilitation, rental assistance, homebuyer assistance, services to the elderly, homeless and special needs population. Nonprofit and direct housing providers include: Neighborhood Housing Services of Hamilton, Habitat for Humanity of Hamilton, and the YWCA. Additionally the City works with nonprofits that provide direct public services not only including housing assistance but also health, crime reduction, homeless prevention, fair housing and transportation.

Nonprofits that qualify as Community Housing Development Organizations (CHDO's) have the opportunity to operate construction of rental, rent-to-own and first-time homebuyer programs. The CHDO for the City is Neighborhood Housing Services of Hamilton. The City continues to provide needed technical assistance to these nonprofits and will continue to build good working relationships with other agencies in the community as we refine our strategic Plan. The City is also working with the Chamber of Commerce and the Hamilton Economic Development Corporation regarding economic issues, including revitalization of the City's business districts.

IDENTIFICATION OF ALLOCATION OF FUNDS TO GEOGRAPHICAL AREAS

The City of Hamilton reviews statistical information on an annual basis for all city neighborhoods that have been identified as having at least 60% of its population with low and moderate incomes (80% of the City's Median Family Income). Currently, there are ten (10) neighborhoods that meet and exceed these criteria in the City. These neighborhoods are:

- . Bonnaker/Lincoln
- . Dayton Lane/North Dayton Lane
- . East Hamilton
- . German Village
- . Gordon-Cereal/Star Hill
- . Jefferson/N. Jefferson
- . North End
- . North Lindenwald
- . Rossville
- . Second Ward/Wilson Symmes

Information from the U.S. Census Bureau is analyzed and assigned a point value. During an annual work session of City Council, the following information is analyzed and reviewed to determine an annual allocation.

- . Population
- . Number of Households
- . Percentage of Households with Incomes Below \$10,000
- . Median Household Income

- Per Capita Income
- Percentage of Population Living below the Poverty Level
- Number of Housing Units Vacant
- Percentage of Rental Housing Units
- Percentage of Housing Units built prior to 1939

PUBLIC HOUSING DELIVERY SYSTEM STRENGTHS AND GAPS

The City of Hamilton reviews and monitors the delivery system of housing, public services, public facilities/improvements and economic development services, programs and projects.

The City feels the delivery system in place has a full complement of providers; these providers include the City, public agencies and service organizations. Therefore, the City feels the strengths of the delivery system are the ability and talent of the providers. Therefore, the City believes that system can provide all services to meet our priority needs.

The City feels timeliness of service provision could be improved. To this end, the City continues to provide technical assistance training and monitoring visits to ensure that programs, projects and services are delivered in a timely manner.

The City feels the Butler Metropolitan Housing Authority (BMHA) needs to improve supportive services needed for residents of public housing. Additionally, the City feels BMHA needs to remove and replace outdated and blighted units in timelier manner. The City continues to have concerns over units that should be removed. Overall, there is a concern over the lack of maintenance at city housing sites. This lack of maintenance is leading and contributing to blight in the neighborhood and subsequently to the City as a whole.

GOVERNMENT COORDINATION

Local government coordination and cooperation occurs in the form of consultation and project implementation. The City of Hamilton cooperates with Butler and Hamilton counties to obtain accurate information about persons with HIV/AIDS and the homeless. Lead-based paint hazard reduction is coordinated with the state of Ohio. Butler County, Middletown and the Butler Metropolitan Housing Authority (BMHA) were asked to review and comment on this Consolidated Plan.

The City, Butler County, Middletown, BMHA and other community groups worked together on a NSP 2 application. Additionally, the Cities of Hamilton and Middletown are in partnership with Butler County on the use of NSP 3 funds. The City also works with the Butler County Homeless and Housing Coalition and the Butler County Homeowner Preservation Group. All Butler County Participating Jurisdictions are involved with both groups. The City of Hamilton and the BMHA work closely on many housing related issues. The City of Hamilton Health Department works with the BMHA on potential Section 8 housing violations.

HOME RECAPTURE

The participating jurisdiction (PJ) uses the “recapture” method under the HOME program as required by 92.254. Specifically:

- The PJ uses the pro rata reduction model of recapture amount during affordability period for all HOME programs.
- Recapture amount is the direct subsidy received by homebuyers in the PJ's homebuyer assistance program.
- The amount of recapture is limited to net proceeds from the sale or transfer of title whether voluntary or involuntary. Net proceeds are defined as sale price minus superior loan repayment (other than HOME funds) and closing costs.

AFFIRMATIVELY MARKETING HOME ASSISTED UNITS

The City and its sub-recipients will affirmatively market all assisted housing units.

MINORITY OUTREACH

The City makes an attempt to broaden participation in the minority community. Public meetings for planning purposes are held in neighborhood settings and bilingual interpretation is available. The City provides bilingual program information as well as information assistance. The City supports ESL classes for those speaking Spanish. The City has initiated a Spanish-speaking outreach program at a local faith-based social service agency.

ESTIMATED MINORITY HOMEOWNER ASSISTANCE

According to City estimates, the percentage demographic utilizing the homeownership assistance program will be consistent with past years. The breakdown is as follows:

- Hispanic – 6%
- African-American – 12%
- Caucasian – 82%

IV. Fair Housing Practices and Impediments to Fair Housing

The City of Hamilton has prepared an Analysis of Impediments to Fair Housing Choice and Affordable Housing as well as an implementation plan for these activities. As an ongoing effort to make sure that impediments are being removed, the City completed an Analysis of Impediments in April 2012 and has begun work to complete a new Assessment of Fair Housing (AFH) that will be submitted in the fall of 2016.

The City has also expanded outreach efforts to Spanish-speaking residents. Through partnerships with local social service agencies, the City will continue to provide “on-location” fair housing outreach services to the Spanish-speaking community. In addition, the City employs a full-time Neighborhood Development Specialist who handles fair housing/landlord and tenant issues.

The City continues to collaborate with Housing Opportunities Made Equal (HOME) for investigation of fair housing issues as well as annual real estate testing. Additionally, the City continues to make technical referrals to the Legal Aid Society of Greater Cincinnati as well as the state Civil Rights Commission.

GENERAL HOUSING STOCK INFORMATION

According to the 2009-2013 American Community Survey 5-Year Estimates, there are 27,865 total housing units, Hamilton’s housing stock can be characterized by the following attributes.

Higher Vacancy Rate

The City of Hamilton’s housing stock has a high vacancy rate. There are 3,673 or 13.1% of the total units vacant.

Higher Percentage of Rental Units

According to the 2010 Census, the City of Hamilton has a higher percentage of rental housing units than the County and the State. 44.1% (10,872) of Hamilton’s housing units are rental. Butler County’s and the State of Ohio’s rental rates are 30.3% and 32.4%, respectively.

Older Housing Units

The median year of housing units built in Hamilton is 1951 compared to the State of Ohio at 1965 and Butler County is 1976. Sixty-three percent (63.6%) of Hamilton’s housing units were built prior to 1960 and 45% prior to 1950.

Median Rents

According to the 2000 Census, forty-seven percent (47%) or 4,506 of the rental housing units in Hamilton are rented below \$400 a month. The median monthly rent for Hamilton is \$530, Ohio is \$523 and Butler County is \$586.

According to the 2009-2013 American Community Survey 5-Year Estimates, fifty-seven percent (57%) or 5,771 of the rental housing units in Hamilton are rented below \$749 a month. The median monthly rent for Hamilton is \$707.

There are several neighborhood areas in Hamilton with more vacant and older units. Additionally, most of the referenced neighborhoods average median contract rent is lower than the city as a

whole.

Draft

TABLE 10. SELECTED NEIGHBORHOOD HOUSING CHARACTERISTICS

Rehab Area/Census Tract	% Units Vacant	% Units Built Prior to 1939	Average Median Contract Rent
City of Hamilton	6.7%	30.4%	\$402
Wilson-Symmes Park (Part CT 03)	19.1%	40.4%	\$253
North Jefferson (Part CT 04)	14.4%	50.0%	\$402
German Village (Part CT 7.01 & 7.02)	15.9%	80.7%	\$340
Second Ward (Part CT 03)	8.3%	33.9%	\$262
North Dayton Lane (Part CT 06)	10.5%	63.2%	\$423
Hanover-Walnut (Part CT 03)	16.8%	48.3%	\$394
Jefferson (Part CT 04)	14.4%	50.0%	\$402
North End	10.4%	66.6%	\$404
Bonnaker-Lincoln	15.9%	43.3%	\$379
Rossville - Main Street	12.8%	56.9%	\$501

Source: 2006-2008 American Community Survey 3-Year Estimate

V. Housing and Community Development Strategy

VISION FOR CHANGE

The priority needs for the Consolidated Plan were determined by consultation with citizens, social service agencies, housing assistance providers and City Council. The five-year strategic plan for Hamilton specifies the types of activities that will be pursued based on available resources. The highest priority needs in Hamilton are economic development and community development assistance. The housing projects will be ongoing and other associated projects will continue to be priorities. The priority needs assigned are based on a five-year projection, as specified by HUD regulations.

In addition to addressing the housing needs of residents of Hamilton, it is also essential to address other community development needs of the City's LMI population, which include:

- Physical improvements to public facilities located in or serving principally LMI persons were identified in order to improve the functionality and livability of the distressed community.
- Provision of public services that improve the health, education, welfare, safety and skills of LMI population and the needs of the City. These services include but are not limited to education, counseling, youth services, elderly services, crime reduction, handicapped and transportation efforts.
- Expanding economic development opportunities to encourage investment; retain and create additional jobs; revitalize business districts and increase marketability of the work force through employment skill training.

In addition, Hamilton has created Business Liaison located in the Economic Development Department who meets with local businesses, provides information on available, valuable city services, identifies issues important to small local businesses and establishes and maintains an on-going relationship between government and local businesses.

Community Development Efforts with Leveraged Resources

The City continued to invest resources into community development efforts that leverage and increase positive activities and outcomes in distressed neighborhoods. These investments include Affordable Housing Development activities, Lead Safe Workplace Practices, Habitat for Humanity, and Neighborhood Housing Services of Hamilton.

AFFORDABLE HOUSING DEVELOPMENT ACTIVITIES

The City has invested resources in developing affordable housing not only in the Neighborhood Initiative Area (NIA) but also supports down payment and closing cost assistance through Neighborhood Housing Services (NHS) of Hamilton, Inc., funding for acquisition of vacant properties to be used for development.

Rental Housing Development

The City continues to invest resources in the development of rental housing in conjunction with the Neighborhood Housing Services (NHS) of Hamilton. The City works with NHS to prioritize neighborhoods, identify sites, and guide the architectural design of rental housing developments. The rental housing is developed and owned by NHS of Hamilton. The City and NHS have already

created eight (8) new rental housing units and currently have six (6) more housing units underway.

Lead Safe Work Practices

In an effort to reduce hazards in Hamilton, the City developed Lead Safe Work Practices. These efforts lead to the creation of a residential façade program. This program allows work to bring the exterior of income eligible owner occupied housing structures to standard condition.

HOMELESS PREVENTION

The City of Hamilton is an active participant in the Butler County Housing and Homeless Coalition. The Butler County Housing and Homeless Coalition apply and receive funding through the Balance of State Continuum of Care process. In addition, the City of Hamilton along with Butler County and City of Middletown has pledged financial assistance to the Butler County Housing and Homeless Coalition.

The objectives under the strategic plan for Continuum of Care are as follows:

- Maintain level of Section 8 vouchers for low income and/or homeless individuals and families
- Securing safe and affordable housing and coordinate with local and regional housing and service providers
- Partner regionally to provide financial assistance for outreach and appropriate services to assist the homeless to end chronic homelessness.

Several community-wide agencies assist with homeless prevention such as rent and utility assistance through Supports to Encourage Low Income Families (SELF), and local Community Action Partnership of Greater Dayton, Ohio area office. Emergency shelter assistance is also provided via a voluntary church hospitality network, CHOSEN in Hamilton and SHALOM in nearby Middletown. Additionally, agencies such as Transitional Living, Inc. have developed working relationship with Butler Metro Housing Authority

(BMHA) to address the needs of homeless individuals/families with special needs. The Homeless Coalition, using Butler County as the grantee, applied for and received 20 TRA – S + C units and will receive an additional 20 units for the chronically homeless (see appendices).

The Butler County Housing and Homeless Coalition (BCHHC) meets bi-monthly and are working with agencies to develop a community wide policy for discharge coordination. The Executive Committee of the BCHHC meets monthly.

Foreclosure Prevention

The City participates in the activities of the Butler County Foreclosure Prevention Committee. This committee was formed to attempt to stem the dramatic and rising foreclosure rate in Butler County. Additionally, the City has used funds to provide resources for HUD certified counseling agencies as well as the Legal Aid Society of Greater Cincinnati to provide and plan assistance program for City residents.

FOCUSED RESOURCES AND TARGETED AREAS

As part of the Consolidated Plan Update and Action Plan development, the City determined to focus the limited FY 12-13 funding resources within target geographical neighborhoods. A map of the five (5) target areas is included in the appendix. The five areas and corresponding census tracts are Rossville (CT 11), German Village (CT 146), Dayton Lane/North Dayton Lane (CT 6), Wilson Symmes/2nd Ward (CT 3), and Jefferson/North Jefferson (CT 4).

Information and Data Review

The City reviewed 2000 Census and other statistical information for ten (10) neighborhoods that have been determined to have at least 70% of its population with low and moderate incomes (80% of the City's Median Family Income). These neighborhoods are: Bonnaker/Lincoln, Dayton Lane/North Dayton Lane, East Hamilton, German Village, Gordon-Cereal/Star Hill, Jefferson/N. Jefferson, North End, North Lindenwald, Rossville and Second Ward/Wilson Symmes. Information from the U.S. Census Bureau was analyzed and assigned a point value. The following information was used to for the analysis: Population, Number of Household, Percentage of Households with Incomes Below \$10,000, Median Household Income, Per Capita Income, Percentage of Population Living below the Poverty Level, Number of Housing Units Vacant, Percentage of Rental Housing Units and Percentage of Housing Units built prior to 1939. From these ten (10) neighborhoods the five (5) targeted areas were selected.

VI. Anti-Poverty Strategy

The City of Hamilton has developed long-term priorities (goals and objectives) through the Consolidated Planning process that seeks to reduce the incidence of poverty among individuals and families. These priorities focus on Housing, Economic Development, Public Service and Public Facility Improvements.

HOUSING

The City's Housing priorities to reduce poverty and assist very low, low and moderate-income residents include the following:

1. Retain affordable housing stock for low-income and minority groups by supporting fair housing;
2. Increase opportunities available for low- and moderate- income households to purchase and own housing;
3. Support programs for the elderly through a deferred loan program for emergency/minor home repair program;
4. Support social services that assist the homeless to transition to permanent housing with case management;
5. Provide grants to assist qualified households with emergency/minor home repair programs and
6. Continue to assist housing developers for safe, health and affordable housing.

ECONOMIC DEVELOPMENT

The City's Economic Development priorities to reduce poverty and assist very low, low and moderate-income residents include the following:

1. Increase the capacity of the City to attract new and retain existing businesses that create long-term job opportunities for low- and moderate- income residents;
2. Increase the capacity of neighborhood commercial areas and business districts to retain and expand job opportunities for low and moderate income persons and;
3. Expand the use of economic development opportunities to encourage new development and redevelopment and combat poverty.

