

**MODIFYING** Chapters 714, “Littering,” and 731, “Weed Control,” of the Cincinnati Municipal Code by **AMENDING** Sections 714-99, “Penalties - Civil and Criminal,” and 731-99, “Penalties - Civil and Criminal,” to remove the requirement that civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund and to require that such revenue be deposited into Stormwater Management Fund 107.

WHEREAS, Cincinnati Municipal Code (“CMC”) Sections 714-99, “Penalties - Civil and Criminal,” and 731-99, “Penalties - Civil and Criminal,” currently require that all civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund to support abatement activities and enforcement of Chapters 714 and 731; and

WHEREAS, a private lot abatement fund currently does not exist because abatement activities and code enforcement under the Private Lot Abatement Program only recently has begun to generate revenue; and

WHEREAS, because reduction in the amount of debris entering and potentially damaging the storm water system is beneficial to the maintenance of the stormwater system, the Department of Buildings and Inspections utilizes Stormwater Management Fund 107 resources for its Private Lot Abatement Program; and

WHEREAS, CMC 720-51 requires the deposit of revenue raised on behalf of the Stormwater Management Utility to be deposited in a stormwater fund for utility division purposes; and

WHEREAS, there is a need to amend CMC Sections 714-99 and 731-99 to remove the requirement that civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund and to require the deposit of Private Lot Abatement Program revenue into Stormwater Management Fund 107; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 714-99, “Penalties - Civil and Criminal,” of Chapter 714, “Littering,” and 731-99, “Penalties – Civil and Criminal,” of Chapter 731, “Weed Control,” of the Cincinnati Municipal Code are hereby amended as follows:

**Sec. 714-99. Penalties—Civil and Criminal.**

- (a) Violation of Section 714-5, 714-7, 714-9, 714-23, 714-24, 714-29, or 714-31 is a Class A1 Civil Offense.

- (b) Violation of Section 714-3, 714-17, 714-19, 714-21, 714-25, 714-27, or 714-33 is a Class B1 Civil Offense. Subsequent violation of these code provisions will constitute an additional Class B1 Civil Offense except for a subsequent violation of Section 714-33, which constitutes a Class C1 Civil Offense.
- (c) Violation of Section 714-11, 714-13, 714-15, 714-35, 714-37, or 714-39 is a Class C1 Civil Offense.
- (d) Any civil fines collected under this chapter shall be deposited into ~~the private lot abatement fund to support Sections 714-45 and 714-46 abatement activities and enforcement of Chapter 714~~ Stormwater Management Fund 107 in accordance with CMC 720-51.
- (e) As an alternative to a notice of civil offense and civil fine, a violation of:
  - 1) Section 714-7 of this chapter may be cited as a misdemeanor of the first degree and shall carry with it a mandatory fine of \$1,000.
  - 2) Section 714-3, 714-13 or 714-19 of this chapter may be cited as a misdemeanor of the third degree and shall carry with it a mandatory fine of \$500.
  - 3) Any other provision of this chapter may be cited as a minor misdemeanor if it is a first offense which shall carry a mandatory fine of \$150, and a misdemeanor of the fourth degree if it is a second offense which shall carry a mandatory fine of \$250.
- (f) If an offender of Section 714-35, 714-37 or 714-39 has been previously convicted of violating Section 714-35, 714-37 or 714-39 of this chapter, the offender is guilty of a misdemeanor of the first degree which shall carry a mandatory fine of \$1,000.

**Sec. 731-99. Penalties—Civil and Criminal.**

- (a) Any violation of the height restrictions specified in Section 731-3 shall constitute a Class C1 civil offense on the first day after the owner or person in charge of the property has received notice under Section 731-5 and Section 1501-13.
- (b) Any civil fines collected under this Chapter shall be deposited into ~~the private lot abatement fund to support Section 731-9 and Section 731-10 abatement activities and enforcement of Chapter 731~~ Stormwater Management Fund 107 in accordance with CMC 720-51.

- (c) As an alternative to a notice of civil offense and civil fine, a violation of any provision of this Chapter is a minor misdemeanor.
- (d) If the offender has been previously convicted of violating any Section of this Chapter, a subsequent violation is a misdemeanor of the fourth degree.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language is underscored. Deleted language is struck through.