

**MODIFYING** the provisions of Title XVI, “Neighborhood Quality of Life Uniform Code,” and Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code by **ORDAINING** new Section 1601-95, “Cost of Abating a Public Nuisance,” and **AMENDING** Section 1501-27, “Civil Proceedings,” to provide additional remedies to recover costs of abating public nuisances or enforcement.

WHEREAS, ensuring safe and clean communities and securing and maintaining the condition of City neighborhoods are core functions of the City; and

WHEREAS, the City expends significant public funds for direct action to abate hazards and threats to the public, as well as to enforce health and safety laws; and

WHEREAS, the City’s enforcement efforts require disproportionate expenditure of time and resources achieving compliance for particular actors and Council desires to ensure the burden of enforcement falls on those who threaten public health, safety, and welfare; and

WHEREAS, Council finds it necessary to provide the City with all appropriate tools necessary to ensure flexibility to combat all threats to its communities; now, therefore,

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

Section 1. That new Section 1601-95, “Cost of Abating a Public Nuisance,” of the Cincinnati Municipal Code is ordained as follows:

**Sec. 1601-95. - Cost of Abating a Public Nuisance.**

- (a) Whenever there exists a public nuisance; a condition or action that adversely affects the health, safety, or welfare of any person; a condition or activity lacking a required or necessary permit or license, the City may recover the total cost associated with obtaining compliance; abating the condition; or enforcement using any method authorized by law from the responsible party including but not limited to one or more of the following methods:
  - (1) Invoice the party responsible;
  - (2) Place a lien on the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 715.26, 715.261, and 731.54 or any successor sections;

- (3) Obtain a judgment from the responsible party, property owner, or person in control of the benefitted property at the time the costs were incurred through a civil action;
  - (4) File a lien against and pursue a foreclosure of the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 323.65 to 323.79, and 715.261(B)(3) or any successor sections; or
  - (5) Invoice the property owner or person in control of the benefitted property pursuant to the quarterly fee schedule established under Section 1101-85 of the CMC.
- (b) For the purposes of this section, the following words and phrases shall have the following meaning:
- (1) “Public nuisance” shall mean any premises, property, lot, structure, building, chattel, vehicle, animal, condition, or activity, which is dangerous, hazardous, diseased, dilapidated, decayed, unsafe, or unsanitary; detrimental to the public health, safety, and welfare, or well-being of the surrounding area; or otherwise not in compliance with any building, housing, zoning, fire, safety, air pollution, environmental, health, or sanitation ordinance or statute.
  - (2) “Responsible party” means any individual, firm, corporation, association, partnership, agent, operator, trust, estate, syndicate, cooperative, or any entity recognized by law, or anyone: (i) in charge or in control of land, a structure, or chattel where there is a public nuisance; (ii) responsible for the creation, existence, commission, and/or maintenance of a condition or action that adversely affects the health, safety, or welfare of any person; or (iii) responsible for the creation, existence, commission, and/or maintenance of a condition or activity lacking a required or necessary permit or license.
  - (3) “Total cost” means the sum of the following costs incurred or borne by the City: any costs related to the use of employees, materials, or equipment of the City; any accrued quarterly code enforcement monitoring fees resulting from abatement activities associated with Section 1101-64(2)(a)(iv); any costs related to contracts for labor, materials, or equipment; and any costs related to issuance or service of notice or publication required under this chapter. “Total cost” includes, but is not limited to, any attorney’s fees, costs of inspection, administrative and support staff fees, property maintenance costs, court costs, title search fees, process server fees, and skip tracing expenses; any costs of police, fire, and medical services provided to respond, abate, prosecute, litigate, obtain compliance, or enforce; any costs of collection or prosecution, including discovery and deposition expenses; and any costs of providing emergency temporary housing authorized by this Code.

Section 2. That Section 1501-27, “Civil Proceedings,” of the Cincinnati Municipal Code is amended as follows:

**Sec. 1501-27. - Civil Proceedings.**

- (a) Whenever an officer charged with the enforcement of the Cincinnati Municipal Code is satisfied that a provision that officer is charged to enforce, or that an order or direction made in pursuance of the enforcement of this Code has not been complied with, or is being disregarded, or a law in force in the City applicable to the same subject matter, has been violated or is about to be violated, or there exist conditions that adversely affect the health, safety, or welfare of the public, the City Solicitor is authorized to institute civil proceedings. Civil proceedings may be brought in the name of the City, and may include claims for injunction, mandatory relief, restraining orders, damages, the appointment of a receiver, recovery of any reasonable cost incurred by the City abating the condition or enforcement of this Code, and such other relief as may be allowed in law or equity.
- (b) Institution of civil proceedings does not exclude criminal proceedings as may be authorized by the Cincinnati Municipal Code or charging a person with a civil offense as authorized by this Title.
- (c) Any person found to have violated, attempted to violate, created the imminent threat of a violation, or committed chronic violations of this Code or other law or regulation the City or its officials are charged to enforce shall be enjoined from the violation.
- (d) Treble damages and costs as authorized under the CMC may be awarded to the City for any injury or damages suffered by the City if sustained as a consequence of a willful violation, failure, or omission.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the provisions of Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2025

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Aftab Pureval, Mayor

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

\_\_\_\_\_  
Deletions are indicated by strikethrough; additions are indicated by underline.