PUBLIC SERVICE

The City's Public Service priorities to reduce poverty and assist very low, low and moderate-income residents include the following:

1. Provide a suitable living environment that includes improving the safety and livability of neighborhoods and increasing access to quality public and private facilities and services;
2. Assist agencies that increase transportation services for residents;
3. Support crime prevention and reduction activities in low- and moderate- income neighborhoods;
4. Support organizations and agencies that assist the homeless with basic services and program;
5. Provide and support fair housing activities;

6. Provide technical support and assistance to organizations through resource development and
7. Provide support and assistance to healthcare organizations and agencies that benefit low- and moderate- income residents.

PUBLIC FACILITY IMPROVEMENTS

The City's Public Facility Improvement priorities to reduce poverty and assist low, low and moderate-income residents include the following;

1. Increase the capacity of the City to positively change the social and physical conditions of low- and moderate- income neighborhoods experiencing blighting influence through programs tailored to meet the specific needs of the individual neighborhood and
2. Increase the number of and the quality of opportunities provided for residents to actively plan and implement physical and social improvements in their neighborhood by enhancing public outreach and participation.

Through dialogue with the City's established Community Development partners (see page 30) annual programs and projects are reviewed on the basis of their ability to meet the established priorities. The City reviews not only for the ability to meet these priorities but also how they complement or coordinate with other existing programs or projects.

Extent of Poverty Reduction Measurement

The City feels that poverty reduction is an ongoing process. However, the City attempts to quantify program and project outcomes to measure against assumed baseline figures. As an example, the City assumed that 854 housing units have lead based paint issues (using HUD's formula for calculation). The City recognizes that lead abatement is proposed to be done on four- (4) units. Therefore, we can assume 850 units will have lead paint issues after the next grant cycle. Depending on projects and programs, baseline measures have or will continue to be developed. Additionally, the City uses statistical information for calculating the reduction of poverty. The three- (3) most used sources to determine the extent of poverty reduction by the City are the unemployment rate, census income information, and local income tax information.

City of Hamilton Ohio
Annual Action Plan Update
2016-2017



Prepared by City of Hamilton - Department of Community Development
Neighborhood Development Division

November 4, 2016

One Year Action Plan – FY 2016-2017

Plan Development for One Year Action Plan Update for Fiscal Year 2016-2017

The funding application created by the City of Hamilton's Neighborhood Development Division (NDD) is distributed to all local non-profit agencies that have been previously funded as well as others that have expressed interest. Additionally, the City also makes the application available for download on the City of Hamilton web site. The agencies/organizations had approximately four (4) weeks to complete and submit an application. The City of Hamilton provides technical assistance workshops as well as "one-on-one" counseling sessions for those intending to submit applications.

Public Participation and Public Hearings

Needs Assessment Survey

The City of Hamilton undertakes an annual Needs Assessment Survey. This assessment is done to ensure the City's plans and activities accurately reflect community needs by residents of the City of Hamilton. This Needs Assessment also provides a tool to address the priority of the community needs. In July 2015, the City created and distributed a survey that was mailed to 1,840 randomly selected Hamilton households coded by census tract. The surveys included a self-addressed stamped return envelope. The percentage of surveys that were completed and returned was approximately 14.5 percent. The results of the mail survey are attached.

The City also mails a Needs Assessment Surveys to local Service Providers and former CDBG and HOME subrecipients because of their in-depth knowledge of needs of local special populations.

Public Input Meetings

The City also hosted four (4) public input meetings as part of the preparation of the current Annual Action Plan. These meetings are designed with a three (3) fold purpose as explained below.

4. Survey results were tabulated and presented to create an active dialogue about community needs during these meetings. Survey results on topics of Housing, Public Facilities/Infrastructure, Economic Development, Clearance/Demolition and Public Service needs were discussed.
5. Information regarding the use and general guidelines of CDBG and HOME funds for community development purposes was discussed.
6. Finally, a review of accomplishments with previous year's funding was presented during these meetings.

Four (4) of the public input meetings were held, with three meetings taking place after work hours and in different areas in the core of the city within public or semi-public facilities. A public input meeting was held at city hall during the weekday afternoon after which, a CDBG and HOME technical assistance seminar was held.

The meetings held were as follows:

3. Monday, August 3, 2015, 6:00 p.m. – 7:00 p.m.
Booker T. Washington Community Center
1140 South Front Street, Hamilton, OH 45011
4. Tuesday, August 24, 2015, 6:00 p.m. – 7:00 p.m.
Partners in Prime
140 Ross Avenue, Hamilton, OH 45013
4. Wednesday, August 5, 2014, 2:00 p.m. – 3:00 p.m.
City of Hamilton, City Council Chamber
345 High Street, Hamilton, OH 45011
5. Wednesday, August 5, 2014, 6:00 p.m. – 7:00 p.m.
City of Hamilton, City Council Chamber
345 High Street, Hamilton, OH 45011

30 Day Public Comment Period

After the draft Annual Action Plan was prepared, there is a 30-Day Public Comment Period. A Legal Notice was published and the city website was updated to inform residents and interested parties where the draft 2016-2017 Annual Action Plan was available for public review, including a list of places the draft was available for viewing. The Legal Notice indicating where the draft Annual Action Plan would be available within the community was published on November 22, 2015 in the Hamilton Journal News. Any public comments received during this period would be responded to in writing within fifteen (15) working days. The draft Annual Action Plan Update was also available for viewing or download from the City of Hamilton website.

Public Hearing 1: The first Public Hearing occurred on January 19, 2016. This Public Hearing is used to receive comments on the draft Annual Action Plan from the Planning Commission and the public.

Public Hearing 2: The second Public Hearing occurred on January 27, 2016 at the Hamilton City Council. The City Council public hearing is used to receive public comment on the Annual Action Plan prior to submission to HUD.

The Annual Action Plan Update, including Community Development Block Grant Project Use of Funds, the HOME Program Description and City's Displacement Policy is to be submitted to HUD by March 15, 2016 (at least 45 days prior to our City's

Community Development Program Year, which begins May 1, 2016).

These meetings and public hearings are held at handicapped accessible locations throughout the City. The City estimates that 6% to 10% of its population does not use English as its primary language. Spanish is the most prevalent second language used in Hamilton. Fliers and notices were translated into Spanish and Spanish translation services were available at the August public input meetings.

MONITORING

Subrecipients

The City of Hamilton plans to maintain the existing successful sub-recipient monitoring system already in place. This system is intended to assure that programs are benefiting those intended. Additionally, this monitoring system verifies and reviews financial management, procurement procedures and property/assets. Site visits and monthly progress reporting are the primary means of obtaining sub-recipient information. After completion of site visits and review of progress reports, written correspondence is sent to each sub-recipient outlining areas of concern and methods to correct the situation.

City Departments

The Community Development Department's Neighborhood Development Division (NDD) staff monitors the performance of the City Departments against goals and performance standards as stated in our jointly executed Memorandum of Agreement. Additionally, NDD staff verifies environmental records, financial management, procurement procedures contractual and labor compliance and site visits as required. The Department submits Monthly Performance Reports and an Annual Performance Report stating outcome of activity. Non-attainment of the performance goals stated, as determined by the Community Development Director, will result in the funds being reprogrammed after the close of the Program Year.

Priority Needs Analysis And Strategies

The City of Hamilton identified community needs through public input meetings, random citywide residential survey, and city website survey. HUD allocated \$1,144,288 for Community Development Block Grant (CDBG) and \$300,000 for HOME entitlement funding for Fiscal Year 2016-2017. In addition, the City of Hamilton is committed to a ten (10%) percent local match toward the HOME allocation of \$30,000.00. The following provides a detailed description of priorities to guide the City's primary community development goals and one- year action plan.

Housing Priorities

1. Provide assistance to bring low- and very-low income homeowners housing units to standard condition.
2. Increase the supply of affordable housing units available for special needs residents.

3. Support Fair Housing efforts that provide accessibility to all housing options by all City residents.
4. Increase opportunities for low and moderate-income residents to become homeowners through down payment and closing cost assistance.
5. Reduce lead hazard in conjunction with ongoing housing rehabilitation projects.
6. Leverage private not-for-profit and for-profit investments with Block Grant funds to produce and finance affordable housing units
7. Provide resources to and support organization and programs that provide assistance to those in public housing.
8. Expand existing program to increase neighborhood improvements that support and encourage the development of affordable housing.
9. Support programs for low and moderate-income elderly homeowners to bring housing units to standard condition through the City's Housing Rehabilitation Program.
10. Assist low and very low-income homeowners with emergency and minor home repairs.
11. Assist organization that help the homeless transition from shelter to permanent housing.
12. Rehabilitate and reconstruct, when possible, acquired foreclosed and abandoned residential properties to standard and marketable condition.
13. Create affordable rental housing opportunities which may be limited to specific populations (i.e. artists, police officers, firefighters, teachers, etc.) pursuant to 2013 HOME Final Rule.

Program	Agency/Organization	Priority	Category
Housing Activity Cost	City of Hamilton -NDD	High	Housing
Hamilton Home Repair Program	Supports to Encourage Low Income Families - SELF	High	Housing
Hamilton Home Repair & Modification Program	People Working Cooperatively	High	Housing
Acquisition of Affordable Housing for the Disabled	Partnerships for Housing, Inc.	High	Housing
Emergency/Minor Home Repair	City of Hamilton - NDD	High	Housing

The City proposes to maintain its Housing Rehabilitation program through its established Revolving Loan Fund (RLF). The City will continue to work with a local CHDO to provide down payment and closing cost assistance to qualified persons. The City will continue to work with a non-profit to create housing units for those moving from the shelter into permanent housing. The City will work with a CHDO and potential private developer to develop much needed elderly housing. The City will continue to work with a non-profit organization to develop affordable housing units for extremely low-income residents.

Public Service Priorities

1. Improve the safety and livability of neighborhood with quality public services that improve the City’s living environment.
2. Continue to support transportation services for low and very-low income residents of the City of Hamilton.
3. Reduce crime, through prevention programs, in low and moderate- income neighborhoods.
4. Support homeless prevention by assisting organizations that supply basic services.
5. Support and provide funding for fair housing activities in the City of Hamilton.
6. Provide support and assistance to healthcare organizations and agencies that benefit low and moderate-income residents.

Program	Agency/Organization	Priority	Category
Fair Housing Services & Education	City of Hamilton - NDD	Moderate	Fair Housing
Homeless Services	YWCA of Hamilton	High	Public Services
Summer Playground	Great Miami Valley YMCA	High	Public Services
Victim’s Advocacy Program	City of Hamilton Law Department	High	Public Services
B.T.W. Community Center Programming	Great Miami Valley YMCA	High	Public Services
Homeless Services	Serve City	High	Public Services
Employment Shuttle	Butler County Transit Alliance	High	Public Services

Public Services are administered under a “capped” category in Fiscal Year 2016-2017. The City of Hamilton proposes to provide resources for youth services, homeless services, fair housing and a crime victim advocacy.

All items under Public Service are “Moderate” or “High” priorities as identified by city residents and service providers.

Public Facility/Improvements Priorities

1. Increase the capacity of the City to positively change the social and physical conditions of low and moderate income neighborhoods experiencing blighting influences through programs tailored to meet the specific needs of the individual neighborhood.
2. Assist in the stabilization and revitalization of neighborhoods by improving housing quality, reducing the number of vacant and blighted structures, and increasing private sector investments.
3. Reduce the number of physically deteriorated streets, sidewalks, curbs, gutters

through street improvements.

4. Reduce the number of deteriorated and unsafe conditions of recreational areas/ facilities in neighborhoods in the low and moderate-income area of the City of Hamilton.
5. Increase the number of and the quality of opportunities provided for residents to actively plan and implement physical and social improvements in their neighborhood by implementing the City’s Citizen Participation portion of the Consolidated Plan.
6. Provide resources for public improvements and infrastructure that will stabilize neighborhoods with high percentage rate of foreclosure and abandonment.
7. Provide assistance in improving public facilities that serve special needs and the homeless.

Program	Agency/Organization	Priority	Category
Street Resurfacing and Concrete Repair	City of Hamilton Public Works Department	High	Public Facility Infrastructure
Site Plan Rowing Center	GMRC Great Miami Rowing Center	Moderate	Public Facility Infrastructure
Playscape at Millikin Woods	Hamilton Parks Conservancy	Moderate	Public Facility Infrastructure
Public Facilities Activity Delivery cost	City of Hamilton - NDD	High	Public Facility Infrastructure

Hamilton proposes to make significant improvements to various public facilities, infrastructure and spaces in Fiscal Year 2016-2017. All improvements will impact and benefit low and moderate-income residents of Hamilton. The City plans to support the physical improvement of the East High Street corridor which is the major gateway into the City of Hamilton. In addition, within qualified low and moderate-income neighborhoods there will be street resurfacing, sidewalk replacement, infrastructure upgrades and landscaping improvements.

These improvements are “Moderate” or “High” priority needs. Citizens and service providers identified the level of priority needs in the community.

Economic Development Priorities

1. Expand the use of economic development opportunities to encourage development and alleviate poverty.
2. Increase the capacity of the City to attract new business development by expanding the number of new construction sites, and through the aggressive marketing and disposition of acquired properties to businesses offering employment opportunities for low and moderate-income persons.
3. Increase the capacity of neighborhood commercial areas to retain and expand job opportunities for low- and moderate- income persons by funding plans for area improvements where plans do not currently exist and assist in the implementation of public improvements.

4. Increase the capacity of the City to attract new business development and retain and/or expand existing businesses thereby creating long-term job opportunities for low and moderate-income persons by expanding and marketing the Economic Development Revolving Loan Fund program.
5. Provide technical assistance to small business owners interested in establishing businesses in the community.

Program	Agency/Organization	Priority	Category
Economic Development – Revolving Loan Fund	City of Hamilton Economic Development Department	High	Economic Development
Economic Development – New Entitlement	City of Hamilton Economic Development Department	High	Economic Development
Design Assistance Program (DAP)	City of Hamilton Economic Development Department	High	Economic Development

Hamilton proposes to provide resources to activities that assist and provide economic opportunities for low and moderate-income city residents. The City’s Economic Development Department is proposed to receive resources to use for low interest revolving loan funds to retain and expand existing and recruit new businesses to the City of Hamilton. These funds are lent based on the retention or the creation of jobs. Under “Special Economic Development Activities,” the City proposes to use resources to fund a Business District Revitalization Program.

City residents and service providers consider these proposed funded activities (employment/job opportunity creation) and Neighborhood Business District Improvements “High” priorities.

Other Activities

1. Clear blighted structures to stabilize and improve neighborhoods.
2. Prepare cleared sites that stabilize neighborhoods for residential redevelopment.

Program	Agency/Organization	Priority	Category
Special Code Enforcement	City of Hamilton Health Division	High	Special Code Enforcement
Remediation of Slum & Blight	City of Hamilton Health Division	High	Special Code Enforcement

City residents and service providers consider these proposed funded activities “High” priorities.

Priority Needs Assessment

The “Priority Needs Table” follows the written part of this section. The priority needs ratings determined by the City of Hamilton in the “Priority Need Summary Table” are

based on the 2000 Census, consultation with citizens, social service agencies and housing assistance providers, random city-wide resident Needs Assessment Survey. Priority needs were determined by the number of households experiencing problems and the need for the jurisdiction to coordinate and support the activities necessary to correct those problems.

The priorities assigned are based on a five-year projection, as specified by HUD regulations. In addition to the housing needs of residents of Hamilton, it is also essential to address non-housing community development needs of the City's LMI population. Thus, Hamilton has proposed other activities specifically designed to create more suitable living environments and expand economic opportunities. Hamilton proposes to address these other non-housing community development needs by the following actions.

- Physical Improvements to public facilities (located in or serving principally LMI persons) intended to improve the physical attractiveness and functionality of transportation and utility facilities and livability of LMI neighborhoods. These include improvements to deteriorated streets/sidewalks/curbs, recreational and community facilities, handicap accessibility, lighting, street tree plantings and other activities to improve health, safety and overall well being of Hamilton's residents.
- Provision of public services to assist in improving the health, welfare, education and skills of the LMI population and to otherwise serve the needs of the City through education, counseling, crime prevention, youth services, elderly services, handicapped services, transportation, etc.
- Expanding Economic Development Opportunities to encourage investment; retain and create additional jobs; revitalize commercial/industrial businesses; and to increase the marketability of the work force through employment/skill training is a community development priority.

These activities are designed to help increase the viability of existing development, encourage growth; and help lift persons out of poverty by providing employment opportunities.

Table 1 below provides a general overview of the priority needs and how CDBG and HOME funds are anticipated to be utilized on a per unit basis for owner and renter occupied housing and individual assistance to special populations.

TABLE 1: Priority Needs Summary Table

PRIORITY NEEDS SUMMARY TABLE				
Priority Housing Needs (Households)		Priority Need Level (Significant, Moderate, Low)	Estimated Units (Proposed for Assistance in FY 2015)	Estimated Dollars to Address (For FY 2015)
Renter:	0-30%	Moderate		\$1,000,000
	31-50%	Moderate		\$1,000,000
	51-80%	Moderate	42 units	\$2,250,000
Owner:	0-30%	Significant		\$1,000,000
	31-50%	Significant	45 units	\$3,750,000
	51-80%	Significant	30 units	\$2,250,000
Homeless:				
Individuals		Moderate	45 units (SELF)	\$1,000,000
Families		Moderate		
Special Needs:				
Elderly				
Frail Elderly				
Severe Mental Illness				
Physical Disability			2 units	\$200,000
Development Disability				
Substance Abuse		Significant		
Victims of Domestic Violence		Significant	50 Individuals	\$500,000

TABLE 2: Emergency/Minor Home Repair Priority Needs
 How would you rate the need for emergency/minor home repair programs for low-income City of Hamilton residents?

	Percent Response	Estimated Dollars to Address in FY 2016-2017
Significant Need	48.0	\$2,000,000
Moderate Need	39.7	\$2,000,000
Low Need	12.2	\$2,000,000

TABLE 3: Housing Rehabilitation Priority Need
 How would you rate the need for Housing Rehabilitation in the City of Hamilton?

	Percent Response	Estimated Dollars to Address in FY 2016-2017
Significant Need	58.4	\$2,000,000
Moderate Need	33.3	\$2,000,000
Low Need	8.2	\$2,000,000

TABLE 4: Priority Needs Summary Table
 Local Need for Affordable Rental Housing and Affordable Owner-Occupied Housing

Type of Household	Housing Needs	Percent Response	Estimated Dollars to Address for FY 2016-2017
Renter Occupied	Significant Need	41.8	\$2,000,000
	Moderate Need	32.3	\$2,000,000
	Low Need	25.8	\$2,000,000
Owner Occupied	Significant Need	45.4	\$2,000,000
	Moderate Need	40.7	\$2,000,000
	Low Need	13.8	\$2,000,000

TABLE 5: Issue Perception – Housing Cost or Housing Quality
 What do you think is a bigger problem in the City of Hamilton?

Cost vs. Quality	Percent Response
Cost of Housing	25.2
Quality of Housing	74.8

TABLE 6: Priority Community Development Needs Summary Table

Community Development Needs	Priority Need Level (Significant, Moderate, Low)	Estimated Dollars to Address for FY 2016-2017
PUBLIC SERVICE NEEDS		
Transportation Services	Significant	\$10,000,000
Substance/Drug Abuse Services	Significant	\$5,000,000
Services for the Homeless	Significant	\$10,000,000
Child Care Services	Significant	\$10,000,000
Senior Services	Significant	\$10,000,000
Youth Services Programs	Significant	\$10,000,000
Health Services	Significant	\$10,000,000
Employment/Job Training	Significant	\$5,000,000
Crime Prevention/Awareness	Significant	\$10,000,000
Services for Battered & Abused Spouses/Children	Significant	\$5,000,000
Fair Housing Services	Moderate	\$5,000,000
Tenant/Landlord Counseling	Significant	\$2,000,000
PUBLIC INFRASTRUCTURE AND FACILITIES IMPROVEMENTS		
Sidewalk Improvements/Installation	Moderate	\$10,000,000
Street Repaving/Resurfacing	Significant	\$20,000,000
Water/Sewer Improvements	Moderate	\$15,000,000
Storm Water (Drainage) Improvements	Moderate	\$5,000,000
Recreation and Park Facilities	Moderate	\$5,000,000
Senior Centers	Moderate	\$5,000,000
Youth Centers	Significant	\$5,000,000
Neighborhood Facilities/Centers	Moderate	\$5,000,000
Homeless Facilities	Significant	\$5,000,000
Health Facilities	Significant	\$10,000,000
Neighborhood Business Districts Improvements	Moderate	\$10,000,000
Solid Waste Disposal	Moderate	\$5,000,000
Asbestos Removal	Moderate	\$5,000,000

Budgets

Draft

Budgets:
 FY 2016-2017 CDBG PROGRAM-SOURCES OF FUNDS

FY 2016-2017 CDBG PROGRAM - SOURCES OF FUNDS	
SOURCES	AMOUNT
FY 2016-17 CDBG Grant Allocation	\$1,232,500.00
Program Income	
<i>Housing Revolving Loan Fund (HRLF)</i>	\$27,705.09
<i>Economic Development Revolving Loan Fund (EDRLF)</i>	\$35,000.00
Sub Total of Program Income	\$62,705.09
TOTAL	\$1,295,205.09

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Budgets: FY 2016-2017 CDBG PROGRAM - PROPOSED FUNDING

FY 2016-2017 CDBG PROPOSED FUNDING BY CATEGORIES		FINAL CDBG ALLOCATION	FINAL CDBG ALLOCATION + RLF
CDBG		\$1,232,500.00	\$1,295,205.09
ORGANIZATION OR DEPARTMENT	PROJECT TITLE	REQUESTED	PROPOSED
CLEARANCE/DEMOLITION			
Health Dept.	Code Enforcement	\$ 105,000.00	\$ 105,000.00
Health Dept.	Remediation of Slum & Blight	\$ 30,000.00	\$ 30,000.00
		\$ 135,000.00	\$ 135,000.00
HOUSING			
Neighborhood Development Division (NDD)	Emergency/Minor Home Repair	\$ 50,000.00	\$ 50,000.00
Neighborhood Development Division (NDD)	Housing Rehab (RLF)	\$ 27,705.09	\$ 50,000.00
Partnerships for Housing, Inc.	Special Needs Rental Housing	\$ 16,740.00	\$ 16,000.00
People Working Cooperatively, Inc.	Hamilton Home Repair and Modification Program	\$ 50,000.00	\$ 39,000.00
SELF	Home Repair and Hamilton Group Work camps	\$ 20,000.00	\$ 19,000.00
Activity Delivery Cost (ADC)			\$ 145,000.00
		\$ 164,445.09	\$ 296,705.09
PUBLIC FACILITIES & IMPROVEMENTS			
Hamilton Parks Conservancy	Playscape Millikin Woods	\$ 52,500.00	\$ 52,500.00
Great Miami Rowing Center (GMRC)	Community Site Improvement Project	\$ 81,780.00	\$ 26,000.00
Hamilton Urban Garden Systems	Produce, Processing, Packaging, Storage	\$ 77,000.00	\$ 30,000.00
Public Works Dept	2016 Concrete Repair & Resurfacing of City Streets	\$ 200,000.00	\$ 190,000.00
Activity Delivery Cost (ADC)			\$ 80,000.00
		\$ 411,280.00	\$ 378,500.00
ECONOMIC DEVELOPMENT			
Economic Development Dept	Commercial (RLF)	\$ 73,682.48	\$ 35,000.00
Economic Development Dept	New Entitlement	\$ 20,000.00	\$ 20,000.00
Economic Development Dept	Design Assistance Program	\$ 15,000.00	\$ 12,500.00
		\$ 108,682.48	\$ 67,500.00
PUBLIC SERVICES 15% CAP		\$184,875.00 Estimated CAP	
Butler County Transit Alliance	Job Connection Shuttle	\$ 25,000.00	\$ 25,000.00
Great Miami Valley YMCA	Summer Playground Program	\$ 25,000.00	\$ 21,000.00
Great Miami Valley YMCA	BTW Programming	\$ 75,000.00	\$ 65,000.00
Serve City	Homeless Services	\$ 25,000.00	\$ 18,000.00
YWCA of Hamilton	YWCA Supportive Residential Program	\$ 19,650.00	\$ 18,000.00
Neighborhood Development Division (NDD)	Fair Housing Services & Education	\$9,000.00	\$9,000.00
Hamilton Law Dept.	Victim's Advocacy Program	\$ 25,760.00	\$ 15,000.00
		\$195,410.00	\$171,000.00
CDBG		\$246,500.00 Estimated CAP	
Neighborhood Development Division (NDD)	Administration Cost	\$ 250,000.00	\$ 246,500.00
	TOTAL CDBG REQUESTS	\$ 1,246,817.57	\$ 1,295,205.09
CONTINGENCY			
Contingency			\$1,000.00

Budgets: FY 2016-2017 HOME PROGRAM – SOURCES OF FUNDS

FY 2016-2017 HOME PROGRAM - SOURCES OF FUNDS		
SOURCES	AMOUNT	PROGRAM INCOME BREAKDOWN
FY 2016-17 HOME Grant Allocation	\$300,000.00	
City General Fund Match (10% of allocation)	\$30,000.00	
TOTAL	\$330,000.00	

Draft

Budgets:

FY 2016-2017 HOME PROGRAM – PROPOSED FUNDING

FY 2016-2017 HOME PROGRAM		\$330,000.00	\$330,000.00
ORGANIZATION OR DEPARTMENT	PROJECT TITLE	REQUESTED	PROPOSED
ACQUISITION/NEW CONSTRUCTION			
Neighborhood Housing Services	New Construction	\$200,000.00	\$200,000.00
		\$200,000.00	\$200,000.00
HOUSING AND REHABILITATION			
Neighborhood Housing Services	Down payment/Closing Costs Assistance	\$100,000.00	\$70,000.00
City Match Reserve		\$15,000.00	\$15,000.00
		\$115,000.00	\$85,000.00
ADMINISTRATION (up to 10% of allocation)/CHDO OPERATING COST (up to 5% of allocation)			
Neighborhood Development Division	Administration Cost		\$30,000.00
Neighborhood Housing Services	CHDO Operating		\$15,000.00
			\$45,000.00
	TOTAL HOME REQUESTS	\$315,000.00	\$330,000.00

Draft

Proposed Projects

Draft

Appendix

Draft

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CITY OF HAMILTON'S ANNUAL ACTION PLAN UPDATE FOR FISCAL YEAR 2016-2017, DELINEATING THE STATEMENT OF OBJECTIVES AND PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS, AND AUTHORIZING THE SUBMITTAL OF SAID PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the City of Hamilton, Ohio, annually receives Federal grant funds under Title I of the Housing and Community Development Act of 1974, as amended, for its Community Development Block Grant (CDBG) Program and its HOME Investment Partnership Program as authorized under Title II of the Cranston-Gonzales National Affordable Housing Act (NAHA) of 1991, as amended; and

WHEREAS, as a condition of receiving the aforesaid Federal grant funds, the United States Department of Housing and Urban Development (HUD) requires that the proposed use of CDBG and HOME Investment Partnership Funds be delineated in an Annual Action Plan that assesses community development needs and priorities; and

WHEREAS, the City's Annual Action Plan for Fiscal Year 2016-2017, which delineates a statement of objectives and proposed use of funds and includes assurances that the City of Hamilton will comply with primary objectives of the Housing Community Development Act and other Federal laws governing the use of Federal grant funds, has been prepared by the City's administrative staff; and

WHEREAS, the functions of the Action Plan is to build a participatory process, apply for grant funds under HUD's formula grant programs, define a strategy for carrying out HUD programs, and describe an action plan that provides a basis for assessing performance; and

WHEREAS, on January 4, 2016 the City's Planning Commission, at a public hearing, recommended adoption of said Annual Action Plan; and

WHEREAS, to secure the aforesaid Federal grant funds, it is necessary that Council approve the aforesaid Annual Action Plan for Fiscal Year 2016-2017, and authorize submittal of said Plan to HUD; and

WHEREAS, this Council now desires to approve said Plan and to authorize the City Manager to submit the Plan to HUD;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the City of Hamilton, Ohio's Annual Action Plan for Fiscal Year 2016-2017, on file in the office of the City of Hamilton's Department of Community Development, and delineating the statement of objectives and proposed use of Community Development Block Grant and HOME Investment Partnership Program Funds within the City, be and is hereby approved.

SECTION II: That the City Manager is hereby authorized and directed to take all necessary actions to submit said Plan to the United States Department of Housing and Urban Development.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

Ordinance No. _____ (cont'd)

PASSED: _____

Effective Date: _____

Mayor

ATTEST: _____
City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days.

POSTED: _____

Marcos Nichols, Acting City Clerk

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: John Creech, Senior Planner

Agenda Item: Report regarding a Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio Section 1116.100 "R-2A" Single Family Residence District (City of Hamilton, Applicant)

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> A Add new jobs <input type="checkbox"/> R Realize new investments <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution Ordinance	<input checked="" type="checkbox"/> 1 st Reading Date: 01-27-2016 <input checked="" type="checkbox"/> 2 nd Reading Date: 02-10-2016 <input checked="" type="checkbox"/> Public Hearing Date: 01-27-16	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Planning Commission: 12-07-2015	
Contract	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: No General Fund: \$200.00 Other Funds: \$ 0.00	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

POLICY ISSUE

Does City Council wish to approve an amendment to the Zoning Ordinance of the City of Hamilton, Ohio regarding the creation of a Two-Family Residence Zoning District?

POLICY ALTERNATIVE(S)

Council may choose to not approve an amendment to the Zoning Ordinance of the City of Hamilton, Ohio regarding the creation of a Two-Family Residence Zoning District.

STAFF RECOMMENDATION

It is the recommendation of this office that Council receives this report, concurs in the Recommendation of the Planning Commission, and adopts the necessary legislation to approve an amendment to the Zoning Ordinance of the City of Hamilton, Ohio regarding the creation of a Two-Family Residence Zoning District.



STATUTORY/POLICY AUTHORITY

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton

FISCAL IMPACT SUMMARY

The City's current fiscal impact includes any staff time allotted to the preparation of the amendment to the Zoning Ordinance of the City of Hamilton, Ohio regarding the creation of a Two-Family Residence Zoning District estimated at approximately \$200.00.

INTRODUCTION

This memo outlines an amendment to various portions of the City of Hamilton Zoning Ordinance with regard to the creation of a Two-Family Residence Zoning District. As a result of periodic review of city zoning regulations the City has determined that the current zoning code is lacking necessary regulations and specificity with regard to two family dwelling units and structures and their appropriate zoning designations. This issue came to light during a recent rezoning request from R-1 Single Family Residential to R-3 One to Four Family. The request was made in order to make a block of existing two-family residences legal uses and the R-3 district was the next sequential district, given that no two-family only district currently exists. However, since the R-3 zoning district allowed up to four-family the Planning Commission did not approve the rezoning and asked the Community Development Department to investigate creating a designated two-family residential zoning district.

The City of Hamilton has four standard residential zoning districts which include the following:

- R-1 – Single Family Residence District
- R-2 – Single Family Residence District
- R-3 – One to Four Family Residence District
- R-4 – Multi-Family Residence District

The Butler County Auditor's Office indicates that there are 971 properties in the City that are two-family residential dwellings. However, the city does not have a designated two-family residential zoning district. This means that these two-family dwellings are either zoned single family residential, making them non-conforming uses, or they are zoned four-family to multi-family residential.

To address this issue, the Department of Community Development has prepared an amendment to the City of Hamilton Zoning Ordinance. There is an existing R-2A zoning district listed in the Hamilton Zoning Ordinance but there are no properties in the City currently zoned R-2A. The proposed is to amend the R-2A district to create a Two Family Residence Zoning district. This district, if approved, would be a zoning designation that would permit two-family dwellings, since a one to two-family dwelling zoning district does not currently exist. There are many instances where existing two-family dwellings are non-conforming uses because they currently zoned R-1 or R-2 Single Family and as loan and lending practices have become more restrictive some banks and other lending institutions may or may not offer loans or home equity lines of credit to owners of these properties because they are non-conforming.

The R-2A zoning designation would provide an option for owners of homes that were built as two family residences but are currently nonconforming use because they may currently be zoned R-1 or



R-2 Single Family Residence District.

The proposed two-family zoning district allows one (1) two-family dwelling on a minimum lot size of 7,000 square feet and a minimum of 3,500 of lot area per dwelling unit per lot, with a maximum of two (2) dwelling units per lot.

RECOMMENDATION

The Planning Commission held a public hearing and reviewed the proposed zoning amendment regarding Section 1116.100 of the Hamilton Zoning Ordinance to create a Two-Family Residence Zoning District on December 7, 2015 and recommend approval by City Council.

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of the necessary legislation to amend Section 1116.100 of the Hamilton to create a Two-Family Residence Zoning District.

ATTACHED INFORMATION

Proposed Ordinance Amending Certain Sections of Hamilton Zoning Ordinance No. 7503 and Supplementing said Ordinance, relative to the creation of a Two-Family Residence Zoning District.



ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS PORTIONS OF THE CITY OF HAMILTON ZONING ORDINANCE NO. 7503, RELATIVE TO SECTION 1116.100 "R-2A" SINGLE FAMILY RESIDENCE DISTRICT.

WHEREAS, as a result of periodic review of city zoning regulations the City has determined that the current zoning code is lacking necessary regulations and specificity with regard to two family dwelling units and structures and their appropriate zoning designations, and

WHEREAS, the Planning Commission held a public hearing regarding said zoning amendments on December 7, 2015 to receive public input; and

WHEREAS, said amendments were approved by the Planning Commission on December 7, 2015 and Council desires to adopt such amendments to the City's Zoning Ordinance No. 7503;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That portions of Section 1116.100 of the City of Hamilton Zoning Ordinance, are hereby amended to be and read as set forth in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof. In all other respects, the remaining provisions of the Zoning Ordinance shall remain in full force and effect and they shall be renumbered as needed.

SECTION II: That Section 1116.100 and subsections, 1116.110, 1116.121, 1116.152 and 1116.153 of the City of Hamilton Zoning Ordinance, as they existed before the enactment of this Ordinance be and are hereby repealed.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____.

Marcos Nichols, Acting City Clerk

Ordinance No. _____ (Cont'd)

CITY OF HAMILTON, OHIO
Exhibit No. 1

Proposed Zoning Amendments

Amend Section:

1116.100 "R2-A" TWO FAMILY RESIDENCE DISTRICT

1116.110 Purpose: It is the purpose of the "R-2A" District to provide for certain medium density two family residential areas in the City while preserving existing and future residential neighborhoods. The District will be characterized by two family buildings on smaller than medium size lots. Non-residential uses permitted in this District are those that will provide auxiliary service and/or will contribute to the stability and long-term value of the District and to other surrounding Residential Districts for residential purposes.

1116.121 General: All principal permitted uses as regulated in "R-2" two Family Residence District except as hereafter modified.

1116.152 Minimum Lot Area: Seven thousand (7,000) square feet.

1116.153 Minimum Lot Area per Dwelling Unit: Three thousand five hundred (3,500) square feet per dwelling unit, with a maximum of two (2) dwelling units per lot.

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Tom Vanderhorst, Finance Director

Agenda Item: Report regarding passing an ordinance for this supplemental appropriation amending the 2016 budget.

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> A Add new jobs <input type="checkbox"/> R Realize new investments <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 2-10-16 <input checked="" type="checkbox"/> 2 nd Reading Date: 2-10-16 <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Total Appropriated Increases: \$5,983,900</p> <p>General Fund Impact: \$551,900 increase in appropriations</p> <p>All Other Funds Impact: \$5,432,000 increase in appropriations</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to approve this 2016 Supplemental Ordinance?

Policy Alternative(s)

Council may choose to not adopt this Supplemental Appropriation Ordinance. If Council does not adopt legislation, the City will not have enough funds appropriated to cover costs associated with the items addressed in the Fiscal Impact Summary.

Staff Recommendation

Staff recommends that Council receive this report, concur in the recommendation and adopt the necessary legislation. The ordinance will balance accounts and provide the authority to make expenditures.

Statutory/Policy Authority

- ORC 5705.31 Approval of levies by budget commission – minimum levy.
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.



Fiscal Impact Summary

GENERAL FUND

Increase in General Fund (100) Appropriations \$551,900:

- Increase appropriations \$50,000 to go towards the 17Strong initiative.
- Increase appropriations \$71,900 for reimbursements owed to the Hamilton Parks Conservancy for 2015 related activity. This will be offset by an increase in budgeted revenue to the General Fund of \$77,510 for a reimbursement for utility payments made in 2015 for park's facilities.
- Increase appropriations \$430,000 to the personnel and benefit classification to cover the expected increase in costs as a result of the new public safety labor agreements.

SPECIAL REVENUE FUNDS

- Increase appropriations by \$320,000 for the Stormwater Management Fund (279). The increase is to cover costs associated with stormwater repairs near Eden Park Drive where a large sink hole developed due to a section of metal pipe collapsing which will need to be replaced. Repairs will also need to be made to a storm sewer on Wayne Avenue between North B Street and the Miami Conservancy District levee. A section of the storm sewer wall collapsed which caused an underground void.

CAPITAL PROJECTS FUNDS

- Increase appropriations \$767,000 for the RiversEdge Trail Connection project in the Infrastructure Renewal Program Fund (311).

ENTERPRISE FUNDS

- Increase appropriations in the Electric Utility Fund (502) \$200,000 for storeroom inventory purchases. These expenditures were omitted from the 2016 Adopted Budget.
- Increase appropriations in the Water Utility Fund (503) \$45,000 for storeroom inventory purchases. These expenditures were omitted from the 2016 Adopted Budget.
- Increase in appropriations in the Hydroelectric Operations Fund (524) \$150,000 for equipment and tool purchases for the Meldahl Project. These purchases will be offset by a reimbursement from American Municipal Power as a part of the project. It was agreed that City make these purchases and charge them back to the project due to the City's ability to use Ohio State Term pricing which offers better pricing than AMP could obtain.
- Increase appropriations in the Wastewater Construction Fund (541) \$50,000 for the installation of Flexamat to the asphalt access road/bike path. The area receiving the installation will be approximately 800 feet from the Black Street Bridge going north to Manhole-9. The Flexamat will provide protection to the side edges of the access road/bike path during high water as well as enhancing the aesthetics of the bike path.
- Increase appropriations in the Wastewater Construction Fund (541) \$3,900,000 for the Gilmore Road Pump Station project. This increase in expenditures will be offset by revenue in the form of loan proceeds. The City entered into an agreement with the Ohio Public Works Commission for a 30 year loan at zero percent interest. The contractors on this project will submit pay applications to the City and after being reviewed they will be submitted to the OPWC for payment directly to the contractors.

Attached Information

N/A

Copies Provided to:

N/A



ORDINANCE NO. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HAMILTON, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016.

BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following unappropriated or unencumbered balances of funds be and the same are hereby re-appropriated as follows:

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
100	From the General Fund	<u>43,851,288</u> 44,403,188
	Personnel Subtotal:	<u>30,809,284</u> 31,239,284
	Non-Personnel Subtotal:	<u>13,042,004</u> 13,163,904
200	From the One Renaissance Fund	2,378,385
213	Municipal Income Tax Aggregation Fd	0
2010	From the Home Fund 2010	0
2013	From the Home Fund 2013	<u>0</u>
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
2014	From the Home Fund 2014	<u>0</u>
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
207	From thre Hamilton Court Sec. Proj	70,500
208	From the Hamilton Court Sp Proj Fd	<u>40,375</u>
	Personnel Subtotal:	5,000
	Non-Personnel Subtotal:	35,375
210	From the Public Safety Health Inc Tax	3,281,250
211	From the Rounding Up Util Acct	3,500
212	From the Hamilton Muni Ct Cap Imp	<u>106,045</u>
	Personnel Subtotal:	24,620
	Non-Personnel Subtotal:	81,425
213	From the MIT Aggregatn/Verifctn Fd	
215	From the Ham Cap Imp Debt Serv	4,496,873
221	From the Dispute Resolution Proc Fd	<u>7,650</u>
	Personnel Subtotal:	6,650
	Non-Personnel Subtotal:	1,000
225	From the Justice Assistance Grant	34,917

Ordinance No. _____ (Cont'd)

NUMBER	FUND NAME	AMOUNT
227	From the Land Reutilization Fund	979,802
231	From the Law Enforcement Trust	42,600
233	From the Safety Seat Belt Grant	
235	From the Public Safety Spec Proj	71,853
	Personnel Subtotal:	37,900
	Non-Personnel Subtotal:	33,953
238	From the Probation Services	230,537
	Personnel Subtotal:	223,896
	Non-Personnel Subtotal:	6,641
240	From the Drug Law Enforcement Trust	44,092
241	From the DUI Enforcement & Eductn Trst	4,500
242	From the Indignt Drivers Alcohol Trt	60,000
246	From the Police Pension Fund	240,000
249	From the Police Levy Fund	730,000
250	From the Firemen's Pension Fund	225,000
251	From the Emergency Medical Serv Grant	2,500
252	From the Charter Fire Force Fund	745,000
253	From the Fire EMS Levy Fund	720,000
260	From the Immunization Action Plan Grant	90,095
	Personnel Subtotal:	69,351
	Non-Personnel Subtotal:	20,744
261	From the Kathryn Weiland Trust	380
	Personnel Subtotal:	100
	Non-Personnel Subtotal:	280
270	From the Street & Parks Beautification	
279	From the Stormwater Mgmt Fund	3,337,593
	Personnel Subtotal:	910,211
	Non-Personnel Subtotal:	2,427,382

Ordinance No. _____ (Cont'd)

NUMBER	FUND NAME	AMOUNT	
280	From the Refuse Fund		<u>4,464,844</u>
		Personnel Subtotal:	705,170
		Non-Personnel Subtotal:	3,759,674
281	From the Street Maintenance Fund		<u>3,566,930</u>
		Personnel Subtotal:	1,233,350
		Non-Personnel Subtotal:	2,333,580
283	From the Convention & Visitors Bur Fd		84,000
301	From the Special Assessments		1,034,815
303	From the Lowes MITIE Talawanda Fund		100,000
304	From the Walmart MITIE Hamilton Fund		175,000
307	From the Issue II Project Fund		1,000,000
308	From the Matandy Steel MPITIE Fund		46,890
309	From the Robinson Schwenn MPITIE Fund		4,550
310	From the Clean Ohio Grants Program		
311	From the Infrastructure Renewal Program	7,281,416	8,048,416
348	From the RIDs - MPITIE Citywide District		400,000
349	From the RIDs - MPITIE North District		17,500
350	From the RIDs - MPITIE South District		36,000
351	From the Quality Publishing MPITIE Fd		10,500
352	From the Shoppes @ Hamilton MPITIE Fd		114,100
353	From the Historic Developers - Mercantile		28,000
354	From the Tippman Properties MPITIE Fd		150
355	Neturen Manufacturing TIF		62,000
501	From the Gas Utility		<u>26,069,997</u>
		Personnel Subtotal:	2,071,460
		Non-Personnel Subtotal:	23,998,537
502	From the Electric Utility	220,372,295	<u>220,572,295</u>
		Personnel Subtotal:	8,660,963
		Non-Personnel Subtotal:	211,911,332
503	From the Water Utility	13,861,579	<u>13,906,579</u>
		Personnel Subtotal:	2,831,520
		Non-Personnel Subtotal:	11,075,059

Ordinance No. _____ (Cont'd)

NUMBER	FUND NAME	AMOUNT
504	From the Wastewater Utility	14,448,947
	Personnel Subtotal:	2,231,059
	Non-Personnel Subtotal:	12,217,888
515	From the Gas Capital Improvement Fund	3,072,326
516	From the Gas Rate Stabilization Fd	
517	From the Gas System Reserve	
518	From the Gas Bond Service Fund	434,000
522	From the Electric Construction	646,595
524	From the Hydroelectric operations Fd	2,283,963
	Personnel Subtotal:	1,445,400
	Non-Personnel Subtotal:	838,563
525	From the Electric Cap Improvement Fd	10,113,115
526	From the Electric Rate Stabilization Fd	1,350,000
527	From the Electric System Reserve	34,860,350
528	From the Electric Bond Service Fd	2,471,000
531	From the Water Construction Fd	248,238
535	From the Water Cap Improvement Fd	5,001,267
536	Water Rate Stabilization Fund	
538	From the Water Bond service Fund	2,065,000
541	From the Wastewater Construction Fd	10,021,639
	Personnel Subtotal:	111,320
	Non-Personnel Subtotal:	9,910,319
545	From the Wastewater Cap Imp Fd	5,646,339
548	From the Wastewater Bond Service Fd	4,847,000
550	From the Parking Fund	408,528
	Personnel Subtotal:	134,978
	Non-Personnel Subtotal:	273,550
551	From the Parking Cap Improvement Fund	1,500,000
560	From the Golf Fund	1,406,494
	Personnel Subtotal:	640,345
	Non-Personnel Subtotal:	766,149
610	From the Fleet Mtce Fund	2,909,280
	Personnel Subtotal:	909,031
	Non-Personnel Subtotal:	2,000,249
620	From the Central Services Fund	8,644,603
	Personnel Subtotal:	4,724,328
	Non-Personnel Subtotal:	3,920,275

Ordinance No. _____ (Cont'd)

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
640	Central Benefits Fund	
650	Economic Budget Stabilization Fund	
715	From the Unclaimed Monies Fund	25,000
730	From the Benninghoffen Trust Fd	250
775	From the Sinking Fund	4,507,217
800	CDBG Revolving Loan Fd	
802	From the Neighborhood Stabl Prgrm	
804	From the Neighborhood Stabl Prgrm 3	
912	From the CDBG 2011-2012	
913	From the CDBG 2012-2013	
914	From the CDBG Fund 2014	
	Personnel Subtotal:	_____
	Non-Personnel Subtotal:	_____
915	From the CDBG Fund 2015	
	Personnel Subtotal:	_____
	Non-Personnel Subtotal:	_____

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days.

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Richard A. Engle, P.E., Director of Public Works/City Engineer

Agenda Item: A report regarding an ordinance authorizing and ratifying the purchase of property at 1101 High Street and sale of property at 1083 High Street pursuant to an appropriation settlement

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input checked="" type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution Ordinance</p>	<p>1st Reading Date: 2-10-16 2nd Reading Date: 2-24-16 Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Expenditure: \$27,500.00 Source Funds: Fund 311 Infrastructure Renewal Fund</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to authorize and ratify the purchase of certain property located at 1101 High Street and the sale of certain City property located at 1083 High Street as part of a settlement reached for an appropriation matter?

Policy Alternative(s)

Council may choose not to adopt such legislation to authorize and ratify the purchase and sale of said property, which was part of the project to make road and related improvements to High Street and Erie Boulevard.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to authorize and ratify the purchase and sale of said property. This will settle the appropriation matter, improve the High Street corridor and contribute to Economic Development.



Statutory/Policy Authority

- Sections 3.09, Legislative Procedure, of the Charter of the City of Hamilton
- 3.01(A)(8), Powers of Council, of the Charter of the City of Hamilton
- Section 175.10 of the Codified Ordinances of the City of Hamilton

Fiscal Impact Summary

The City agreed to purchase the property for \$27,500 out of Fund 311 Infrastructure Renewal Fund. As part of the negotiation process to purchase a portion of 1101 High Street, this amount was transferred to Hamilton High St. Investors, Ltd. in May 2014.

Background Information

The City of Hamilton sought to appropriate property located at 1101 High Street owned by Hamilton High St. Investors, Ltd. to make road and related improvements to High Street and Erie Boulevard. The City of Hamilton and Hamilton High St. Investors, Ltd. reached a settlement whereby Hamilton High St. Investors, Ltd. agreed to convey the property sought by the City for the appropriation. In return, the City agreed to pay \$27,500.00 and to convey 0.151 acres of City owned property that is located adjacent to Hamilton High St. Investors, Ltd.'s property to Hamilton High St. Investors, Ltd.

Attached Information

N/A

Copies Provided to:

N/A



ORDINANCE NO. _____

AN ORDINANCE APPROVING THE SALE AND PURCHASE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAMILTON, OHIO'S URBAN RENEWAL AREA (1101 and 1083 High Street)

WHEREAS, the City of Hamilton, Ohio sought to appropriate property owned by Hamilton High St. Investors, Ltd. to make road and related improvements to High Street and Erie Boulevard; and

WHEREAS, the City of Hamilton, Ohio and Hamilton High St. Investors, Ltd. reached a settlement of the appropriation matter whereby the City of Hamilton, Ohio agreed to pay \$27,500.00 to Hamilton High St. Investors, Ltd. and to transfer certain property set forth below to Hamilton High St. Investors, Ltd. in return for Hamilton High St. Investors transferring the property set forth below to the City; and

WHEREAS, the City of Hamilton, Ohio desires to purchase a portion of certain property owned by Hamilton High St. Investors, Ltd. located at the corner of High Street and Erie Boulevard (1101 High Street), which consists of approximately 0.060 acres that is part of Lots #18399, 18400 and 337 in the Fourth Ward and is more particularly shown and described on attached Exhibit A (hereafter the "Property"); and

WHEREAS, Hamilton High St. Investors, Ltd. desires to purchase certain property owned by the City of Hamilton, Ohio located at 1083 High Street, which consists of approximately 0.151 acres that is part of Lot #26670, more particularly shown and described on Exhibit B (hereafter the "City Property"); and

WHEREAS, the City agreed to sell said City Property to Hamilton High St. Investors, Ltd. who owns property adjacent as part of the settlement set forth above and Hamilton High St. Investors, Ltd. intends to use such City Property in connection with their business; and

WHEREAS, the Property and City Property are located in the City's Urban Renewal Area; and

WHEREAS, the City Administration believes it would be beneficial for Council to authorize this purchase and sale of said Property and City Property, respectively, for the purpose of settling the appropriation matter and making road and related improvements to High Street and Erie Boulevard; and

WHEREAS, pursuant to Section 3.01(A)(8) of the City Charter, Council must approve the sale of City property and the purchase of property for City purposes; and

WHEREAS, Council desires to authorize, approve and ratify the purchase of the Property from Hamilton High St. Investors, Ltd. and the sale of the City Property to Hamilton High St. Investors, Ltd. and settlement of the appropriation matter, and to authorize and direct the City Manager to take all actions necessary to effect such purchase, sale and settlement, and to ratify any and all prior actions taken by or on behalf of the City in connection with this purchase, sale and settlement; and

WHEREAS, Council determines that the purchase of this Property, sale of the City Property and settlement will meet the City's goal of economic development and will contribute to the public purpose of improving the High Street Corridor and providing opportunities for businesses to improve their facilities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That it hereby finds that the purchase of the Property and the sale of the City Property are in the best interests of the citizens of the City of Hamilton, Ohio in order to settle the appropriation matter, improve the High Street Corridor and contribute to Economic Development.

SECTION II: That it hereby authorizes and directs the purchase of the Property from Hamilton High St. Investors, Ltd. pursuant to Section 3.01(A)(8) of the City Charter of the City of Hamilton, Ohio.

SECTION III: That it hereby authorizes and directs the sale of the City Property to Hamilton High St. Investors, Ltd. pursuant to Section 175.10 of the Codified Ordinances of the City of Hamilton, Ohio and Section 3.01(A)(8) of the City Charter of the City of Hamilton, Ohio.

Ordinance No. _____ **(cont'd)**

SECTION IV: The City Manager is authorized and directed to execute any and all documents necessary to effect this purchase and sale, subject to the conditions set forth herein.

SECTION V: That it hereby ratifies any and all prior actions taken by or on behalf of the City in connection with this purchase and sale.

SECTION VI: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Tom Vanderhorst, Finance Director

Agenda Item: Report regarding legislation to amend and supplement existing Schedule “A” of the City’s Classification and Compensation Plan as set forth in Emergency Ordinance No. EOR2016-1-14, adopted January 13, 2016, by adding thereto the new classification of Budget & Evaluation Manager

<p>Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution Ordinance</p>	<p>1st Reading Date: 2-10-16 2nd Reading Date: 2-24-16 Public Hearing Date:</p>	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): Caucus – 1-27-16</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: No Expenditure: See below Source Funds: General Fund</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to amend Schedule A of the City’s Classification and Compensation Plan to establish the new position of Budget & Evaluation Manager?

Policy Alternative(s)

City Council can decide not to amend said Classification and Compensation Plan.

Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation to adopt an ordinance to amend existing Schedule “A” of the City’s Classification and Compensation Plan as set forth in Emergency Ordinance No. EOR2016-1-14, adopted January 13, 2016, by adding thereto the new classification of Budget & Evaluation Manager.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.



Fiscal Impact Summary

Table 1: Salary range for Budget & Evaluation Manager

Position	Action	Salary Range
Budget & Evaluation Manager	Add New Position	\$73,382 - \$94,099

Table 2: Historical Annual Salary Expense and Actual FTE Positions in the Finance Department

Finance Department	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Adopted Budget
Annual Salary Expense	\$1,965,182	\$1,943,275	\$1,904,675	\$1,797,542	\$1,781,041
Actual FTE Positions	36.00	34.50	33.25	29.00	30 (Current)

Background Information

In 2014, the Division of Budget and Evaluation was created in the Finance Department. At that time, no position was created to serve as head of the division. We propose adding the position of Budget and Evaluation Manager to function as head of this sub-department of Finance. The main duties of the individual in this position would be to assist in the preparation of the General Operating and Capital Improvements Budgets, long range fiscal planning and budgeting, administer the City budget and assist in the planning, implementation and management of City issued debt.

Attached Information

- Draft Classification Description

Copies Provided to:

N/A





CITY OF HAMILTON, OHIO

CLASSIFICATION DESCRIPTION

2113

Budget & Evaluation Manager

Page 1 of 3

CLASS TITLE	Budget & Information Manager
CLASS CODE NUMBER	2113
ADMINISTRATIVE SERVICE CATEGORY	Classified Service
ADOPTED	???
REVISED	
PROBATIONARY PERIOD	One (1) Year

DESCRIPTION OF DUTIES

This is highly responsible, professional, technical and managerial work involving planning, organizing, coordinating and directing the budget and debt-related activities of the City. The Budget and Evaluation Manager assists in developing and carrying out the policies of the Director; plans the budgeting operations and performance metrics analysis within the City; performs analytical and consultative duties, represents the Director or Assistant Director as assigned; assists with developing and implementing short and long range objectives of the Department. The work is performed under the general direction and supervision of the Assistant Finance Director but considerable leeway is granted for the exercise of independent judgment and initiative.

ESSENTIAL JOB FUNCTIONS

- Develops, implements and manages the budget systems and procedures and assists with the development, implementation and management of financial accounting system and procedures consistent with generally accepted accounting principles (GAAP) and practices;
- Gathers, assembles, and formats data and prepares preliminary analysis for budget preparation; assists in preparation of preliminary and final budget documents; prepares budget presentation materials; maintains data and systems for budget tracking and reporting and generates reports; assists departments and divisions with issues related to funds availability, fund transfers and budget compliance; prepares and participates in the in the preparation of the City's annual budget, including analysis and estimates of expenditures; analysis and projections of revenue; review of intra-department requests and sub-budgets; recommendations on allocations of funds, personnel and account coding.
- Assists with the preparation of monthly and annual audited financial reports;
- Prepares timely reports for appropriate officials or agencies concerning financial conditions, source and application of funds and recommendations for correction and/or improvement;
- Assists in the preparation of the General operating and Capital Budgets, long-range fiscal planning and budgeting
- May oversee the financial administration of State and Federal grants;
- Analyzes and evaluates requests from department personnel for changes in budget allocations throughout the fiscal year in such areas as staffing levels, facilities, systems, and equipment;
- Administers and oversees the City budget and performance analytics management;
- Ability to conduct vacancy savings, revenue and expenditure forecasting and conduct fiscal impact analyses
- Assists in the planning, implementation and management of City's budget policies and procedures;

- Develops, coordinates and implements improved finance and accounting data processing applications;
- Attends meetings, conferences and workshops as requested and authorized;
- Assist in preparation for all debt issuance related activity along with analysis of current debt and forecasting the ability to pay new debt service requirements on any new debt issuances.
- Performs other related work as required.

DESIRED SKILLS/KNOWLEDGE/ABILITIES

- Thorough knowledge of current generally accepted accounting principles (GAAP) and practices;
- Thorough knowledge of principles and legal requirements of municipal governmental accounting, budgeting and accounting controls;
- Thorough knowledge of data processing technology as applied to financial and budgeting functions;
- Thorough knowledge of Federal and State fund accounting, auditing and reporting requirements;
- Ability to perform and lead staff in budget analysis, preparation and monitoring, interpret complex fiscal reports and records, analyze financial data and be proactive in analysis of problems, causes and development of solutions;
- Ability to perform work with speed, accuracy and attention to detail;
- Ability to make decisions in accordance with established policies and procedures;
- Ability to independently solve problems within assigned areas of responsibility;
- Ability to organize, prioritize, motivate, supervise and evaluate the work of others;
- Ability to establish and maintain effective working relationships with other City employees, Department Heads, Division Heads, other supervisory personnel, financial institutions and the general public;
- Ability to communicate well with others, both orally and in writing and to present clear and concise reports;
- Ability to handle confidential employee and administrative information with tact and discretion.

TRAINING AND EDUCATION QUALIFICATIONS

- Graduation from a college or university of recognized standing with a Bachelor's Degree in Accounting, Finance, or Business Administration, preferably supplemented by a Master's Degree in Accounting, Business Administration or Public Administration.

SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES

- A minimum of three to five years of responsible professional experience with governmental accounting, including excellent computer skills.

ESSENTIAL PHYSICAL ABILITIES

- Clarity of speech and hearing which permits the employee to communicate well with other City Department and Division Heads, employees and the general public;
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of reports and related materials;
- Sufficient manual dexterity which permits the employee to operate a keyboard and produce hand-written materials and notations and to lift and move materials from time to time;
- Sufficient personal mobility which permits the employee to visit and inspect other City and field work locations.

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN ORDINANCE NO. EOR2016-1-14 ADOPTED JANUARY 13, 2016 ADDING THE CLASSIFICATION OF BUDGET AND EVALUATION MANAGER

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the new classification of Budget and Evaluation Manager be established within Schedule "A" of the City's Classification and Compensation Plan; and

WHEREAS, the Budget and Evaluation Manager is being created to organize, coordinate, and direct the budget and debt-related activities of the City ; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule "A" of the City's Classification and Compensation Plan as set forth in Ordinance No. EOR2016-1-14 adopted January 13, 2016; and

WHEREAS, this Council desires that said amendments be made; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That Schedule "A" of the City's Classification and Compensation Plan, as set forth in Ordinance No. EOR2016-1-14, adopted January 13, 2016, be and is hereby amended and supplemented to add the following new classification as set forth in detail below.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
2113	Budget & Evaluation Manager	54	\$73,382 - \$94,099

PASSED: _____

Effective Date: _____

Mayor

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk for the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Tom Vanderhorst, Finance Director

Agenda Item: Report regarding an amendment to Codified Ordinances relative to the Transient Occupancy Excise Tax

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution Ordinance	1 st Reading Date: 2-10-16 2 nd Reading Date: 2-24-16 Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: N/A Expenditure: Source Funds: Convention & Visitors Bureau Fund (283)	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

Policy Issue

Does City Council wish to adopt legislation to revise Section 193.13 of the City of Hamilton Codified Ordinance to state that fifty percent (50%) of the receipts be given to the Butler County Visitors Bureau and fifty percent (50%) be credited to the General Fund in order to clearly define the distribution.

Policy Alternative(s)

Council may choose not to adopt such legislation.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to revise Section 193.13 of the City of Hamilton Codified Ordinance to state that fifty percent (50%) of the receipts be given to the Butler County Visitors Bureau and fifty percent (50%) be credited to the General Fund.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 193.13, Codified Ordinances of the City of Hamilton



Fiscal Impact Summary

There is no fiscal impact since this change only deals with clarifying the vendor name for remittance of 50% of the transient occupancy excise tax, therefore is strictly procedural.

Background Information

Currently, Section 193.13 of the Codified Ordinances of the City of Hamilton state that fifty percent (50%) of the moneys received from the collection of Transient Occupancy Excise Tax shall be given to the Greater Hamilton Convention and Visitors Bureau, and fifty percent (50%) shall be credited to the General Fund.

Upon our making payment to the Greater Hamilton Convention and Visitors Bureau, they have been passing the payment on to the Butler County Visitors Bureau. Therefore, we would like to revise the Ordinance to state that fifty percent (50%) of the receipts shall be given to the Butler County Visitors Bureau and fifty percent (50%) shall be credited to the General Fund in order to clearly define the distribution.

Attached Information

N/A

Copies Provided to:

N/A



ORDINANCE _____

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO BY ADDING THERETO NEW SUBSECTION 193.13(e), RELATIVE TO THE TRANSIENT OCCUPANCY EXCISE TAX. (Effective March 25, 2016)

WHEREAS, pursuant to Section 193.02 of the Codified Ordinances of the City of Hamilton, Ohio a six percent (6%) tax is currently levied on all rents received by a hotel for lodging furnished to transient guests and the purpose of such tax is to provide revenue for general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities, capital improvements by the City, and to provide revenue for the operation expenses of the Greater Hamilton Convention and Visitors Bureau, or a differently named nonprofit organization created and operated for the purpose of fostering travel and tourism in the City; and

WHEREAS, Section 193.13 of the City's Codified Ordinances relative to the City's Transient Occupancy Excise Tax, currently states that fifty percent (50%) of the moneys received from collection of the said Tax shall be given to the Greater Hamilton Convention and Visitors Bureau, and fifty percent (50%) shall be credited to the General Fund; and

WHEREAS, Council desires that Section 193.13 of the City's Codified Ordinances be amended to require that fifty percent (50%) of such receipts be given to the Butler County Visitors Bureau and fifty percent (50%) be credited to the General Fund;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That Section 193.13 of the Codified Ordinances of the City of Hamilton, Ohio relative to the distribution of transient occupancy excise tax is hereby supplemented and amended by adding thereto new Subsection (e) to be read as follows:

PART ONE – ADMINISTRATIVE CODE

TITLE NINE – Taxation

Chapter 193 – Transient Occupancy Excise Tax

Sec. 193.13 DISTRIBUTION/CREDITING OF MONEYS RECEIVED

The moneys received under the provisions of this chapter shall be distributed and credited as follows:

(e) Effective March 25, 2016, fifty percent (50%) of such receipts shall be given to the Butler County Visitors Bureau and fifty percent (50%) shall be credited to the General Fund.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____

**Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO**

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Eugene F. Scharf, Community Development Director

Agenda Item: Report regarding amending, appropriating and transferring up to \$ 125,083 of FY 13-16 CDBG Funds

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input checked="" type="radio"/> Realize new investments X <input checked="" type="radio"/> Add new jobs X <input checked="" type="radio"/> Increase property values <input type="radio"/> Decrease vacant structures <input type="radio"/> Generate recreational investments <input type="radio"/> Engage citizens in activities <input type="radio"/> General operations
Ordinance or Resolution <i>Ordinance</i>	1 st Reading Date: 2-10-16 2 nd Reading Date: 2-24-16 Public Hearing Date: 2-24-16	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Caucus Agenda of 1-27-16	
Contract	<input type="checkbox"/> Contract Required	
Fiscal Impact	Budgeted: \$125,083 Expenditure: \$ Source Funds: CDBG	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

Policy Issue

Does City Council wish to adopt legislation to amend, appropriate and transfer \$ 125,083 of FY 13-16 CDBG Funds for various Public Infrastructure Improvements, Economic Development and Activity Delivery Costs that further the City's Strategic Plan?

Policy Alternative(s)

Council may choose not to adopt such legislation but various public infrastructure improvements will not be accomplished.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to amend, appropriate and transfer up to \$ 125,083 of FY 13-16 CDBG.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton;
- Federal 24 CFR

Fiscal Impact Summary

Council is asked to consider amending, appropriating and transferring up to \$125,083 of FY 13-16 CDBG.



Background Information

Throughout the federal program year, it becomes necessary to transfer both CDBG and HOME resources to projects that either need additional funds or meets a goal of the City's adopted Strategic Plan. These funds are from unused or unallocated funds from previous years. The City proposes to amend FY 13-16 CDBG Budgets for the following activities:

- Up to \$ 45,000 for Public Infrastructure Improvements (Street Resurfacing) – amending program year
- Up to \$ 15,932 for Public Improvements (CORE Development Activities)
- Up to \$ 11,898 for Housing Activities (Activity Delivery Costs)
- Up to \$ 12,253 for Project Administration (Activity Delivery Costs)
- Up to \$ 40,000 for Economic Development Projects – Changing the Use from Loans to Grants

All programs and projects are consistent with the City's federally adopted Consolidated Plan. The City must follow appropriate standards and amend processes contained in the referenced Consolidated Plan.

Attached Information

- Detailed Spreadsheet

Copies Provided to:

- Joshua A. Smith
- Tom Vanderhorst
- Dee Allgaier
- John Creech
- Duronna Smith
- Dave Jones



Proposed Amendment

CDBG

1/15/2016

Account Number

Account Name

Actual

Rounded

FROM:

914-810-910-201-988-001	Public Works - Street Resurfacing	\$ 45,000.00	\$ 45,000.00
	TOTAL	\$ 45,000.00	\$ 45,000.00

TO:

916-810-910-201-988-001	Public Works - Street Resurfacing	\$ 45,000.00	\$ 45,000.00
	TOTAL	\$ 45,000.00	\$ 45,000.00

FROM:

915-810-620-180	PF - Workers Compensation	\$ 1,067.00	\$ 1,067.00
915-835-620-120	HSNG - Medicare	\$ 316.76	\$ 317.00
915-840-620-180	PA - Workers Compensation	\$ 2,254.56	\$ 2,255.00
915-840-630-260	Contractual Services	\$ 3,324.47	\$ 3,325.00
915-840-640-500	Legal Advertising	\$ 1,525.98	\$ 1,526.00
915-840-640-570	Postage	\$ 1,156.96	\$ 1,157.00
915-840-640-580	Delivery	\$ 130.00	\$ 130.00
915-840-660-100	Office Supplies	\$ 388.46	\$ 389.00
915-855-910-822	Health-Slum and Bllight Remediation	\$ 844.66	\$ 845.00
916-805-910-000-910-056	Habitat - Critical Repair and Home Modification	\$ 4,920.68	\$ 4,921.00
	TOTAL	\$ 15,929.53	\$ 15,932.00

TO:

916-810-910-202	CORE Development Activities	\$ 15,929.53	\$ 15,932.00
	TOTAL	\$ 15,929.53	\$ 15,932.00

FROM:

915-835-620-180	HSNG - Workers Compensation	\$ 1,897.88	\$ 1,898.00
916-805-910-000-910-056	Habitat - Critical Repair and Home Modification	\$ 10,000.00	\$ 10,000.00
	TOTAL	\$ 11,897.88	\$ 11,898.00

TO:

916-835-610-100	Housing - Salaries and Wages	\$ 11,897.88	\$ 11,898.00
	TOTAL	\$ 11,897.88	\$ 11,898.00

FROM:

914-810-910-201-988-001	Public Works - Street Resurfacing	\$ 7,172.59	\$ 7,173.00
916-805-910-000-910-056	Habitat - Critical Repair and Home Modification	\$ 5,079.32	\$ 5,080.00
	TOTAL	\$ 12,251.91	\$ 12,253.00

TO:

916-840-610-100	PA - Salaries and Wages	\$ 12,251.91	\$ 12,253.00
	TOTAL	\$ 12,251.91	\$ 12,253.00

FROM:

916-815-910-000-991-008	Economic Development - Microenterprise Fund	\$ 40,000.00	\$ 40,000.00
	TOTAL	\$ 40,000.00	\$ 40,000.00

TO:

916-815-910-000-991-001	Economic Development - Entitlement Loans	\$ 40,000.00	\$ 40,000.00
	TOTAL	\$ 40,000.00	\$ 40,000.00

ORDINANCE NO. _____

AN ORDINANCE AMENDING, TRANSFERRING AND APPROPRIATING UP TO \$125,083 OF FISCAL YEARS 2013-16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS.

WHEREAS, the City of Hamilton, Ohio, annually receives Federal grant funds under Title I of the Housing and Community Development Act of 1974, as amended, for its Community Development Block Grant (CDBG) Program as authorized under Title II of the Cranston-Gonzales National Affordable Housing Act (NAHA) of 1991, as amended; and

WHEREAS, Council desires to amend, transfer and appropriate up to a total of up to \$125,083 of Fiscal Years 2013–2016 CDBG funds for various Public Facilities' Improvements; and

WHEREAS, in order to meet HUD requirements, the City has provided a thirty (30) day public comment period and the availability of this comment period has been published in the Hamilton Journal News, commencing on January 18, 2016 and ending on February 17, 2016;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Fiscal Years 2013–2016 Community Development Block Grant (CDBG) Program Budgets, as set forth in the previously adopted Consolidated Plans, delineating the statement of objectives and proposed use of CDBG Funds within the City of Hamilton, Ohio, be and are hereby amended to provide for the transfer and appropriation of up to One Hundred Twenty-five Thousand Eighty-three Dollars (\$125,083) for various Public Facility Improvements, Economic Development and Activity Delivery Coast as set forth in detail below.

<u>Account Number</u>	<u>Activity</u>	<u>Amount</u>
FROM:		
914-810	Other- Public Infrastructure	\$ 45,000
	TOTAL	\$ 45,000
914-003	HUD Grant	\$ 45,000
TO:		
916-810	Other – Public Infrastructure	\$ 45,000
	TOTAL	\$ 45,000
916-003	HUD Grant	\$ 45,000
FROM:		
915-810	Salary and Benefits	\$ 1,067
915-835	Salary and Benefits	\$ 317
915-840	Salary and Benefits	\$ 2,255
915-840	Other-Administration	\$ 6,527
915-855	Other-Slum and Blight	\$ 845
916-805	Other-Housing	\$ 4,921
	TOTAL	\$ 15,932
915-003	HUD Grant	\$ 11,011
TO:		
916-810	Other – Public Infrastructure	\$ 15,932
	TOTAL	\$ 15,932
916-003	HUD Grant	\$ 11,011

Ordinance No. _____ (cont'd)

FROM:

915-835	Salary and Benefits	\$ 1,898
916-805	Salary and Benefits	\$ 10,000
	TOTAL	\$ 11,898

915-003	HUD Grant	\$ 1,898
---------	-----------	----------

TO:

916-835	Salary and Benefits	\$ 11,898
	TOTAL	\$ 11,898

916-003	HUD Grant	\$ 1,898
---------	-----------	----------

FROM:

914-810	Other-Public Infrastructure	\$ 7,173
916-805	Other-Housing	\$ 5,080
	TOTAL	\$ 12,253

914-003	HUD Grant	\$ 7,173
---------	-----------	----------

TO:

916-840	Salary and Benefits	\$ 12,253
	TOTAL	\$ 12,253

916-003	HUD	\$ 7,173
---------	-----	----------

FROM:

916-815	Other-Economic Development	\$ 40,000
	TOTAL	\$ 40,000

TO:

916-815	Other-Economic Development	\$ 40,000
	TOTAL	\$ 40,000

SECTION II: That this Council hereby authorizes and directs the execution of appropriate documentation to implement the aforementioned CDBG amending, transferring and appropriating and to allocate funds as set forth herein.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____.

Marcos Nichols, City Clerk
CITY OF HAMILTON, OHIO

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: John Creech, Senior Planner

Agenda Item: Report regarding a request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard (Shane Jones, Applicant)

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input checked="" type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> A Add new jobs <input checked="" type="checkbox"/> R Realize new investments <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution <i>Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 2-10-16 <input checked="" type="checkbox"/> 2 nd Reading Date: 2-24-16 <input type="checkbox"/> Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other): Planning Commission: 1-19-16	<input checked="" type="checkbox"/> Additional Document(s) Attached
Contract	<input type="checkbox"/> Contract Required	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
Fiscal Impact	Budgeted: No General Fund: \$200.00 Other Funds: \$ 0.00	

POLICY ISSUE

Does City Council wish to approve a request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard?

POLICY ALTERNATIVE(S)

Council may choose to not approve a request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard.

STAFF RECOMMENDATION

It is the recommendation of this office that Council receives this report, concurs in the Recommendation of the Planning Commission, and adopts the necessary legislation to approve a request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard.



STATUTORY/POLICY AUTHORITY

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton

FISCAL IMPACT SUMMARY

The City's current fiscal impact includes any staff time allotted to the coordination of the process for the request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) to operate on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard estimated at approximately \$200.00.

INTRODUCTION

An application was submitted by Mr. Shane Jones to establish an Automobile Service and Minor Repair Facility (i.e. drive through convenience store/gas station) use on the property located at 1316 and 1320 Grand Blvd. (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). B-2 Community Business District is regulated by Section 1121.00 of the Hamilton Zoning Ordinance, (HZO). An Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) use requires Conditional Use approval from City Council (Section 1121.36.26). Section 1108.00 of the Hamilton zoning ordinance defines a "gas station" as Automobile Service and Minor Repair facility.

The minimum lot size for an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) is 20,000 square feet. The applicant received a zoning variance from the Board of Zoning Appeals to reduce the minimum lot size from 20,000 square feet to 19,000 square feet on December 3, 2015.

There is an existing gas station use on the property comprised of a small retail building, approximately 400 square feet in size, vending machines and gas island canopy on the site. The applicant proposes to remove the existing small building and construct a single story, 2,960 square foot drive-through convenience store. The existing canopy over the fuel pumps will remain over the existing fuel pumps. The proposed building, gas station canopy support columns, and dumpster enclosure will be brick veneer finish to match the building.

RECOMMENDATION

The Planning Commission held a public hearing and reviewed the proposed conditional use application to establish an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) on January 19, 2016 and recommend approval by City Council subject to the 13 conditions of approval.

The conditions are as follows:

- 1) Any construction drawings/documents for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 2) Proposed building will be single story, shingle roof, brick and stone veneer as shown on plans and supporting photographs submitted by the applicant. The same finish materials shall be applied to the dumpster enclosure and gas pump canopy columns.
- 3) Proposed solid privacy fencing be wood or vinyl construction, not chain link.
- 4) All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior



finishes, canopy, dumpster enclosure, landscaping, pavement surfaces, fencing, retaining walls and striping).

- 5) The hours of operation of the proposed Conditional Use are 6AM to 1AM, daily.
- 6) No exterior storage/sales of merchandise or materials other than the ice and propane sales as shown on the plans.
- 7) Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.20 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6) feet in height, shrubs/bushes minimum of 1 foot).
- 8) The existing free standing sign be removed and any future free standing signage include a brick/stone base materials used on the proposed building. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Zoning Ordinance.
- 9) Mechanical equipment located around the building be screened from the public right of way by landscaping/privacy fencing.
- 10) Portions of any retailing wall structure that is visible from the public right-of-way (South Erie & Grand Blvd) to be colored/stained or stamped to match the theme of the building.
- 11) Add a pedestrian connection from front of proposed building to the Grand Boulevard sidewalk.
- 12) Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.
- 13) All applicable conditions be added to the final development and construction plans.

It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to approve the proposed conditional use application with the conditions stated above to establish an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) use on the property located at 1316 and 1320 Grand Blvd, subject to the above conditions.

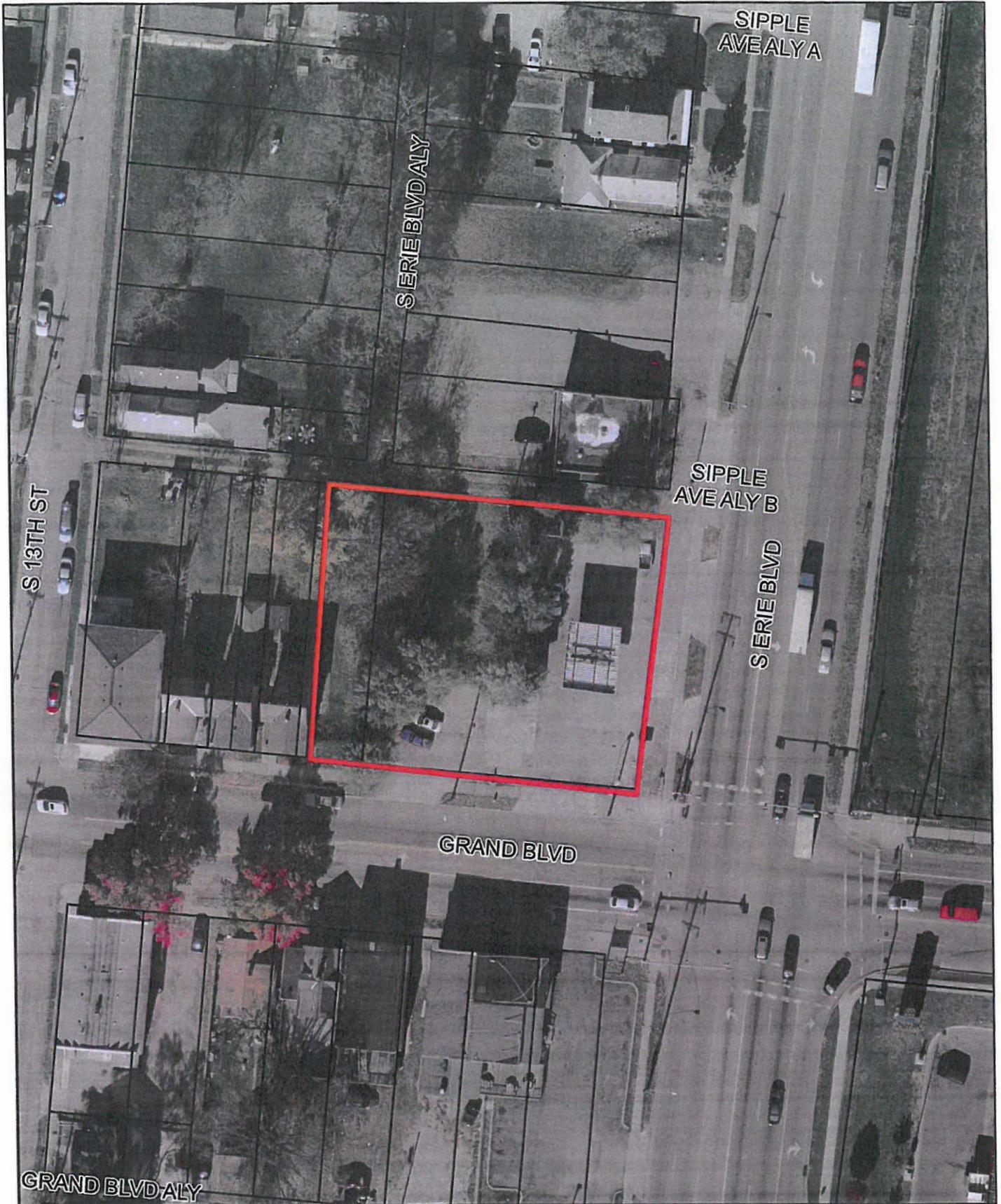
ATTACHED INFORMATION

- Conditional Use Application Exhibits



Exhibit A - Public Hearing Location Map

PUBLIC HEARING NOTIFICATION MAP 1316 & 1320 GRAND BLVD



 1316 & 1320 Grand Blvd.

0 20 40 80 Feet



Exhibit B - Zoning Map

PUBLIC HEARING NOTIFICATION MAP 1316 & 1320 GRAND BLVD



 1316 & 1320 Grand Blvd.

0 20 40 80 Feet



Exhibit C - Conditional Use Application & Supporting Material



Community Development
345 High Street, Suite 370
Hamilton, Ohio 45011

APPLICATION FOR CONDITIONAL USE

Please Note: The Planning Commission has no obligation to approve a Conditional Use.

The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (HZO Section 1155.10)

Property Address: 1316 & 1320 GRAND BLVD

Lot No(s): 30443 & 6673 E

Property Owner: SHANE JONES

Owner's Mailing Address: 6363 KIMBERLY DRIVE, HAMILTON, OH 45011

Appellant's Name (if different than owner): YASH AGGARWAL

Appellant's Mailing Address: 1371 GRANITE PEAK WAY, MAMISBURG, OH 45342

Previous Legal Use of Property: GAS STATION

Date Previous Use Discontinued: _____

Proposed New Use of Property: CONVENIENCE STORE / GAS STATION

Requesting a Conditional Use Approval from the following Sections of the Hamilton Zoning Code:

1120.31 - DRIVE UP WINDOW

1120.34 - SELF SERVICE FUEL SALES

City of Hamilton
Office: 1151
Date: 12/30/2015
Cashier: DMS
Acct #: _____
Name: _____
Receipt #: 00752185
Payment Total: \$200.00
12/29/2015 3:43 PM
Check Tendered: \$200.00

Description of the proposed Conditional Use including nature of the business, hours of operation:

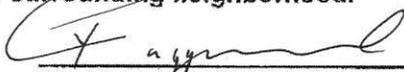
Applicants must include adequate information to satisfy 1155.30 – Application and Review C. Conditional Use Review Criteria – General Standards (attached to application). Please add additional sheets if more space is needed. This will assist the Planning Commission in making an informed decision on the requested Conditional Use

CONVENIENCE STORE & GAS STATION OPEN 6 AM TO 1 AM MON-SUN.

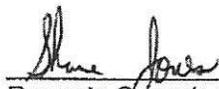
1. PROPERTY IS ZONED B-2. USE FITS UNDER CONDITIONAL USE.
2. PROPOSED CONDITIONAL USE WILL NOT ADVERSELY AFFECT SURROUNDING PROPERTIES
3. PROPOSED CONDITIONAL USE WILL FIT WITH SURROUNDING USES
4. ALL NEEDED UTILITIES AND PUBLIC FACILITIES ARE AVAILABLE.
5. EXISTING CURB CUTS WILL BE USED FOR ACCESS.
6. CONDITIONAL USES WILL COMPLY WITH APPLICABLE DEU STANDARDS
7. PROPOSED CONDITIONAL USE WILL NOT BE HAZARDOUS TO EXIST/FUTURE NEIGHBORING USES.
8. PROPOSED CONDITIONAL USE WILL NOT BE DETRIMENTAL TO PERSONS OR PROPERTY.
9. PROPOSED CONDITIONAL USE WILL NOT IMPEDS DEVELOPMENT OF ADJACENT PROPERTIES.

ALSO SEE ATTACHED

Applicants must also submit all pertinent plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the Planning Commission may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood.


Appellant's Signature

12-14-15
Date


Property Owner's Signature

11-15-15
Date

Office Use Only

Appeal Number: _____
Fee Paid: _____
Meeting Date: _____

Zoning District: _____

APPROVED DISAPPROVED

1155 South Erie Blvd, Hamilton, OH 45011
Board of Zoning Appeals Application
2015-12-29

para 1155.30 - Application and Review

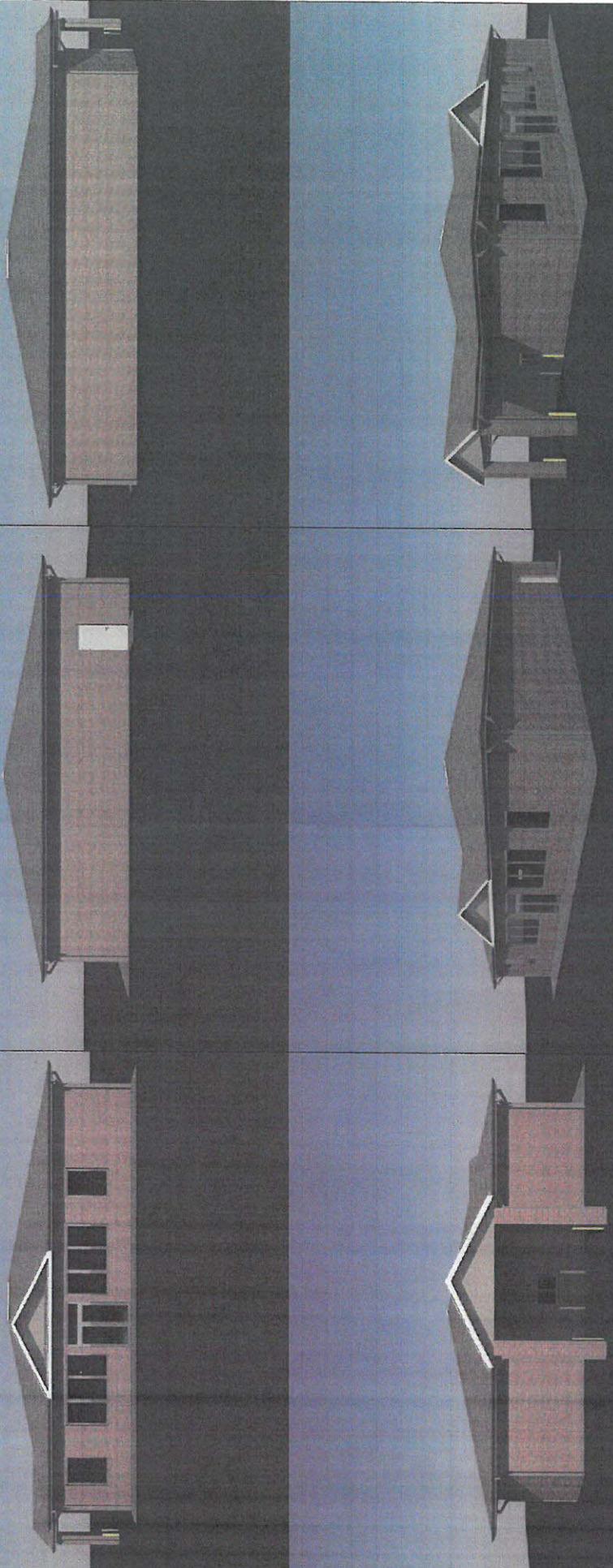
A. The proposed conditional use is:

1. A self service retail fuel sales with convenience store and canopied drive-thru.
2. Proposed hours of operation are: 6:00 am-1:00 am, seven days per week.
3. The business is intended to be a neighborhood convenience store with retail indoor sales, canopied retail sales drive-thru, and canopied self service fuel sales. There will also be an outside bagged ice freezer and propane tank storage sales and storage area.

B. A site plan and landscape plan are attached showing the scope of the project.

C. Review Criteria:

1. The proposed conditional use is with a B2 community business zoning district
2. All adjacent properties are developed. The property is currently in disrepair and redevelopment of the property will enhance the quality of the neighborhood and provide a service and employment opportunities to the neighborhood.
3. The proposed building will be a small scale brick and stone building, approximately 2,960 sf, single story, with a shingled hip roof, similar to a typical Speedway convenience store. The existing canopy will be refaced with the new store logo, and the canopy columns will be wrapped in the same brick as the building.
4. All existing utilities are on site and existing vehicular access to Erie and Grand Blvds is present.
5. All vehicular access to the site is existing.
6. The proposed redevelopment of the site will meet all applicable development standards.
7. The proposed redevelopment of the site will be an asset to the surrounding neighborhood uses as it will revitalize a deteriorating site and provide a service to the adjacent homes.
8. The proposed use will not create any more noise than the current use and a 6' high solid fence will be installed to shield adjacent properties from the proposed business' activities.
9. The proposed conditional use will enhance re-vitalization of the adjacent properties and greatly improve a deteriorating property.



BUILDING RENDERINGS
 PROPOSED BUILDING ADDITION
 1155 S. ERIE BLVD
 CITY OF HAMILTON
 BUTLER COUNTY, OHIO

SCALE: N/A
 DATE: 11-29-15
 DRAWN: J.L.
 CHECKED: A.L.
 PROJECT: 151609
 DRAWING: 151609A
 SHEET: 1 OF 1

2 WORKING DAYS
 BEFORE YOU DIG
 CALL TOLL FREE 800-362-2764
 OHIO UNIFORM PROTECTION SERVICE



REVISIONS:
 1
 2
 3
 4

PROJECT: 151609
 DRAWING: 151609A
 SHEET: 1 OF 1



VICINITY MAP
NOT TO SCALE

OWNER
SHANK JONES
644 S. ERIE BLVD
HAMILTON, OHIO 45002
(513) 261-2436

DEVELOPER
MESH PROPERTIES LLC (DBA PNL)
10000 W. WINDYBROOK BLVD
MARIETTA, OHIO 45750
(615) 922-3770

ENGINEER
APEZ ENGINEERING & SURVEYING, INC.
1000 W. WINDYBROOK BLVD
MARIETTA, OHIO 45750
(615) 474-3000



GENERAL NOTES

1. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND CODES OF HAMILTON, OHIO.
2. CONTRACTOR SHALL ADHERE TO ALL FEDERAL, STATE AND LOCAL LAWS, STATUTES, AND ORDINANCES AS RELATED TO THIS PROPERTY.
3. CONTRACTOR SHALL CONTACT OHIO UTILITY PROTECTION SERVICE 48 HOURS PRIOR TO THE BEGINNING OF EXCAVATION.
4. THE CITY OF HAMILTON HAS A UTILITY PROTECTION SERVICE (U.P.S.) PROGRAM. CONTRACTORS SHALL BE REQUIRED TO BE ENFORCED.

CONDITIONAL USE PLAN
PROPOSED BUILDING ADDITION
1155 S. ERIE BLVD
CITY OF HAMILTON
BUTLER COUNTY, OHIO

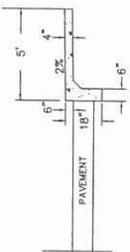


SCALE: 1"=20'
DATE: 12-23-15
DRAWN: JLL
DESIGNED: ALL
CHECKED:
OVER UTILITY PROTECTION SERVICE

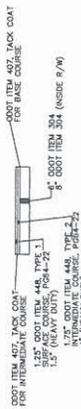
2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 800-562-2764
OVER UTILITY PROTECTION SERVICE

REVISIONS:
1
2
3

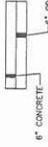
PROJECT: 15163
DRAWING: 15163A
SHEET 1 OF 1



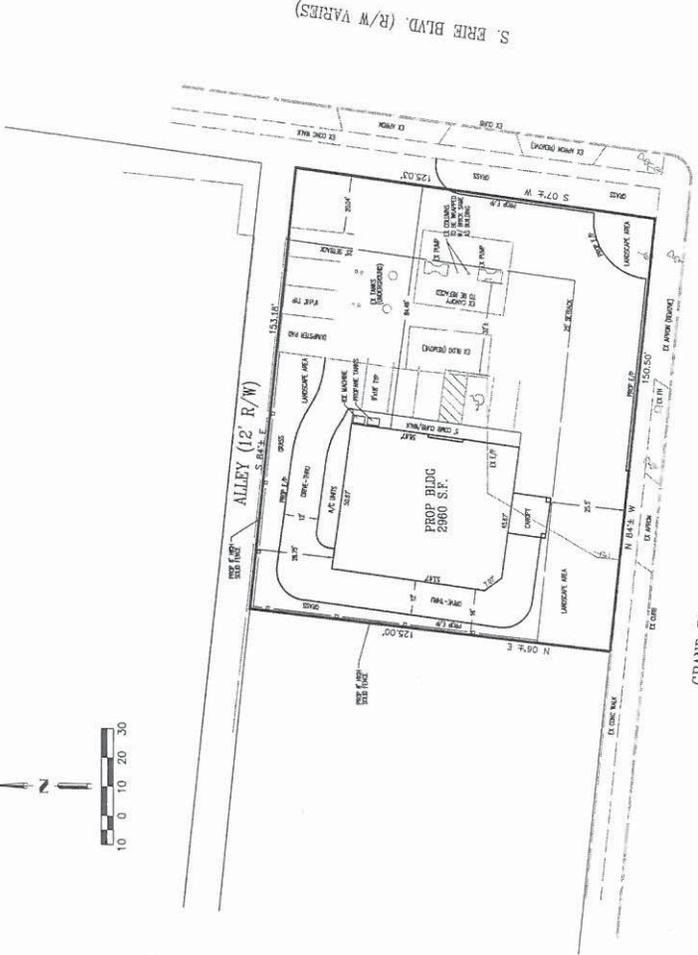
COMB CURB/WALK DETAIL



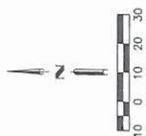
STANDARD PAVEMENT COMPOSITION



OPTIONAL CONCRETE PAVEMENT

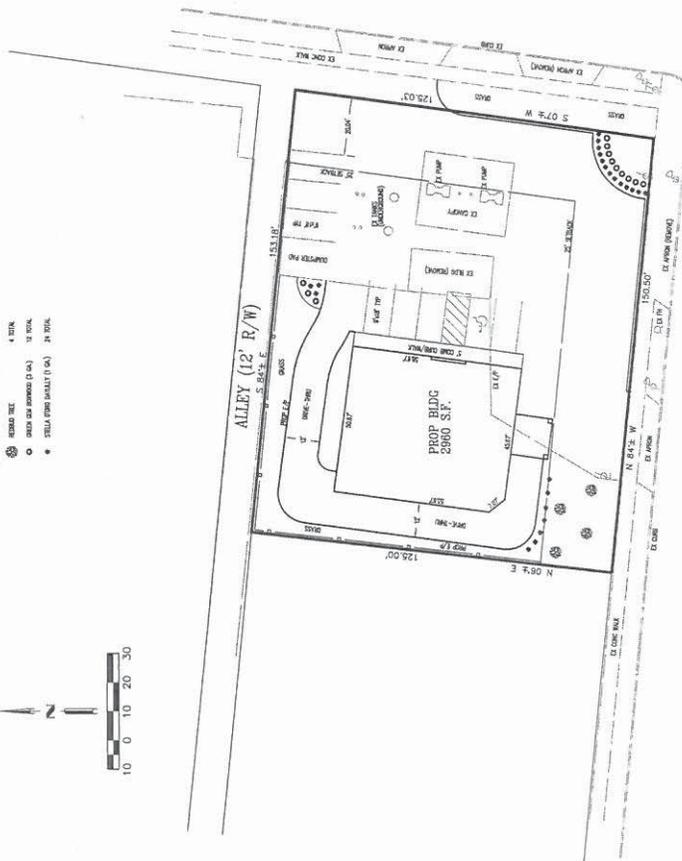
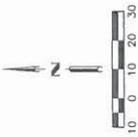


NOTE: NO ASSURANCE OF IMPROVING SURVEYING DATA.
ALL DIMENSIONS ARE FROM RECORD DRAWINGS AND EXISTING FEATURES FROM AERIAL PHOTOS.



PLANTING LEGEND

- ◉ REDWOOD TREE
- ◉ OAKS AND SPRUCE (1 1/2")
- ◉ STILLA SPRUCE (SMALL) (1 1/2")
- ◉ TOTAL
- ◉ TOTAL



S. ERIE BLVD. (R/W VARIES)

GRAND BLVD. (80' R/W)

OWNER
 JAMES J. JAMES
 3500 MARKET DRIVE
 HAMILTON, OHIO 45011
 (513) 528-1113

DEVELOPER
 THE PROPERTY DEVELOPMENT CO.
 10000 W. 10TH AVENUE
 DENVER, COLORADO 80231
 (303) 556-1113

ENGINEER
 JAMES J. JAMES ENGINEERING, INC.
 1000 W. 10TH AVENUE
 DENVER, COLORADO 80231
 (303) 556-1113



GENERAL NOTES

1. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL SPECIFICATIONS, LATEST EDITION, OF DESIGN, LATEST EDITION.
2. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL SPECIFICATIONS, LATEST EDITION.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL SPECIFICATIONS, LATEST EDITION.
4. THE SITE IS LESS THAN ONE ACRE AND THE POST CONSTRUCTION LANDSCAPE PLAN SHALL BE SUBMITTED TO THE LOCAL PERMITS DEPARTMENT FOR REVIEW AND APPROVAL. A PERMIT SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE PERMIT SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

LANDSCAPE PLAN
 PROPOSED BUILDING ADDITION
 1133 S. ERIE BLVD
 CITY OF HAMILTON
 BUTLER COUNTY, OHIO

SCALE: 1"=20'
 SHEET: 12-23-15
 DATE: 12-23-15
 DRAWN BY: JJJ
 CHECKED BY: JJJ

2 WORKING DAYS
 BEFORE YOU DIG
 CALL TOLL FREE 800-362-2764
 OHIO UNLATES PROTECTION SERVICE

APEX
 ENGINEERING & SURVEYING, INC.
 1000 W. 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80231
 (303) 556-1113

PERSONS
 1. JJJ
 2. JJJ
 3. JJJ
 4. JJJ

SHEET
 PROJECT: 151609
 DRAWING: 151609A
 1 OF 1







ORDINANCE NO. _____

AN ORDINANCE APPROVING A REQUEST FOR A CONDITIONAL USE TO ALLOW THE ESTABLISHMENT OF AN AUTOMOBILE SERVICE AND MINOR REPAIR FACILITY (I.E. CONVENIENCE STORE/GAS STATION) TO OPERATE ON PROPERTY ZONED B-2 COMMUNITY BUSINESS DISTRICT LOCATED AT 1316 & 1320 GRAND BOULEVARD (SHANE JONES, Applicant).

WHEREAS, An application has been submitted by Mr. Shane Jones, owner of the property located at 1316 & 1320 Grand Boulevard to demolish the existing gas station on the subject property and construct a new convenience store/gas station on the property, and

WHEREAS, Section 1108.00 of the Hamilton Zoning Ordinance defines a “gas station” as Automobile Service and Minor Repair facility, and

WHEREAS, Section 1121.39.26 of the Hamilton Zoning Ordinance establishes a minimum lot size for an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) of 20,000 square feet. The applicant received a zoning variance to reduce the minimum lot size from 20,000 square feet to 19,000 square feet on December 3, 2015 by the City of Hamilton Board of Zoning Appeals, and

WHEREAS, Section 1121.30 of the Hamilton Zoning Ordinance classifies an Automobile Service and Minor Repair Facility (i.e. convenience store/gas station) as a Conditional Use; and

WHEREAS, Section 1155.00 of the Hamilton Zoning Ordinance requires that Conditional Uses be reviewed by the Planning Commission and a recommendation be forward to City Council; and

WHEREAS, The Planning Commission held a public hearing regarding the request for a Conditional Use on property zoned B-2 Community Business District at 1316 & 1320 Grand Boulevard on January 19, 2016; and

WHEREAS, After holding a public hearing, the Planning Commission made a recommendation to be forwarded to City Council for the approval of the request to establish a Conditional Use on property zoned B-2 Community Business District located at 1316 & 1320 Grand Boulevard subject to thirteen (13) conditions of approval as outlined below;

The conditions are as follows:

- 1) Any construction drawings/documents for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 2) Proposed building will be single story, shingle roof, brick and stone veneer as shown on plans and supporting photographs submitted by the applicant. The same finish materials shall be applied to the dumpster enclosure and gas pump canopy columns.
- 3) Proposed solid privacy fencing be wood or vinyl construction, not chain link.
- 4) All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopy, dumpster enclosure, landscaping, pavement surfaces, fencing, retaining walls and striping).
- 5) The hours of operation of the proposed Conditional Use are 6AM to 1AM, daily.
- 6) No exterior storage/sales of merchandise or materials other than the ice and propane sales as shown on the plans.

Ordinance No. _____ (Cont'd)

- 7) Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.20 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6) feet in height, shrubs/bushes minimum of 1 foot).
- 8) The existing free standing sign be removed and any future free standing signage include a brick/stone base materials used on the proposed building. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Zoning Ordinance.
- 9) Mechanical equipment located around the building be screened from the public right of way by landscaping/privacy fencing.
- 10) Portions of any retailing wall structure that is visible from the public right-of-way (South Erie & Grand Blvd) to be colored/stained or stamped to match the theme of the building.
- 11) Add a pedestrian connection from front of proposed building to the Grand Boulevard sidewalk.
- 12) Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.
- 13) All applicable conditions be added to the final development and construction plans.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That this Council accepts the recommendation by The Planning Commission and approves the request to establish a Conditional Use on property zoned B-2 Community Business District at 1316 & 1320 Grand Boulevard subject to the following conditions:

- 1) Any construction drawings/documents for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 2) Proposed building will be single story, shingle roof, brick and stone veneer as shown on plans and supporting photographs submitted by the applicant. The same finish materials shall be applied to the dumpster enclosure and gas pump canopy columns.
- 3) Proposed solid privacy fencing be wood or vinyl construction, not chain link.
- 4) All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopy, dumpster enclosure, landscaping, pavement surfaces, fencing, retaining walls and striping).
- 5) The hours of operation of the proposed Conditional Use are 6AM to 1AM, daily.
- 6) No exterior storage/sales of merchandise or materials other than the ice and propane sales as shown on the plans.
- 7) Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.20 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6) feet in height, shrubs/bushes minimum of 1 foot).

Ordinance No. _____ (Cont'd)

- 8) The existing free standing sign be removed and any future free standing signage include a brick/stone base materials used on the proposed building. Any additional building, wall and any other signage (permanent or temporary) will comply with Section 1138.00 Hamilton Zoning Ordinance.
- 9) Mechanical equipment located around the building be screened from the public right of way by landscaping/privacy fencing.
- 10) Portions of any retailing wall structure that is visible from the public right-of-way (South Erie & Grand Blvd) to be colored/stained or stamped to match the theme of the building.
- 11) Add a pedestrian connection from front of proposed building to the Grand Boulevard sidewalk.
- 12) Any areas of the site that are not used for building, landscaping or approved parking to be planted with grass.
- 13) All applicable conditions be added to the final development and construction plans.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____.

Marcos Nichols, Acting City Clerk

City Council Meeting Staff Report

Report To: The Honorable Mayor Patrick Moeller & Members of the City Council

Report From: Tom Vanderhorst, Finance Director

Agenda Item: Report regarding Certification of Availability of Funds

Approvals/Reviews <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution Resolution	1 st Reading Date: 2-10-16 2 nd Reading Date: Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$	
	Source Funds:	

Policy Issue

Does City Council wish to adopt legislation to consider “Level 3 Approval” (Finance Department) to be the certification required by Ohio Revised Code 5705.41(D) regarding the availability of funds, thereby eliminating the need for the “Then & Now” stamp?

Policy Alternative(s)

Council may choose not to adopt such legislation.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to consider “Level 3 Approval” (Finance Department) to be the certification required by Ohio Revised Code 5705.41(D) regarding the availability of funds, thereby eliminating the need for the “Then & Now” stamp.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- ORC 5705.41(D)



Fiscal Impact Summary

There is no fiscal impact since this issue deals only with the method used for the certification of availability of funds, therefore is strictly procedural.

Background Information

Ohio Revised Code 5705.41 dictates that no expenditure of money may be made unless funds have been appropriated and a proper warrant has been drawn against an appropriate fund prior to the expenditure. However, the statute creates an exception for invoices less than \$3,000. This exception dictates that invoices for less than \$3,000, which are dated prior to the date of the purchase order, require certification by the fiscal officer that both at the time that the contract or order was made and at the time that he is completing his certification, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

At present, this certification is signified by stamping the invoice with a “Then & Now” stamp. This step is redundant since this check is done during the approval process in our current financial management system (Dot Net) as a “Level 3 Approval” (Finance Department). The legislation would allow “Level 3 Approval” in our current financial management system, or the associated level in any future financial management system, to be considered as the required certification.

We consulted the City’s auditor, and received confirmation that this method is permissible.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION ADOPTING A NEW PROCEDURE FOR THE CERTIFICATION OF AVAILABILITY OF FUNDS.

WHEREAS, Ohio Revised Code §5705.41(D) dictates that no orders or contracts involving the expenditure of money are to be made unless there is a certificate of the fiscal officer that the amount required for the order or contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, the statute provides an exception to the requirement for amounts less than \$3,000 upon completion of "then and now" certification; and

WHEREAS, "then and now" certification is defined as certification by the fiscal officer that both at the time the contract or order was made and at the time that he is completing his certification, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance; and

WHEREAS, invoices are currently stamped, "Then & Now" to signify completion of the certification; and

WHEREAS, the same determination of availability of funds required for the "Then & Now" stamp is required for "Level 3 Approval" (Finance Department Approval) in the City's current financial management system; and

WHEREAS, Council wishes to adopt a new procedure for certification of availability of funds allowing "Level 3 Approval" in our current financial management system, or the associated level in any future financial management system, to be the required "then and now" certification, thereby eliminating the step of stamping invoices with the "Then & Now" stamp.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That "Level 3 Approval" in the City's current financial management system, or the associated level in any future financial management system will serve as "then and now" certification.

SECTION II: That the step of stamping invoices, "Then & Now" is hereby eliminated.

SECTION II: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Resolution No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

**Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO**